Allocations Policy – March 2021

Chapter 1 - Introduction 2
Chapter 2 - Reasonable Preference 3
Chapter 3 - Who qualifies for housing? 4
Chapter 4 - How the housing register operates 6
Chapter 5 - How housing need is assessed 12
Chapter 6 - Allowed Property sizes 17
Chapter 7 - Choice Based Lettings 19
Chapter 8 – Shortlisting and offers 24
Chapter 9 – Right to Reviews 27
Appendix 1 – Discharging Statutory Homelessness Duty 29
Partner Organisation List 38
Glossary of Terms 40

Draft March 2021 v2

March 2021

Chapter 1 - Introduction

1.1 Introduction

This is the Allocations policy for Gateway to Homechoice choice based lettings scheme which consists of a single housing register and a choice based lettings scheme for allocating social housing. The Partner Organisations (POs) are listed below along with information of each POs housing arrangements:

PO Name	Housing Arrangements
Babergh District Council	Stock Holding
Braintree District Council	LSVT Transferred their housing stock to Greenfields Community Housing.
Colchester Borough Council	Stock holding but management of their housing stock is undertaken by their ALMO, Colchester Borough Homes.
Ipswich Borough Council	Stock Holding
Maldon District Council	LSVT Transferred their housing stock to Moat Homes Ltd.
Mid Suffolk District Council	Stock Holding
East Suffolk Council	East Suffolk South: LSVT Transferred their housing stock to Flagship
	East Suffolk North: Stock Holding

1.2 Partnership Arrangements

The scheme is managed by a Project Board, made up of housing managers from the participating POs and Registered Providers. The scheme is subject to a consortium agreement. Registered Providers, charities, community land trusts and almshouses (RPs), allocate properties using this scheme and are subject to a Service Level Agreement. The list of RPs which participate in the scheme are listed on the Gateway to Homechoice website: http://www.gatewaytohomechoice.org.uk/Data/ASPPages/1/277.aspx

We aim to provide a consistent approach to accessing housing across the diverse area of operation of the scheme and where possible, to ensure that applicants have choice over where they live.

1.3 Monitoring of the Policy

The Project Board will be responsible for ensuring the policy meets its stated objectives and is reviewed every three years, unless there are significant changes in legislation and meets its stated objectives and complies with legislative changes.

1.4 Objectives

The Key Objectives of the Choice Based Lettings (CBL) Scheme are:

1. To maintain a system that customers can understand and which is open, fair, user-friendly and offers a high level of operational consistency across the Gateway area of operation;

2. To facilitate genuine opportunities for mobility across the Gateway area of operation;

3. To meet the legal requirements for the allocation of housing as set out in the Housing Act 1996 Part VI as amended by the Homeless Act (2002), the Localism Act 2011 and the Homelessness Reduction Act 2017 (HRA 2017). This policy also has regard to the following:

Draft March 2021 v2

- Homelessness Reduction Act 2017: Homeless Code of Guidance
- Allocation of accommodation: guidance for local housing authorities in England (June 2012)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013)
- Right to Move (2015) Statutory Guidance
- Gateway policy for discharging duties to statutory homeless applicants
- POs housing strategies
- POs homelessness strategies
- POs tenancy strategies
- Children's Act 1989 and Children's Act 2004
- Public Sector Equality Duty
- Improving access to social housing for victims of domestic abuse (November 2018)
- Improving access to social housing for members of the Armed Forces community (June 2020)
- Immigration and Social Security Coordination Act (ISSC) 2020
- Allocation of accommodation: guidance for local housing authorities in England (December 2020)

4. To deliver efficiency savings and share good practice across the Gateway area of operation;

5. To recognise the needs and potential difficulties of social groups which may be less able to participate in the CBL Scheme and to ensure that such groups are able to take part in the CBL Scheme;

6. To assist in minimising homelessness and reducing the use of temporary accommodation;

7. To build partnerships relevant to the CBL Scheme across all sectors across the Gateway area of operation, statutory and voluntary as well as the private sector;

8. To build community cohesion, enabling tenants to have choice in where they live and encouraging people to contribute positively to their community;

9. To ensure that the CBL scheme enables the best use of stock

1.5 Demand

The demand for social housing is greater than levels of available social housing. The housing register exists to enable the POs to prioritise households who are in the greatest housing need and to maximise their opportunities for rehousing.

1.6 Statement on choice

Applicants on the Housing Register will be allowed to bid on properties for which they are eligible in any part of the Gateway area of operation, subject to any restrictions which will be highlighted to the applicant if relevant.

Homeless applicants have less choice over where they live and are restricted to bid for properties in the local authority which owes them a statutory duty.

1.7 Equal Opportunities

This partnership promotes equality of opportunity and will ensure that all applicants are treated fairly and without unlawful discrimination on the grounds of race, gender, disability, age, sexual orientation, religion or belief, pregnancy and maternity.

Chapter 2 - Reasonable Preference

2.1 Reasonable Preference

The Housing Act 1996 section 167 (2) sets out the five groups of applicants for whom reasonable preference must be considered. These groups are:

Draft March 2021 v2

- Applicants who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002).
- Applicants who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by such authority under section 193(3).
- Applicants occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- Applicants who need to move on medical or welfare grounds (including grounds relating to disability).
- Applicants who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

Under this Allocations policy, priority bands A, B and C, reflect the reasonable preference categories

2.2 Additional Preference
Under section 167 (2) of the Housing Act 1996, the following groups of people are given additional preference if they meet the statutory reasonable preference categories (above) and have an urgent housing need:

- **Applicants who need to move urgently because of a life threatening illness or sudden disability** – applicants who meet this criterion will be assessed for additional priority on medical and/or welfare grounds
- **Families with severe overcrowding which poses a serious health hazard** – applicants meeting this criterion will be assessed for additional priority on medical or welfare grounds.
- **Applicants who are homeless and require urgent re-housing as a result of violence, threats of violence (including intimidated witnesses) and those escaping serious anti-social behaviour or domestic violence** – applicants who meet this criterion will normally be assessed in accordance with homeless legislation

2.3 Armed forces, reserve forces personnel and bereaved spouses or civil partners of armed forces personnel, under the following circumstances:

(i) former members of the armed forces;
(ii) serving members of the armed forces who need to move because of serious injury, medical condition or disability sustained as a result of their service;
(iii) bereaved spouses, partners and civil partners of members of the armed forces, leaving services family accommodation following the death of their spouse or partner; or
(iv) serving or former members of the reserve forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

2.4 Main or joint applicants who meet the reasonable preference criteria and any of the criteria listed in points (i) – (iv) above, will be awarded additional preference by being prioritised within their band when they apply for eligible properties.

2.5 Local authority registered and approved foster carers who are responsible for "looked after children" may be considered for a higher Banding and/or an extra bedroom entitlement. Applicants who meet the criteria will be assessed on welfare grounds and will be expected to provide verification of their approval and registration from Social Services.

Chapter 3 - Who qualifies for housing?

3.1 This policy sets out arrangements for allocating housing accommodation within the meaning of Part 6 of the Housing Act 1996. It also sets out the arrangements for the following allocations which fall outside of Part 6 of the Housing Act 1996 – Allocation of Housing Accommodation. These include:

3.2 The following fall outside of this scheme and are not covered by Part 6 of the Housing Act:
- Mutual exchanges
- Succession or assignment to someone entitled to succeed

Draft March 2021 v2

- Transfer of tenancy by court order in children and family proceedings
- Properties empty for major repairs and alterations (decants)

3.3 Who is eligible to join the housing register?

Anyone aged 16 or over can apply to join the housing register, but not everyone will be eligible to join the housing register. The eligibility criteria for joining the housing register are as follows:

- The main applicant must not be subject to immigration control or be a person from abroad, unless they are an 'eligible person' as defined in the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

- The main applicant and their household must be habitually resident in the UK or the Common Travel Area. (The Common Travel Area includes the United Kingdom, Republic of Ireland, Channel Islands and Isle of Man).

- If an applicant is 16 or 17 they will not be offered a tenancy unless they have a guarantor. This could include an applicant whose partner is 18 or older.

3.4 POs will not be able to register anyone who is not eligible to be housed.

Suspensions

3.5 Some applicants will be eligible to join the register but may be suspended, that is they will not be allowed to participate in the scheme by bidding for properties for a temporary period. These include:

a) **Applicants successfully housed into a social housing property through the Gateway to Homechoice or via mutual exchange** – except in exceptional circumstances these applicants will be permitted to re-join the housing register but will be suspended for 12 months from the start of their tenancy. Their effective date will be 12 months from start of the tenancy or the date of their application, whichever is later

b) **Applicants housed temporarily in a PO's private lettings scheme/non-secure/private landlord under a homeless duty** – these applicants may have an Assured Shorthold Tenancy with a private landlord with a mandatory six month period. Therefore, except in exceptional circumstances they will be suspended until 56 days before the end of the fixed term of their tenancy.

c) **Applicants who are under any homelessness duty by a local authority which is not part of the Gateway partnership -** these applicants will be permitted to join the housing register but will be suspended while they remain under a homelessness duty to a non-partner authority.

d) **Applicants who have been placed in accommodation in the Gateway area of operation under any part 7 duty of the Housing Act 1996 as amended by a local authority which is not part of the Gateway partnership**. These applicants will be permitted to apply to join the housing register but will be suspended while within the initial 24 months of their tenancy

e) **Applicants who are not considered ready to sustain a tenancy because of their age or need for specialist support or who are currently residing in supported housing** - except in exceptional circumstances these applicants will be suspended. The PO will be responsible for carrying out regular reviews of the applicant's circumstances and their readiness to move on and sustain a tenancy in conjunction with any specialist support providers

f) **Applicants who have accepted an offer of housing but the property is not yet ready** – these applicants will normally be suspended from bidding

g) **Joint applicants of an existing social housing tenancy who no longer wish to live together and require separate housing applications** – these applicants will be suspended until their existing joint tenancy has been resolved except where the PO has assessed that a homeless duty is owed to both parties. In such situations, the PO reserves the right to allow the parties to participate in the scheme.

Draft March 2021 v2

h) **Applicants who repeatedly select and/or view properties which they have no intention of taking** – in exceptional circumstances applicants can be suspended from participating if they repeatedly select and or view properties which they have no intention of accepting.

i) **Applicants who accept properties** – applicants who sign a tenancy agreement but either do not move into the property or give notice within 12 months of moving in. These applicants will be suspended for up to 12 months

j) **Applicants who are unable to sufficiently verify their circumstances which causes the assessing PO to suspect that the application may be fraudulent** – these applicants may be suspended from bidding until they are able to provide evidence of their situation or circumstances

3.6 The decision to suspend an eligible applicant from bidding for properties will be considered following a full assessment of the individual circumstances. If a decision is taken to restrict an eligible applicant from participating in the scheme, the PO will decide on these cases explaining to the applicant:

- the reasons why they are temporarily not able to take part in the scheme;
- the date or circumstances when they will be able to resume participation in the scheme or request a review of the original decision;
- the right to a review of the PO decision – for more information on this see Chapter 9

False Information

3.7 Any applicant who deliberately attempts to deceive or defraud the POs in order to secure a home to which they are not entitled, may lose any home provided for them, and may also be prosecuted. The law imposes severe penalties, including substantial fines or imprisonment, where an offence is proved.

Chapter 4 - How the housing register operates

4.1 How to apply for housing

Those who want to apply for housing are required to complete an online application form. Applications can also be taken over the phone. The information given in this form will be used to assess the applicant's need for housing and to determine which Band the applicant will be placed in.

The application form can be found here:
https://www.gatewaytohomechoice.org.uk/Data/ASPPages/1/88.aspx

4.2 All POs will ensure that:

- advice and information is available free of charge to persons in their area about the right to make an application for an allocation of housing accommodation; and

- any necessary assistance in making such an application for housing is available free of charge to persons in their area who are likely to have difficulty in doing so without assistance.

4.3 As part of the online application process, applicants will be asked to select a PO to hold their application. Applicants should select the PO for the district or borough where the person is currently living. If an applicant does not currently live in any of the seven PO areas, they should apply to the PO area where they hold a local connection. If an applicant does not have a local connection to any of the seven POs, they should apply to the PO where they wish to live.

4.4 Local Connection

Applicants will have a local connection to the area of operation of Gateway to Homechoice if they meet one or all of the criteria below:

- Their only or principal home is within the boundaries of the district or borough covered by the scheme.

Draft March 2021 v2

- They were placed in specialised housing which is not available in the area of the scheme but had a local connection previously through residence.

- They (not a member of their household) are in permanent paid work in one of the partner districts or boroughs.

- They have a son, daughter, brother, sister, mother or father, who is aged 18 or over and lives in the area of the scheme and has done so for at least five years before the date of application.

- A family member may live within different Gateway local authority areas as long as they have continuously lived within the Gateway area of operation for 5 years and this will give their close family member a local connection. Applicants who have this type of local connection will only be permitted to bid within the local authority area where their family member lives.

4.5 The following people will also be deemed to have a local connection to the Gateway area of operation if:

- The main or joint applicant is serving in the regular forces or who has served in the regular armed forces within five years of the date of their application

- The main or joint applicant has recently ceased or will cease to be entitled to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where the spouse or civil partner has served in the regular forces and their death was attributable (wholly or partly) to that service

- The main or joint applicant is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable whether wholly or partly to that service

- Spouses and civil partners who are required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their Service spouse or partner

4.6 An applicant will lose their local connection if:

- Since applying to join the register they have moved outside the Gateway area of operation and no longer meet any other local connection conditions
- They had a local connection through a close relative but the relative no longer resides in the area
- They had a local connection through their employment but this no longer applies

4.7 Each applicant's connection to the area of operation of the scheme will be assessed on an individual basis. Applicants who do not have a local connection are permitted to join the Housing Register but once their housing needs have been assessed, they will be placed in the band that is one lower than if they had a local connection. For example, if someone is assessed and would ordinarily be placed in Band B, if they don't have a local connection to one of the districts or boroughs they will be placed in Band C instead.

4.8 Rural Housing

There are rural exception sites throughout the Gateway area of operation. Rural exception sites are small sites where affordable housing is developed to meet the needs of the local community by accommodating households who are either current residents within the village/area or who have an existing family or employment connection. Properties on rural exception sites will usually be advertised listing the specific local connection criteria which an applicant will need to meet in order to be considered for the property, e.g. needs to have lived in a specific village/area for at least three years or has close family who have lived in the area for at least three years.

Applicants are responsible for ensuring that that all relevant local connection details have been included on their housing register application. Current and former members of the armed forces will also need to

Draft March 2021 v2

demonstrate the relevant local connection criteria to be considered for a property which is on a rural exception site.

4.9 Newly Built or Newly Acquired Properties

Newly built properties are usually restricted on their first let to those who have a local connection to the local authority area in which the properties have been built.

Applicants are responsible for ensuring that they add all relevant local connection details to their housing register application.

4.10 Right to Move

Existing social tenants who need to move due to work are exempt from the local connection requirements in Chapter 4 subject to them meeting the following requirements:

- They have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship; and

- They must work in the Gateway area of operation, or have an offer of work in the Gateway area of operation with a genuine intention of taking up the offer of work and be able to provide evidence of this; and

- The work must not be short-term (less than 12 months) or marginal in nature, be ancillary to work in another district; or voluntary work. Work will normally be regarded as marginal in nature if it is less than 16 hours a week, unless the work is regular and payment substantial.

Government guidance says each local authority should aim to make 1% of lettings in this way; we will monitor to see if we achieve this.

4.11 Verification

On receipt of the complete application form, the relevant PO will assess the application and will request additional information, supporting evidence and references from current and previous landlords so that the applicant's housing need can be verified. Once the application has been assessed and the information has been verified, the PO will write to the applicant and will let them know:

- whether they have been accepted onto the housing register;
- which Band they are in;
- their effective date;
- the type and size of property for which the applicant can bid; and
- if an adapted property is required

If they have not been accepted onto the register, they will be told the reasons why and for how long they will be excluded.

An applicant will be given a maximum of 28 days to provide info for verification process after which time their application will be closed.

Effective Date

4.12 The effective date of an application will be the date that the application form is received by the PO, except in the following situations:

- When an applicant is moved from one band to a higher band. Their new effective date will be the date that their circumstances changed or when the PO is advised of this
- Where an applicant receives priority on medical or welfare grounds. Their effective date will be the date that the application for the award is received by the PO
- Where a woman is pregnant and the baby will make her eligible for a larger property, her effective date for the larger property will be the date that the baby is born

Draft March 2021 v2

- Where an applicant has been accepted as being owed the main homelessness duty their Band B effective date will be the day after the relief duty ended (i.e. day 57) unless they already qualified for Band B with an earlier effective date. The exception will be where an application is/has been in the reduced preference band: in these circumstances the Band B date will only be effective from when the reduced preference reason was resolved.

Applicants' consent and declaration

4.13 When an applicant applies for housing, they must complete a declaration. The submission and confirmation of the declaration section contained in the online application form, will be taken as the applicant's formal declaration and agreement, confirming that:

- The information provided by the applicant is complete, true and accurate.
- The applicant will inform the POs immediately of any change in circumstances.
- The applicant understands that information will be shared with all the POs and all participating RPs together with other relevant organisations in order to complete or verify information or to prevent fraud or protect public funds in other ways.
- The applicant consents to POs making enquiries of any relevant persons to confirm the information on the application form is correct, or to add to the information given where this is necessary to complete an assessment of need or consider suitability for housing.
- The applicant gives permission to take up references from current and previous landlords
- The applicant gives consent for the PO to carry out a risk assessment

Who can be included on an application?

4.14 Subject to Paragraph 4.17(a), an applicant may include anyone on their application if they usually reside with the main applicant as a member of the family/household. This includes any close blood relative, marital or co-habiting partners or someone who might reasonably be expected to reside with the main applicant. Any adult who is asking to be accepted or who has been accepted as being part of a household but who is not the lead or joint applicant will be required to sign a declaration acknowledging that the relevant local authority may undertake enquiries into their circumstances.

Lodgers or live-in carers are not usually included as part of the main applicant's household and so would not be included in a housing application. If an applicant requires an extra bedroom for their carer, they should apply for this under the Welfare criteria.

Two households forming one household on an application

4.15 Subject to Paragraph 4.17(a), when two households wish to form one household on one housing application, the PO will complete a full assessment of the housing situation. The assessment will establish if either applicant's existing accommodation is adequate to meet the needs of the new household structure.

4.16 If either applicant's accommodation is deemed adequate for the needs of the new household structure, the PO will advise the household to reside in the suitable property and will award them Band E (adequately housed).

4.17 If both applicants' accommodation is assessed as being unsuitable for the new household structure, if appropriate, the household will qualify for additional bedroom entitlement but overcrowding priority will not be considered for 12 months from the date the application with the intention to form a new household was received.

4.18 The PO will assess to see if the application is eligible for additional priority on welfare grounds. If welfare priority is not applicable, the application will be reviewed after 12 months (from the date the new household was formed or the date of application, whichever is later), and if appropriate at that point, overcrowding priority will be applied. If the priority band increases, the effective date will be amended to the date the priority changes

Joint applications

4.19 Subject to Paragraph 4.17(a), where more than one eligible applicant wishes to have a shared application, they will be considered as joint applicants. This will include married couples, civil partners, co-

Draft March 2021 v2

habiting couples and couples living apart. In exceptional circumstances the PO may also include others, such as friends and relatives. The landlord will decide at the time of letting whether to offer a joint or sole tenancy.

4.20(a) If an applicant has applied as homeless and is owed a duty under part 7 of the Housing Act 1996 (as amended) they cannot add someone to their housing register application who is not on their application for homelessness assistance unless otherwise agreed by the relevant local authority.

4.20 (b) If an applicant has applied as homeless and is owed a duty under part 7 of the Housing Act 1996 (as amended) they cannot add someone who is reasonably expected to reside with them to become a joint applicant on the housing register.

4.21 For a joint application, both applicants have to be eligible to join the housing register.

Exception to sections 4.14 – 4.21 inclusive: someone can be added to a housing register application only if there is no duty owed under part 7 Housing Act 1996 (as amended). In that event the household composition must remain the same as that accepted under the homelessness provisions, unless otherwise agreed by the relevant local authority. Further detail about adding someone to a housing register application is in section 4.32.

4.22 Joint tenants of a social housing tenancy, who no longer want to live in the same property, can apply to join the housing register. Applicants will be suspended from the scheme (i.e. unable to bid for properties) until the issues of assignment relating to the existing tenancy have been resolved. POs will advise the applicants to seek advice from their current landlord or professional legal services, before signing over any rights to the existing tenancy (as this could result in one party being made homeless). POs may accept applications from one or both parties. In this situation, an application will be reassessed according to their current circumstances

4.23 An applicant or household member can only be part of one active housing register application.

Applications from previous applicants (those housed or whose application has been closed)

4.24 Applicants who have previously been registered and their application has been closed can re-apply to join the register using their existing log in number. Previous joint applicants who wish to apply separately will need to have their application split and will be provided with another log in number.

4.25 Applicants previously housed into social housing will be permitted to re-apply to join the housing register; however, if they apply during the first 12 months after moving, they will receive an effective date of 12 months after their tenancy began.

4.26 Types of applicants

Applicants who apply to join the housing register will be in one of the following categories:

- **Transfer applicants** - are those who are existing tenants of a council or housing association property within the Gateway area of operation
- **Homeless Prevention applicants** – these are applicants to whom one of the POs owes the prevention duty under the Homelessness Reduction Act 2017
- **Homeless Relief applicants** – these are applicants to whom one of the POs owes the relief duty as stated in the Homelessness Reduction Act 2017
- **Homeless main duty applicants** – these are applicants to whom one of the POs owes the main housing duty under Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017
- **Direct applicants** - all other applicants

Renewals

4.27 The POs carry out an annual renewal process to ensure applications are accurate and up-to-date. Applicants will be notified of the need to complete the renewal through their Gateway account. It is the responsibility of an applicant to complete the renewal and provide any updates to their current circumstances.

Draft March 2021 v2

Applicants will usually be given 28 days to complete a renewal. If an applicant fails to complete the renewal, their application will be closed.

4.28 Closing a Housing Register Application
A housing register application will be closed in the following circumstances:

- at the applicant's request:
- if the applicant becomes ineligible for housing;
- when the applicant has been housed through the scheme;
- when a statutory homeless applicant has been housed into private sector accommodation;
- where an applicant does not maintain their application through the re-registration process or where they move and do not provide a contact address; or
- if the applicant fails to respond to a request for further information within a reasonable time; or
- if a sole applicant has died

4.29 If an applicant whose application has been closed wishes to re-join the housing register, a PO may agree to reinstate a closed application. Normally this will only apply within 3 months of closure although this will be at the discretion of the relevant PO. The applicant will retain the same effective date if their application is reinstated within 3 months of closure, assuming that there is no change in their circumstances or household make up.

4.30 Data protection
Each PO has its own Data Protection Policy which can be requested from the relevant PO. All data provided under this scheme will be treated in accordance with the POs' Data Protection Policies.

Employees and members of the Council or an RP and their relatives
Applicants who are related to a Councillor or a Member of the Board of an RP, or are a member, or related to a member of staff of the Council will be asked to declare this on their application form.

4.31 Depending on the nature and extent of the relationship with the local authority, Councillor or RP, the manager of the assessing PO may refer the application to another local authority to ensure that it is fairly assessed. The agreed process is to refer the applicant to the local authority as follows and notify the applicant of this decision:

- Babergh to East Suffolk
- Braintree to Colchester
- Colchester to Ipswich
- Ipswich to Maldon
- Maldon to Braintree
- Mid Suffolk to East Suffolk
- East Suffolk to Babergh/Mid Suffolk

4.32 The receiving local authority will retain responsibility for the application, establishing eligibility and awarding appropriate priority. The applicant will be notified in writing of the accepting local authority and the outcome of their housing register assessment.

Change in Circumstances
4.33 If there is a change in the main applicant's circumstances, for example, birth of a child, moving house or another change in circumstance it is the applicant's responsibility to update their online housing application via the Gateway system, providing the details of e.g. the new household member/new address etc. These changes will need to be verified using the verification procedure.

4.34 An applicant's Band may increase or decrease following a change in circumstances. If the priority band increases, the effective date will be amended to the date that the PO was informed of the applicant's change in circumstances.

Draft March 2021 v2

4.35 If the lead applicant wishes to add new household member/s to their application, the housing application will need to be updated, providing the new household member's details. New, eligible, non-dependent household members will be included in the assessment for bedroom entitlement. After 12 months, the application will be reviewed and if appropriate at that point, overcrowding priority will be applied.

4.36 Feedback

After each advertising cycle, feedback on successful lets is provided on the Gateway to Homechoice website at the following link:
http://www.gatewaytohomechoice.org.uk/Data/ASPPages/1/75.aspx

The feedback will include the following:

- property size and type;
- if the property was let as social or affordable rent;
- location of the property;
- number of bids for each property;
- priority band of the successful applicant; and
- effective date of the successful applicant.
- Properties which are let as a direct let

No personal information about bidders is shared publicly.

Draft March 2021 v2

Chapter 5 - How housing need is assessed

5.1 We use a Banding system to identify those in the greatest housing need and to reflect the aims and objectives of our policy. We will decide which Band the application will be placed in depending on the information provided in the application form. The following tables provide details on the Bands:

Band A – those with critical or urgent needs
Critical medical/welfare award, including emergency situations
Applicants in severe need to whom the local authority has accepted a main duty, relief duty or prevention homeless duty
Council or RP tenants who are currently in three, four or five or larger bedroom, general needs accommodation, who wish to downsize and will release one or two bedrooms within the Gateway area of operation
Applicants with multiple needs - if someone has two or more needs in Band B, they will be moved into Band A.
Nominations - move on from specified agencies – at the discretion of the PO
Negotiated surrender of a tenancy within the Gateway area of operation
Qualifying Agricultural Workers within the Gateway area of operation
Relationship breakdowns (Council properties where they are under occupying but have been assessed as having housing need) within the Gateway area of operation
Successions - Council or RP succession tenants who are under occupying their property in the Gateway
Releasing a property in need (Council or RP properties) or where it prevents the Council or Registered Provider making expensive alterations to the property within the Gateway area of operation.

Band B – applicants with serious needs
Statutory homeless applicants accepted as being owed the main housing duty

Applicants with a serious medical/welfare award
Council or RP tenants who are currently in one or two bedroom general needs accommodation and who wish to downsize and will release one bedroom within the Gateway area of operation
Nominations - move on from specified agencies – at the discretion of the PO
Options advice - POs have discretion to award Band B to applicants who are under either the Prevention or Relief duty (HRA 2017), who are likely to lose/have lost their accommodation through no fault of their own, for which there is no legal redress, who are assessed by the particular scheme PO as likely to be in priority need, who are receiving housing advice from the particular scheme Council to prevent/relieve homelessness and for whom social housing is assessed by the PO as being the only/most appropriate solution
Tenants who are overcrowded in social or private rented housing within the Gateway area of operation (this does not apply to applicants who are residing in temporary accommodation and who are overcrowded).
Applicants who are required to leave their property as a result of an emergency prohibition order served in relation to the premises under the Housing Act 2004 within the Gateway area of operation
A prohibition order or demolition order has been served or is about to be served in relation to the applicants dwelling by the Private Sector Team of the particular scheme Council. This indicates that the property contains one or more Category 1 Hazards that probably cannot be remedied.
An improvement notice has been, or is about to be served in relation to the applicant's dwelling by the Private Sector Housing Team of the particular scheme Council and: 1. The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; 2. The cost of the remedies is beyond the means of the applicant (where applicable); or 3. The remedies will make the property unsuitable for occupation by the applicant.
Applicants assessed as meeting Band A criteria, but with no local connection to the Gateway area
Multiple needs - applicants with four or more needs in Band C will be moved into Band B.
Right to Move applicants

Band C – those with medium need for housing
Moderate medical/welfare award
Applicants who are threatened with homelessness within 56 days and are owed the Prevention duty (HRA 2017) by one of the POs
Applicants who are homeless and owed the Relief duty (HRA 2017) by one of the POs
Applicants who are homeless but who are assessed by the PO as not being in priority need
Valid notice to quit – which has not been instigated by any breach of tenancy
Applicants who, following a homelessness application, have been deemed by the particular scheme PO to be in priority need, but intentionally homeless.
Tenants who are overcrowded in social or private rented housing outside of the Gateway area of operation but who have a local connection to the Gateway area
Applicants who are either sharing facilities or lacking facilities or who are of no fixed abode
Fixed term licensees – this applies to applicants living in supported accommodation
A hazard awareness notice has been served by the Private Sector Housing Team of the particular scheme Council, in relation to a Category 1 or 2 hazard at the applicant's dwelling and: • The remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time; or • The cost of the remedies are beyond the means of the applicant (where applicable); or • The remedies will make the property unsuitable for occupation by the applicant
A suspended improvement notice or prohibition order exists but a foreseeable change in the applicants circumstances will cause it to become active and result in a high priority situation.
Applicants assessed as meeting Band B criteria, but with no local connection to the Gateway area of operation

Band D – reduced preference

Draft March 2021 v2

Applicants assessed as meeting Band C criteria, but with no local connection to the Gateway area of operation

Applicants with reduced preference

i) where the household is entitled to reasonable preference but is found to have:
Sufficient resources to buy a property on the open market
Sufficient resources to buy a property through a low-cost home ownership scheme
Sufficient resources to rent a property in the private sector

All adult household members' incomes will be considered as part of the household income; current financial limits are available to applicants on request.

This does not apply to transfer applicants who are existing local authority or RP tenants

Members of the armed forces, who have received a lump sum payment as compensation for an injury or disability sustained during active service, will not be subject to reduced reference on grounds of significant resources.

Deliberate Deprivation of assets – applicants who have had significant income or savings/capital which they have deliberately spent instead of using to pay for housing costs may be considered to have deliberately deprived themselves of their assets and may also be placed in Band D. Examples of this include one or all of the following:

- Giving away a lump sum of money
- Transferring title deeds of a property to someone else
- Suddenly spending a lot of money in a way which is unusual from normal spending
- Gambling money
- Using savings to buy possessions, such as jewellery or a car, which would usually then be excluded from the financial assessment test

When a PO thinks that an applicant has deliberately deprived themselves of assets, they will assess the application and what they have used their money for to assess whether they should be placed in Band D.

ii) where the applicant would be entitled to reasonable preference but the behaviour of the applicant (or member of their household) affects their suitability to be a tenant, for example:

- former tenant arrears
- damaging a property
- obtaining a previous tenancy fraudulently
- notice being served on a tenant because of their own actions e.g. rent arrears or anti-social behaviour
- intentionally homeless applicants with rent arrears
- an applicant has been evicted from a home owned by a PO or RP
- an applicant has abandoned a property without giving the required notice to their landlord
- an applicant has assaulted or harassed an employee or agent of a PO or RP
- an applicant or members of their prospective household have committed acts causing or likely to cause a nuisance or annoyance to their neighbours or others in the locality of where they live or where they have previously lived
- failure to maintain a rented property in a proper and reasonable condition
- an applicant or member of their household has committed acts of anti-social behaviour
- Failing to repay money owed to a PO relating to rent deposit, rent in advance, rent arrears, mortgage arrears
- Applicants who are accepted as being owed the main housing duty under homelessness provisions and who are in temporary accommodation but building up rent arrears sufficient to be bypassed on shortlists
- Applicants who are accepted as being owed the main homeless duty and who are in temporary accommodation but whose behaviour is such that eviction proceedings have begun

Draft March 2021 v2

Band E –applicants who do not have a housing need
Applicants who live in a property that is adequate to meet their needs in terms of property type, size and facilities
Owner-occupiers
Applicants in prison
A suspended prohibition order or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme Council, in relation to the applicants dwelling, but the criteria leading to it becoming active are not met by the applicant.
A hazard awareness notice or improvement notice has been or will be served by the Private Sector Housing Team of the particular scheme Council, in relation to the applicants dwelling, but the specified remedies are low cost and straightforward to achieve.
Applicants living in a caravan, mobile home or boat but who don't have a housing need
Applicants in tied accommodation, but no housing need.

Band F – this is a non-bidding Band and only applicants who are waiting for extra care or some other form of supported housing or those who are being directly matched to a property will be placed in Band F.

Medical Assessments

5.2 Medical assessments will be carried out for applicants who believe that their medical condition or disability is affected by their current accommodation. The applicant will be required to complete a self-assessment medical form showing the impact that their current property has on their medical condition or disability. These forms will be assessed by the relevant PO and the applicant may be placed in a higher Band depending on what impact their current accommodation is having on their medical condition.

5.3 Applicants may also be awarded priority if the applicant is asking to be re-housed so they can receive care or specialist support.

5.4 Extra medical information may be sought from the applicant's GP, hospital consultant, health visitors and other relevant parties. The table below is used to act as a guide to priority:

Effect on Housing	Medical Problem			
	Critical - 1	Serious - 2	Moderate - 3	Low -4
Critical - 1	Band A	Band B	Band C	No award
Serious - 2	Band B	Band B	Band C	No award
Moderate - 3	Band C	Band C	Band C	No Award
Low - 4	No award	No award	No award	No award

5.5 Applicants who are under a homelessness prevention duty, a homelessness relief duty or who are accepted as being owed the main housing duty under homelessness legislation will not be eligible for medical priority. If a homeless applicant under any of the 3 main homelessness duties listed above has a medical need for an extra bedroom due to, for example, needing a live-in carer this will be assessed under welfare grounds.

5.6 If a homeless applicant's temporary accommodation becomes unsuitable on medical grounds the PO will first look to see if alternative temporary accommodation can be found.

5.7 Applicants who have been awarded Bands C relief, or Band B Options advice under relief or Band B main accepted duty of the homelessness legislation cannot be assessed under medical or welfare grounds as the latter are based on occupation of permanent accommodation.

5.8 Applicants who have been awarded Band C under the homeless prevention duty may retain a medical Band if one exists on their housing register application when the prevention duty commences.

Draft March 2021 v2

5.9 Applicants under Band B options advice, either prevention or relief or who are under the main homelessness duty cannot be given any additional awards on the housing register.

Wheelchair, Mobility and Adapted Housing

5.10 An applicant should inform the relevant PO if they have mobility needs. Further information about the applicant's needs may be sought from the applicant's GP/consultant. Applicants who need a property suitable for wheelchairs users will be assessed by an occupational therapist before an offer can be considered.

5.11 The following are the mobility categories used in this scheme:

Code 1 – the applicant is a full-time wheelchair user and needs a home which is accessible for wheelchair use both indoors and outdoors
Code 2 – the applicant needs a home with a level access shower
Code 3 – Ground floor accommodation is required as the applicant can't use stairs

Welfare

5.12 At the applicant's request, the PO will request relevant evidence to support their application. The PO will then review the full situation, taking into account the level of vulnerability of the household members. Each case will be assessed on individual circumstances.

The table below is used as a guide to priority:

Need for settled suitable accommodation	Level of Vulnerability			
	Critical - 1	Serious - 2	Moderate - 3	Low - 4
Critical - 1	Band A	Band B	Band C	No award
Serious - 2	Band B	Band B	Band C	No award
Moderate -3	Band C	Band C	Band C	No award
Low - 4	No award	No award	No award	No award

5.13 If a homeless applicant or household which is owed a homelessness duty by the PO, is considered to be particularly vulnerable and/or may be at significant risk in temporary accommodation, the PO can place them in the category of 'Applicants in severe need to whom the local authority has accepted a homelessness duty' which will increase their Band to Band A.

5.14 Applicants cannot be awarded priority under both the medical and welfare schemes. If an applicant applies for both, once their applications have been assessed, they will be placed in the higher Band which reflects either their medical or welfare needs.

Succession rights when a council or RP tenant dies

5.15 When a secure Council tenant or an Assured RP tenant dies a person living with them at the time of their death may have a right to succeed the tenancy. This will depend on the individual tenancy agreement that the tenant had with their landlord. The remaining tenant, where there is a joint tenant or other persons living in the home will need to liaise with the relevant landlord to see if they have a succession right.

5.16 If the remaining tenant succeeds the tenancy but is then under-occupying the property and wishes to move, if the landlord agrees, these applicants will be placed in Band A Succession. If there is no succession, then a Notice to Quit will be served and the applicant will be placed in Band C.

Applicants who have deliberately made their housing situation worse

5.17 The PO will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of re-housing through the register.

Draft March 2021 v2

5.18 If it is decided that the applicant has made their housing situation worse, for example, by moving into smaller private rented accommodation, or by moving another family in with them to create overcrowding, they will remain in the Band that reflected their housing need in their previous accommodation. In 12 months' time, this decision may be reviewed by the relevant PO on request. If the restriction is removed, the applicant will be placed in the band that reflects current circumstances. Their effective date will be the date they moved to the new Band.

Owner-occupiers

5.19 Owner-occupiers or applicants who own other residential property are eligible to join the housing register but will be placed below other groups in our lowest priority band (Band E).

5.20 Owner-occupiers in Band E will be able to express an interest for a property if they wish to do so, however, because a Council or RP tenancy can only be held as a main home, homes are not usually offered to applicants who still own their home or are paying a residential mortgage. An exception may be considered where an older owner-occupier wants to express an interest in low demand sheltered accommodation.

5.21 Generally, owner-occupiers will not be able to move to another Band unless they meet the criteria for critical or serious medical or welfare priority (Band A or B).

5.22 In assessing whether there is a critical or serious medical or welfare need the following information will be taken into account:

- The effect of their current housing on their medical or welfare needs
- Whether they can afford to meet their housing needs from their own resources and whether the type of accommodation required is available in the private sector

5.23 If it is decided that the applicant is unable to buy or privately rent suitable accommodation and they have a serious or critical medical or welfare need they may be placed in Band A or B as appropriate and will be permitted to bid for and if successful, may be offered the type and size of accommodation which meets their needs.

Chapter 6 - Allowed Property sizes

6.1 The following table shows what size of property applicants will be eligible for within this scheme. Applicants are expected to make best use of bedroom sizes in their property. For example, the best use of bedrooms within a two-bedroom property might be for an adult to sleep in the smaller of the bedrooms and their children to share the larger bedroom:

Household Size	Bedroom entitlement
1 adult	Bedsit or 1 bedroom
2 adults living together as a couple	1 bedroom
2 adults living together, but not as a couple	2 bedrooms
1 adult (or 2 adults living together as a couple) expecting their first child	2 bedrooms
1 adult (or 2 adults living together as a couple) with 1 child	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the same sex	2 bedrooms
1 adult (or 2 adults living together as a couple) with 2 children of the opposite sex, where both children are under 10 years old	2 bedrooms
1 adult (or 2 adults living together as a couple) with either: 2 children of the opposite sex where one child is aged 10 years or more 2 children and the applicant or their partner is pregnant 3 children	3 bedrooms

Draft March 2021 v2

Household Size	Bedroom entitlement
4 children (all of one sex or 2 boys and 2 girls)	
1 adult (or 2 adults living together as a couple) with either: 4 children (3 children of the same sex and 1 child of the opposite sex who is over 10 years old) **OR** Up to 6 children	4 bedrooms
1 adult (or 2 adults living together as a couple) with 6 or more children	5 or more bedrooms

6.2 Children of the same sex are expected to share a bedroom unless there is a medical or welfare reason why the children cannot share a bedroom. Medical and welfare needs will be assessed using the scheme's standard processes. Adult children will not be given additional bedroom entitlement but will be considered as children of the household and will be assessed in accordance with the table above.

6.3 Applicants who are given a medical award because they require an additional bedroom cannot be given both a medical award and an overcrowding award for the same, additional bedroom requirement.

Exceptions to the Property Size Rules

6.4 Transfer Incentive Scheme applicants who are downsizing are permitted to bid for properties with one more bedroom than their allowed size

6.5 In exceptional circumstances, and with the agreement of the landlord, an applicant will be allowed to move into a property that is smaller than their needs, if doing so improves their situation. For example, if an applicant has 4 children and is entitled to a four bedroom property, but is living in a 2 bedroom flat, their application for a 3 bedroom property may be considered and if successful these applicants will be suspended from bidding for a year as detailed in 3.8.

6.6 Similarly, where a household with a 2 bedroom need and is assisted to secure 1 bedroom accommodation in the Private Rented Sector or Supported Housing Sector under a homelessness duty their housing register application will be suspended for 12 months or until a valid notice is served, whichever is sooner. Typically, this will be a household including an expectant mother or a newborn child.

Parents with 'staying access' to dependent children or shared residency orders

6.7 Applicants with a shared residence order or staying access for children are not automatically entitled to bedrooms for their children. The general principle is that a child needs one home of an adequate size, and that the POs will not accept responsibility for providing a second home for children.

Applicants with a medical or social need for a larger property

6.8 Applicants can apply for an extra bedroom due to their medical or social needs. Their circumstances will be considered and evidence supporting the need for an extra room will be required.

Extra rooms for carers

6.9 If an applicant needs an extra room for a carer the PO will investigate and seek advice on the need for an extra room. The PO will make the final decision but it is usually expected that Social Services should be able to give supporting evidence that a 'live in' carer is needed.

6.10 Applicants in receipt of housing benefit/universal credit will need to be aware that from April 2013 they may not qualify for housing benefit/universal credit for an extra bedroom. In such circumstances the applicant will be responsible for paying any shortfall and may be subject to affordability checks prior to signing a tenancy.

6.11 Bedroom Sizes

Draft March 2021 v2

- Bedrooms of less than 6.7 square metres are not considered for use by more than one child.

- Rooms of less than 8 square metres are not seen as suitable for use by more than one 'non-dependent' adult (aged 16 or over)

- Rooms between 6.7 – 8 square meters are not considered suitable for more than two children and a second bedroom occupied by four or more children is considered unreasonable

Chapter 7 - Choice Based Lettings

Finding a Home

7.1 Properties which are available for applicants will be advertised in the following ways:

On the Gateway to Homechoice website - www.gatewaytohomechoice.org.uk

In a property newsletter if requested and at the discretion of the PO to:

- RPs;
- voluntary and other agencies;
- applicants in Bands A and B; and
- applicants who require sheltered accommodation and who require assistance with bidding

7.2 Advertisements will include information about the property, which can include the following:

- a description of the home;
- a photograph of the property;
- rental type (e.g. social or affordable rent);
- rental charge and period (e.g. weekly, monthly, 4 weekly);
- service charges;
- length of tenancy (e.g. fixed term tenancy and number of years);
- special facilities; and
- adaptations made to the property

7.3 The advertisement will also highlight if there are any special criteria for letting the property, for example if a property is only available to main duty homeless applicants, those applicants with a local connection or applicants of a certain age range, to enable local authorities to balance needs and resources effectively.

7.4 The property advert will show who is able to bid for the property.

7.5 Available properties are advertised on a weekly cycle; applicants can bid for up to two properties per cycle.

7.6 To be considered for a property, bids must be placed by the advertising cycle deadline.

Sheltered accommodation

7.7 When allocating sheltered housing the same general principles as for other property types are followed. In addition, an assessment of the applicant's suitability and need for support must be completed

Draft March 2021 v2

before a sheltered tenancy is offered. If the applicant is considered unsuitable for sheltered accommodation, they will be advised and given advice on homes more suitable to their needs.

Allocation of extra-care sheltered housing or very sheltered housing

7.8 The eligibility rules means that applicants who want extra-care sheltered or very sheltered are assessed on both their housing and support needs. For more information on these schemes please contact the relevant PO.

7.9 Applicants waiting for extra care or very sheltered housing will usually be placed in Band F (non-bidding Band)

Bungalows

General Needs Bungalows

7.10 Some bungalows will be let to applicants of any age. These are known as general needs bungalows and will be advertised as such.

Restricted bungalows

7.11 Many of the bungalows advertised within the scheme are designed for older people, or people who have limited mobility. These are known as restricted bungalows.

Preference for restricted bungalows will be given to:

- Those aged 60 or over
- Those under 60 with a medically assessed need for a bungalow
- Those who will release a property that is needed by the Council as decided by the Transfer Incentive Scheme (TIS) aged between 40 and 60

Direct Lets

7.12 Occasionally, a property may be let to an applicant directly, without it being advertised on the Gateway website. This may happen in the following circumstances:

- extra care and very sheltered properties;
- if a property is needed to house someone in a social housing property temporarily;
- where someone has to be moved immediately;
- where a specially adapted property has been built for a specific person;
- where the landlord needs to do major repairs to their property or redevelop the area and the property needs to be vacant for this work to be carried out (also called decant);
- where a homeless applicant has either failed to bid or failed to bid on a property on which they could be successful, or has refused a property and the PO needs to move them on from temporary accommodation;
- if there is no suitable temporary accommodation and the PO would be breaching their duty under homelessness law;
- where it has been deemed that the person is at risk or is a risk to others and it is not appropriate for them to bid through the scheme;
- for applicants who are currently in RP or council housing within the Gateway area of operation and who are fleeing domestic violence or in other exceptional circumstances (known as management moves) as agreed by the relevant local authority and housing provider
- Properties which have been adapted to a very high standard, for example, a fully accessible property, may not be included in the scheme and will be directly allocated.
- Retiring scheme managers, relationship breakdown and under-occupying successors who are not bidding

7.13 The outcome of each letting cycle is published on the website and all direct lets are reported here.

7.14 Applicants may be placed in Band F which is a non-bidding category when a property is being let to them directly.

Draft March 2021 v2

The Essex-wide agreement for victims of domestic abuse

7.15 This is a countywide agreement which a number of POs and RPs in Essex have signed up to. The agreement aims to increase the accommodation options for social housing tenants who need to move because of domestic abuse where they are at a significant risk of harm. Lettings made under this agreement will usually be let as direct lets.

7.16 Bidding Restrictions

Some applicants are subject to the restricted bidding arrangements as detailed below:

Location Restrictions

Applicant type	**Restriction**
Applicants who are owed the main housing duty by the local authority under the homelessness legislation and who are not at risk of violence, threats or harassment in that area	These applicants are only permitted to bid within the awarding local authority area
Applicants in severe need to whom the local authority has accepted a homelessness duty (Band A) and who are not at risk of violence threats or harassment in that area	
Applicants who are assessed as likely to be owed the main housing duty under the homelessness legislation, who have been awarded an Options advice Band B and who are not at risk of violence, threats or harassment in the area	
Band C Applicants under any homelessness duty, including non-priority need applicants and applicants who are intentionally homeless	The ability for each individual household to bid outside their local authority area will be facilitated through laid down reciprocal working arrangements between each local authority in the partnership
Applicants who have been given medical or welfare priority because they need to move to a specific area in order to give or receive support	Applicants are only permitted to move to the specific local authority area where they wish to live – this is because the welfare or medical priority is based on the applicant moving to that specific area
Applicants who are ready to move on from supported housing schemes in Bands A & B	Applicants will usually only be permitted to bid within the local authority area as ongoing support may be a condition of their tenancy. In certain cases, these applicants may be allowed to bid for properties in other local authority areas across the Gateway area of operation, however, this will only be permitted following agreement between the awarding PO and receiving PO

7.17 Time Restrictions on bidding

Some applicants will be subject to time limited bidding restrictions. Applicants will be free to choose which properties they bid for throughout the period given below. After that period has elapsed, the sanction indicated will apply. The suitability of a property will be considered using the criteria set out in 'The Homelessness (Suitability of Accommodation) (England) Order 2012'. The POs reserve the right to set the

Draft March 2021 v2

time limits based on local circumstances, which can include the availability of accommodation required by the applicant in the PO area:

Applicant Type	Restriction	Sanction available
Applicants in severe need to whom the local authority has accepted a homelessness duty	Applicants are expected to use their bids to secure the first available suitable property.	PO will bid on appropriate property on applicant's behalf and/or move the applicant's bids to the most appropriate properties.
Applicants awarded severe or high medical or welfare priority (Bands A and B)	Applicants will be subject to a time limited bidding restriction of 2 bidding cycles, which include suitably sized properties in a relevant area	Reduce by one Band
Applicants awarded multiple needs in Band A		Reduce to Band B
Band B Homeless Applicants	Applicants are expected to use their bids to secure the first available suitable property.	PO will bid on appropriate property on applicant's behalf and/or move the applicant's bids to the most appropriate properties.
Band B Options advice applicants	Applicants are expected to use their bids to secure the first available suitable property.	PO will bid on appropriate property on applicant's behalf and/or move the applicant's bids to the most appropriate properties.
Band C applicants under any homelessness duty, including non-priority need applicants and applicants who are intentionally homeless	Applicants are expected to use their bids to secure the first available suitable property.	PO will bid on appropriate property on applicant's behalf and/or move the applicant's bids to the most appropriate properties.
Applicants who are ready to move on from supported housing schemes	Applicants will be subject to a time limited bidding restriction of 3 months	Make direct offer of next suitable vacancy
Retiring sheltered housing scheme managers in tied accommodation	Applicants will be subject to a time limited bidding restriction of 6 months	Make direct offer on next suitable vacancy
Relationship breakdown (applicants in social housing properties where they are under occupying and assessed as having a housing need)		
Successions (applicants in social housing properties where they are under occupying but have been assessed as having a housing need)		

7.18 If an applicant is sanctioned, the PO will notify the applicant of their decision and the reasons for this action. The PO will also advise the applicant of their new priority band, effective date and the right to a review of the decision.

Appropriate bidding for applicants under any homelessness duty

7.19 The awarding PO reserves the right to review the priority band award and/or bid on the applicant's behalf for suitable properties during the time period if the applicant has:

- failed to bid for any properties;
- failed to bid for properties which they would have likely to have been successful in securing;

Draft March 2021 v2

- placed bids on unsuitable properties; or
- placed a bid on a suitable property and then refused the offer.

7.20 Under these circumstances, the PO will notify the applicant of their decision and the reasons for this action. The PO will also advise the applicant of their new priority band, effective date and the right to a review of the decision. (For further information on the reviews of housing application decisions, please see Chapter 9) – move this section to bidding restrictions

For further information about offers to homeless applicants or those under the prevention or relief duty, please see section 8.11 – 8.15

Local Lettings

7.21 In certain circumstances, the POs may decide to give preference for offers of homes to a particular group of applicants in response to certain local circumstances. This is called a local lettings plan. The decision to apply a local lettings plan will be jointly made by the landlord of the property and the PO and will usually be made under the following circumstances:

- To help create balanced communities and achieve wider community objectives (i.e. to produce a broader social mix).
- To help improve difficult to let areas and/or to tackle anti-social behaviour
- To make best use of the housing stock and give priority for releasing a property in need.
- Where planning conditions were agreed at time of build (s106 agreements) that stipulate that priority must be given to local applicants

7.22 If a property is subject to a local lettings plan, it will be clearly labelled as such in the property advert.

Draft March 2021 v2

Chapter 8 – Shortlisting and offers

8.1 At the end of each choice based lettings (CBL) cycle a shortlisting of applicants who have bid for the property will be taken from the CBL computer system. The shortlist will identify the order of applicants based on who is in the highest housing Band (A is highest, E is the lowest) and who has the earliest effective date unless the property has been adapted or is subject to a local lettings agreement, such as a s106 agreement.

8.2 The top three applicants from the shortlist will usually be invited to view the property.

8.3 After viewing the property the applicant at the top of the shortlist will usually be given up to 24 hours to accept or refuse the accommodation. If the offer is refused the next person on the shortlist will be offered the property.

8.4 At the point of shortlisting, the PO or RP carrying out the shortlisting will verify the applicant's level of housing need and other details to ensure that the applicant still remains eligible for housing, that their circumstances remain the same as when they applied and that their level of priority is correct. References from the applicant's current landlord will also be sought. Applicants may also be required to pay rent in advance.

8.5 In order to effectively manage housing applications, shortlists and prompt allocation of properties, any open shortlists dated one month from the end of the advertising cycle, where applicants in bands A-C bands have been exhausted, may be rejected and readvertised in the next suitable cycle.

Formal Offer

8.6 Once the applicant has confirmed their acceptance of the tenancy the landlord of the property will usually write to confirm the formal offer of the tenancy and an applicant's application will be matched against the property. Once they have signed the tenancy agreement, the applicant's housing register application will then be changed to Housed.

Rejecting an Offer

8.7 An applicant may reject an offer of accommodation and they will be permitted to bid on other properties. If an applicant repeatedly bids for and then rejects properties that they are offered, the PO may decide to suspend the applicant from bidding on properties for a specified time period. For further information please see here

Please note – different rules apply to applicants who are under a homelessness duty, please see 8.11 below

Offering properties to tenants who owe rent

8.8 Tenants on the register will not normally be offered a new tenancy if they are in arrears with their rent. An offer is possible if:

- The rent owed is no more than four times the weekly rent (less any housing benefit payable). Any rent owing must be paid before the tenant signs to accept the new tenancy. *Note: this may not always apply to RP tenants as the rent account may need to be clear before making the offer. This is checked with the RP at the time.*

- A PO has accepted a duty to house the applicant under homelessness legislation. However, the applicant will still be expected to agree to pay outstanding rent. *Note: if court action is being taken to gain possession or other legal action, no offers of housing will be made without the agreement of the PO.*

8.9 The applicant is a Council or RP tenant who has a high priority because they:

Draft March 2021 v2

- have been temporarily moved from their property by the Council or RP to allow repairs or redevelopment work to take place; or
- are moving under the Transfer Incentive Scheme. In this case the rent they owe cannot be more than any payment due from the scheme. An exception may be made if a move would benefit both housing needs in the area and the POs housing management work. The PO and the landlord must agree this; or
- have a high medical, welfare or hardship assessment. For clarification purposes, this is for those who have been awarded Band A on medical or welfare grounds. No offers of housing will be made without the agreement of the PO; or
- tenants who are at significant risk due to violence or harassment. No offers of housing will be made without the agreement of the PO.

8.10 In some circumstances, a new tenancy will be approved if there is rent owing. This could include applicants who have accrued rent arrears as a direct result of housing benefit deductions due to under-occupation of their property. These cases will need to be agreed by the PO and the landlord. Generally, these cases will include a strong social or housing management need for the household to move.

Offers to Homeless Applicants who are owed the main housing duty

8.11 In accordance with the Housing Act 1996, part 7 (as amended) and the policy for discharging statutory homeless duties, all statutory homeless applicants are entitled to one reasonable offer of accommodation. These applicants will usually be placed in Band B and will be able to bid for properties through the CBL scheme. The PO may also bid for properties on behalf of the applicant. The relevant local authority will confirm to the applicant, in writing, if an offer secured via Gateway to Homechoice is considered to be the applicant's final offer under the homelessness legislation and the consequences of acceptance or refusal. If a statutory homeless applicant refuses/fails to respond to/fails to accept a reasonable offer of accommodation, the awarding PO can end its statutory duty to provide accommodation.

8.12 If a homeless applicant has refused the accommodation because of its suitability, the awarding PO will explain the applicant's right to request a review of the suitability of the accommodation offered. The PO will also explain the applicant may lose their right to temporary accommodation. For further information on statutory homelessness review and appeals, please refer to Appendix 1

8.13 An applicant, whose statutory homeless duty has been ended as a result of their refusal/ failure to respond/failure to accept an offer of suitable accommodation, can remain on the housing register although the awarding PO will remove the statutory homeless priority Banding award. Their application will be reassessed and given the priority that reflects their current situation. Their effective date will not change. The PO will advise the applicant of their new priority band and the right to request a review of this decision

8.14 Offers to Applicants under the Homelessness Prevention Duty

In accordance with the HRA 2017, applicants who are under the Prevention duty will usually be placed in Band C and will be able to bid for properties. The PO may also bid on properties on behalf of the applicant. If an applicant who is under the Prevention duty, refuses/ fails to respond to/fails to accept a reasonable offer of accommodation, the PO can end its prevention duty to that applicant but this does not affect any further duties which may be owed to the applicant if they become homeless.

8.15 Offers to Applicants under the Homelessness Relief Duty

In accordance with the HRA 2017, applicants who are under the Relief Duty are entitled to one reasonable offer of accommodation. These applicants will usually be placed in Band C and will be able to bid for properties. The PO may also bid on properties on behalf of the applicant. If an applicant who is under the Relief duty, refuses/fails to respond to/fails to accept a reasonable offer of accommodation, the awarding PO can end its duty to provide accommodation or further support.

If the relief duty is ended because the applicant refuses/ fails to respond to/fails to accept a reasonable offer of accommodation, their housing register application will usually be reassessed and given the Band that reflects their current situation. Their effective date will not change, unless their band increases. The PO will advise the applicant of their new priority Band and the right to request a review of this decision.

Draft March 2021 v2

Bypassing an applicant on a shortlist

8.14 The LAs and RPs agree that:

1. a decision by an LA or RP to bypass an applicant who would be next in line for an offer of accommodation will only be taken according to the criteria agreed set out below;
2. where an RP wishes to retain exception rules that do not form part of the Gateway to Homechoice allocations policy, for example, rules relating to the size of accommodation to be offered or rules relating to offers of accommodation from applicants with former rent arrears or behaviour that has not yet been addressed or resolved – these rules should be transparent and will be recorded in each RP's Lettings policy and on each property advert so it is clear when a named RP will bypass an applicant and what an applicant would need to do in order to be considered by that RP; and
3. each case will be assessed individually and the reason why an applicant is bypassed recorded on the relevant housing register application, by the shortlisting organisation

8.15 It is not possible to describe every situation where an applicant on a shortlist might be bypassed. However, the following are the most common situations:

- Applicant considers rent too high
- Applicant has changed mind
- Area unsuitable
- Change of circumstances
- Condition not satisfactory
- Did not turn up for arranged viewing
- Does not meet age criteria
- Does not meet local lettings plan
- Does not meet sensitive let criteria
- Does not need adaptations
- Does not quality for universal credits
- Does not require ground floor
- Does not want shower/wants bath
- Doesn't meet criteria
- Doesn't meet s106 criteria
- Efficient management of stock
- Garden too big
- Incomplete verification by applicant
- Lacks public transport connections
- Needs extra care
- No garden
- Not suitable for pet
- Offered on another shortlist
- Other reason
- Owner occupier
- Property not adapted/adaptable
- Property too large
- Property too small
- Provider considers rent too high
- Refused by Landlord
- Rent arrears
- Rent too high
- Requires ground floor
- Service charge too expensive
- Too far away from current residence
- Unable to contact
- Unsuitable due to arrears/debts

Draft March 2021 v2

- Wants council property not housing association
- Wants a shower
- Withdrawn by Landlord

Draft March 2021 v2

Chapter 9 – Right to Reviews

9.1 Applicants have the right to ask for a review of decisions made about their application for housing or offer of accommodation. This includes:

- size or type of property
- assessment of Bands; and
- offers of housing

How to request a review of a Housing Register Decision

9.2 An applicant who disagrees with a decision a PO has made that affects their housing application may request a review of that decision within 21 days of receiving the written decision from the PO. A request for a review should usually be made in writing although POs may also consider verbal requests for a review to be undertaken.

9.3 The applicant should clearly outline the reasons that they have formally requested a review and a different officer at the PO will review the original decision. In some cases the PO may need to request further information from the applicant in order to make a decision. The PO will respond to the review request in writing within 8 weeks.

9.4 If an applicant still disagrees with a decision they can request that another PO hears their appeal. The appeal process will be as follows:

- Babergh to East Suffolk
- Braintree to Colchester
- Colchester to Ipswich
- Ipswich to Maldon
- Maldon to Braintree
- Mid Suffolk to East Suffolk
- East Suffolk to Babergh/Mid Suffolk

9.5 The PO carrying out the appeal will reply to the applicant within 8 weeks of receiving it from the awarding PO.

Complaints procedure

9.6 If an applicant is dissatisfied with any aspect of the management of their application, other than when a review can be made, they should contact the PO and ask for a complaints form.

The Local Government & Social Care Ombudsman

9.7 If an applicant is not satisfied with the action of a PO and they have already been through all of the stages of the POs' complaints procedure, they can send a written complaint to the Local Government Ombudsman. If an applicant has complained to a PO but has not had a reply from the relevant PO for 12 weeks, they can also complain to the Local Government & Social Care Ombudsman.

Further detail about the Local Government & Social Care Ombudsman can be found here:
http://www.lgo.org.uk/

And information about how to make a complaint is here:
https://complaints.lgo.org.uk/

Telephone: 0300 061 0614

The Housing Ombudsman Service

9.8 If an applicant wishes to make a complaint about a Registered Provider they should contact the Housing Ombudsman Service:

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

Draft March 2021 v2

Telephone: 0300 111 3000
Email: info@housing-ombudsman.org.uk

To make a complaint, use the link below:
Getting help from the Housing Ombudsman.

Draft March 2021 v2

Appendix 1 – Meeting the Statutory Homelessness Duty

Policy Overview

1.1 This document relates to the policy and procedural arrangements for assessing and discharging statutory homelessness duties. The document will be referred to as "the policy".

The policy applies to the following Local Authorities:

- Babergh District Council
- Braintree District Council
- Colchester Borough Council

- Ipswich Borough Council
- Maldon District Council
- Mid Suffolk District Council
- East Suffolk Council

1.2 The local authorities, who have signed up to the policy, all participate in the Gateway to Homechoice housing register and choice based lettings system. This policy works alongside the Gateway to Homechoice Allocations Policy.

The policy complies with:
- The Housing Act 1996, as amended by the Homelessness Act 2002
- Equality Act 2010
- The Localism Act 2011
- Homelessness Reduction Act 2017
- Human Rights Act 1998
- Suitability of Accommodation Order (November 2012)

This policy also links to each authority's homelessness strategy

Policy aims and objectives
This policy explains how the above authorities will assess and support applicants who approach their local authority and who are either homeless or threatened with homelessness within 56 days.

1.3 Definitions
Homeless: a person is homeless if they have no accommodation in the UK or elsewhere which is available for their occupation, which that person has a right to occupy and which it is reasonable for them to continue to occupy

Threatened with homelessness: someone who is likely to become homeless within 56 days or someone who has been served a valid notice under Section 21 of the Housing Act 1985 in respect of the only accommodation available for their occupation and the notice will expire within 56 days

1.4 This policy and the needs assessment procedure will ensure there is no discrimination on the grounds of age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief and sex.

1.5 Advisory Services
All Gateway authorities will provide free advice and information on homelessness and how to prevent homelessness to those living within their local authority area or anyone referred to them under the 'duty to refer' on Public Authorities.

1.6 The duty to refer cases to housing authorities
Under section 213B public authorities are required to notify a housing authority if they consider that a service user may be homeless or threatened with homelessness within 56 days. Prior to referring a service user to one of the POs the relevant public authority must:

- Have consent from the individual service user to the referral;
- Allow the individual to say which local housing authority they would like to be referred to; and
- Have consent from the individual that their contact details can be supplied to the housing authority so they can contact them regarding the referral

A referral made by a public authority to a housing authority under section 213B will not in itself constitute a homelessness application.

Draft March 2021 v2

Section 2 - Assessment of Circumstances and Needs (Section 189a)

2.1 Applicants who ask a PO for a help because they are homeless, or threatened with homelessness in the next 56 days will have an assessment of their circumstances and needs completed which will include the assessment of:

a) the circumstances that have caused them to be homeless or threatened with homelessness
b) their housing needs and what accommodation would be suitable for them, their household and anybody who might reasonably be expected to live with them and
c) the support that would be necessary for them and anybody who will be living with them to have and sustain suitable accommodation

2.2 The information gathered in this assessment will be used to create a Personal Housing Plan (PHP) for each applicant/household which will list practical and reasonable steps that both the applicant and the PO will take to try to prevent or relieve their homelessness.

2.3 The PHP might also identify other agencies which may also be able to support the applicant/their household to prevent/relieve their homelessness and if the applicant agrees, the PO may refer them to relevant support agencies

2.4 POs will review PHPs regularly to ensure that the PHP still accurately reflects an applicant's needs and circumstances. Applicants should also inform the relevant PO when their circumstances or housing needs change so that the PO can update their PHP if necessary.

2.5 Notification of the Assessment of Circumstances and Needs
Following the PO completing an assessment of an applicant's circumstances and needs, they will notify the applicant of the assessment that they have made

2.6 Right to Review of the PHP
Applicants have the right to request a review of the reasonable steps the PO has included within their PHP within the prevention and relief stages

At this stage, if the applicant is eligible and threatened with homelessness within 56 days, applicants will be under the Prevention duty.

3. Prevention Duty (Section 195)

3.1 Under the prevention duty, POs will try to help applicants who are owed this duty to stay in their current accommodation where it is safe for them to do. If this is not possible, the PO will support applicants to secure suitable alternative accommodation which offers a reasonable prospect of being available to them for at least six months.

3.2 Applicants who are under the prevention duty will be placed in **Band C** on the housing register (unless reduced preference applies) and will be allowed to bid on suitable properties in any part of the Gateway area of operation

3.3 Where an applicant is under the Prevention duty to one local authority but who lives in a different Gateway authority, the local authority which is responsible for the prevention duty will usually also host the applicant's housing register application.

3.4 An applicant may retain a medical award while under Prevention Band C

3.5 Ending the Prevention Duty

Draft March 2021 v2

The prevention duty will end in the following situations when the following apply:

a) The applicant has suitable accommodation available for occupation and there is a reasonable prospect of it being available for at least six months. This accommodation can be of any tenure, e.g. private rented, social housing, supported housing etc.

b) The housing authority has complied with the prevention duty and 56 days have passed. The prevention duty will not, however, come to an end where the applicant has remained in accommodation after expiry of a valid section 21 notice but remains threatened with homelessness.

When a PO is satisfied that, despite the section 21 notice, the landlord is not seeking possession and there is a reasonable prospect of the accommodation being available for at least 6 months, the prevention duty may be ended.

However, POs can also continue to deliver the prevention duty with any applicant for longer than 56 days and issue a notice to end it at any point after this date

c) The applicant becomes homeless (if so, they will usually move to the Relief duty)

d) The applicant has refused an offer of suitable accommodation and on the date of refusal, there was a reasonable prospect of that accommodation being available for six months. The refusal of suitable accommodation during the prevention duty brings this duty to an end although it does not have any further impact on the application for housing assistance

e) The applicant is no longer eligible for assistance

f) The applicant withdraws their application for homelessness assistance

g) **The applicant deliberately and unreasonably refuses to co-operate** (s195(10)) If a PO considers that an applicant has deliberately and unreasonably refused to cooperate with steps outlined in their Personal Housing Plan the PO can end its prevention duty to that applicant. Before bringing its prevention duty to an end, the PO will issue the applicant with a warning to let them know that they intend to end the prevention duty due to the applicant's non-cooperation.

Following the warning, if an applicant continues to deliberately and unreasonably refuse to cooperate, the PO can bring the prevention duty to an end.

Where the prevention duty is brought to an end due to deliberate and unreasonable refusal to cooperate, the applicant is still entitled to the relief duty and may subsequently be owed the main housing duty, depending on their individual circumstances.

3.6 Notification and Right to Review

When a PO ends the Prevention duty, it will notify the applicant that the Prevention duty is ending and inform the applicant that they have the right to request a review of the PO's decision to bring this duty to an end. The applicant must request the review within 21 days of the PO notifying the applicant that they are bringing the relief duty to an end.

The PO will respond to review requests within 8 weeks from the day of request for a review.

3.7 POs will also notify applicants that their Prevention duty has ended and what further duty the applicant is entitled to, if any.

Draft March 2021 v2

4. Relief Duty (Section 189b)

4.1 Under the relief duty, POs will help applicants who are both eligible and homeless to secure suitable accommodation which has a reasonable prospect of being available to them for six months.

4.2 Assessment of Circumstances and Needs (Section 189a)

When an applicant approaches a PO because they are already homeless, the PO will complete an assessment of their needs as detailed in section 2 above.

4.3 During the Relief Duty

While an applicant is under the Relief duty, POs will work with the applicant to help them to find suitable accommodation which has a reasonable prospect of being available to the applicant for six months. The accommodation could be of any tenure e.g. private rented, social housing, supported housing etc.

4.4 Housing Register

Applicants who are under the relief duty will be placed in Band C (Under Relief) on the Gateway to Homechoice housing register (unless reduced preference applies). Their effective date will be the date that the applicant approached the PO for assistance. Applicants who were under the Prevention duty but became homeless, will retain the same effective date that they had whilst under Prevention.

4.5 If the applicant was already in Band C on the housing register, prior to being under the Relief duty, they will also retain their effective date from their existing Band C.

4.6 Where an applicant is under the Relief duty to one local authority but who lives in a different Gateway authority, the local authority which is responsible for the relief duty will usually also host the applicant's housing register application

4.7 An applicant who previously had a medical or welfare band cannot retain a medical or welfare award when under the homeless relief duty

4.8 Interim Accommodation

Where the PO has reason to believe that an applicant may be eligible, homeless and have a priority need they will provide the applicant and their household with interim accommodation under section 188 (1) while fulfilling the relief duty.

4.9 Ending the Relief Duty

The relief duty will end in the following situations when one of the following applies:

a) The applicant has suitable accommodation available for occupation and there is a reasonable prospect of it being available for at least six months. This accommodation can be of any tenure

b) The housing authority has complied with the relief duty and 56 days have passed. The relief duty can continue for longer than 56 days and a notice to end it can be issued at any point after this date as long as the applicant is not owed another duty which take precedence.

Where the PO is satisfied that the applicant has a priority need and has become homeless unintentionally, the relief duty will come to an end after 56 days and POs will aim to complete their enquiries and inform the applicant of their decision within the next 15 working days

c) The applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect of it being available for at least six months. This will bring the Relief duty to an end and,

Draft March 2021 v2

if the offer was a final accommodation offer or final part 6 offer, the main housing duty (section 193) will not apply.

If an applicant is in interim accommodation at the point that the offer is made, and the applicant requests a review of the suitability of the accommodation, the PO has a duty to continue to provide the applicant with interim accommodation until the review is complete and the relief duty continues until the outcome of the review

d) The applicant is no longer eligible for assistance

e) The applicant withdraws their application for homelessness assistance

f) The applicant deliberately and unreasonably refuses to co-operate - where the relief duty is brought to an end as a result of the applicant's deliberate and unreasonable refusal to cooperate the main housing duty will not apply to that applicant.

- Before bringing the relief duty to an end due to deliberate and unreasonable refusal to cooperate, the PO will issue the applicant with a warning, letting them know that if they intend to bring the relief duty to an end due to their non-cooperation.

- If an applicant continues to deliberately and unreasonably refuse to cooperate, the PO can bring the relief duty to an end.

- When the relief duty is ended in this way, applicants who are not in priority need will not be entitled to any further assistance.

Intentionally Homeless Applicants – End of Relief Duty for Deliberate and Unreasonable Refusal to Cooperate: For applicants who are in priority need but are intentionally homeless, the PO will assess these applicants under the main housing duty - section 193(2) and can issue a decision on these applicants immediately after the relief duty has ended.

Applicants in Priority Need and Unintentionally Homeless – End of Relief Duty for Deliberate and Unreasonable Refusal to Cooperate: For applicants who are in priority need and not intentionally homeless, they will be owed a different version of the main housing duty (section 193c(4)) and will be made a final offer of accommodation which could be a 6 month AST, instead of a 12 month AST.

4.10 Applicants with a local connection to a different housing authority – relief duty

POs may refer an applicant's case to another housing authority in England during the relief duty if the applicant does not have a local connection with the authority to which they have applied and they do have a local connection to another district where they would not be at risk of violence.

4.11 Notification and Right to Review

When a PO ends the Relief duty, it will notify the applicant that the Relief duty is ending and inform the applicant that they have the right to request a review of the PO's decision to bring this duty to an end. The applicant must request the review within 21 days of the PO notifying the applicant of bringing the relief duty to an end.

The PO will respond to review requests within eight weeks from the day of the request for a review.

5. Main Duty – Section 193

Draft March 2021 v2

Under the main duty, POs will help applicants who are eligible, homeless, in priority need and unintentionally homeless to secure accommodation. Applicants under this duty will be placed in Band B (Accepted Homeless) on the Gateway to Homechoice housing register. Their effective date will be the day after the relief duty ended, unless the applicant was already in Band B with an earlier effective date. The exception will be where an application is/has been in the 'reduced preference' band: in these circumstances the Band B date will only be effective from when the reduced preference reason is resolved.

5.1 Main duty accepted homeless applicants can only have a Band B for homelessness and no other awards on the Gateway housing register

6. Available housing options for customers

6.1 Assessed as suitable for discharge into private sector

a) Singles/Couples

- Singles – Under the age of 35 for shared housing only, unless they are in an exempt category of persons.
- Singles – 35 and over can be considered for bedsits, studio or one beds
- Couples – one beds

These applicants must be 18 years or over, have low support needs, have an accepted homelessness application and assessed income and savings which are above the current Gateway to Homechoice financial thresholds (see section 5.1) or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.

b) Families - Households aged 18 years or over and have children or include an expectant mother with low support needs, an accepted homelessness application and assessed income and savings which are above the current Gateway to Homechoice financial thresholds or the property identified is assessed as being affordable to the household and they are assessed as being able to manage their finances with limited support.

6.2 Suitable ONLY for Council or RP Properties - those singles, couples and families who do not meet the criteria as above should make a Gateway application to bid on Council or RP properties

7. Selecting Households for Properties

7.1 Policy - a selection procedure is in place in order to prioritise households for properties when they become available. The decision to prioritise households for properties will be at the local authority's discretion. Each case will be assessed on individual circumstances and in line with the terms of this policy and procedure. In certain cases a landlord may determine the criteria for who will be accepted into the property.

7.2 When a suitable property becomes available priority will be given as follows:

First – Exceptional medical cases or other circumstances where it was agreed B&B/temporary accommodation would be unacceptable if the household was not prioritised for a property. Households with sufficient capital to meet 12 months' rent payments. Then if none (or none suitable)

Second - Households in Bed & Breakfast/temporary accommodation (longest stay first). Then if none (or none suitable)

Third - Households where negotiations have taken place (e.g. with a landlord) to avoid B&B if we prioritised them for a property. Then if none (or none suitable)

Draft March 2021 v2

Fourth - Next suitable homeless household (where a homeless duty has been accepted) with the oldest date homeless.

8. Offers of accommodation

8.1 Statutory homeless households are entitled to one reasonable offer of accommodation. The local authority will consider its homeless duty discharged if a suitable offer (known as a "final" offer) is refused, in either the private rented or social sector.

Offers of accommodation in the Private Rented Sector

8.2 If an applicant is deemed to be suitable for a private sector offer and a suitable property is available, they will be made an offer immediately. The private sector offer must be an offer of an Assured Shorthold Tenancy, with a minimum fixed term of one year. Under these circumstances, this will be considered to be the applicant's one offer of suitable accommodation and will therefore discharge the statutory homeless duty. If the applicant refuses the offer of accommodation, the local authority can end its statutory homeless duty.

8.3 Once the offer has been formally made, the applicant's homeless and housing register applications will be closed. Should the applicant wish to reapply to join the housing register, they will need to complete a new application and their priority will be assessed based on their current accommodation.

8.4 If an applicant is deemed suitable for a private sector offer and there are no suitable properties available, the applicant will be given Band B and will be able to bid for social housing, subject to location and time bidding restrictions. (For further information on time and location bidding restrictions, please refer to the Gateway to Homechoice Allocation Policy).

8.5 If a suitable private rented property becomes available before an offer of social housing can be made, then this property will be offered to the applicant as their final offer.

Offers of accommodation in the social sector

8.6 Applicants assessed as being suitable for a social housing offer of accommodation will be subject to location and time restricted bidding under the scheme. For further information, please refer to the Gateway to Homechoice Allocation Policy.

Refusal/ failure to respond to/failure to accept an offer of suitable accommodation

8.7 If a statutory homeless applicant refuses/ fails to respond to/fails to accept a suitable offer, the local authority will explain the applicant's right to a review of the suitability of the offer of accommodation.

8.8 POs will also explain to the applicant that they may lose their right to temporary accommodation. For further information, please refer to section 9 below and to the relevant local authority Reviews Procedure.

8.9 An applicant whose statutory homeless duty has ended as a result of their refusal/ failure to respond/failure to accept can remain on the housing register; however, the local authority will remove the statutory homeless priority award. Their application will be reassessed and given the band that reflects their current situation. For further information, please refer to the Gateway to Homechoice Allocation Policy.

Section 9 - Reviews of the suitability of accommodation offered

9.1 As part of the offer process and in accordance with each Local authority's policies and procedures, applicants will be advised of their right to request a review of the suitability of the accommodation offered. Applicants will also be informed of advice services, for example Citizens' Advice or Shelter.

Review process

Draft March 2021 v2

9.2 Applicants can request a review within 21 days of the Local authority telling them that they consider an offer to be suitable and that it has discharged its duty under the homeless legislation. The local authority will consider review requests received after 21 days, but they are not obliged to agree to carry out the review.

9.3 Review requests can be made in writing or verbally to the relevant local authority. Once a review request has been received, the local authority will write to the applicant to:

- acknowledge the request
- provide details of the review procedure

9.4 The local authority will need to complete the review within 56 days of receiving the applicant's original review request (unless a longer period is agreed). The review will be carried out by a local authority Senior Officer. This officer must not have been involved in the original decision.

Review outcomes

9.5 The review outcome can be:

- Unsuccessful – in this situation the local authority's original decision will stand.
- Successful – in this situation the local authority will amend their original decision.

9.6 Once the review has been completed, the local authority will write to the applicant informing them of the review decision. The letter will be sent to the applicant or will be available for collection from the local authority offices.

9.7 The outcome letter will explain the review decision, how the local authority reached this decision and the right to appeal the review decision to the County Court if the applicant believes the decision is legally incorrect. An appeal must be made within 21 days of being notified of the review decision.

Accommodation options during and after a review decision

9.8 During the review process, the local authority is not legally obliged to provide the applicant with temporary accommodation. Applicants will be advised to accept the final offer of accommodation whilst the review is being considered. This is because:

- the applicant will have somewhere to stay during the review process
- there is no guarantee of a further offer of accommodation following the outcome of the review.

9.9 During the review process, the property originally offered, may at the landlord's discretion, be held open whilst the review is considered. Unfortunately, this may not be possible in cases of private rented accommodation. If the review is unsuccessful and the property is still available, the applicant may be offered the property again. If the applicant refuses the offer, they will be referred to a Local authority Senior Officer, who will confirm if the statutory homeless duty has been ended.

County Court Appeals

9.10 An applicant can appeal to the County Court on any point of law for one of the following reasons:

- if they feel the review decision is legally incorrect; or
- if the Local authority has not met the time limit to complete the review process

9.11 All appeals must be made to the County Court within 21 days of the review decision. Applicants considering an appeal to the County Court are advised to obtain independent legal advice e.g. citizens advice bureau or Shelter.

Complaints to the Local Government and Social Care Ombudsman

Draft March 2021 v2

9.12 If an applicant is not satisfied with a review decision, they can complain to the Local Government Ombudsman.

9.13 The Ombudsman will not consider certain matters, for example, if 12 months has passed since the cause for complaint occurred or when matters are, or could be, subject to court proceedings.

9.14 The Ombudsman will consider a complaint if an applicant believes they have been treated unfairly as a result of maladministration. Examples include:

- Delayed taking action without good reason
- Taken into account irrelevant considerations or ignored relevant considerations
- Not followed rules (legal or local procedures)
- Given the wrong decision
- Not reached a decision in the correct way

Contact details for the Local Government and Social Care Ombudsman are:

Telephone: 0300 061 0614
Website: www.lgo.uk

Section 10 - New approaches from applicants previously housed into the private sector as a discharge of the main homelessness duty

10.1 If an applicant becomes unintentionally homeless from their private rented tenancy within 2 years, the statutory homeless duty automatically revives once. In cases where the duty revives and the applicant applies to a different local authority, the applicant can be referred back to the original local authority, unless there is a risk of domestic violence.

10.2 The revived duty may again be discharged through an offer of private or social rented accommodation, in accordance with this policy.

Draft March 2021 v2

Partner Organisation List

Babergh District Council
Endeavour House, 8 Russell Road
Ipswich
Suffolk
IP1 2BX

Telephone: 0300 123 4000
Website: www.babergh.gov.uk
Email: homechoice@baberghmidsuffolk.gov.uk

Braintree District Council
Causeway House
Bocking End
Braintree
Essex
CM7 9HB

Tel: 01376 552525
Website: www.braintree.gov.uk
Email: homechoice@braintree.gov.uk

Eastlight Community Homes
Eastlight House
Charter Way
Braintree
Essex
CM77 8FG

Tel: 01376 535400
Website: www.eastlighthomes.co.uk
Email: enquiries@eastlighthomes.co.uk

Colchester Borough Council
Rowan House
33 Sheepen Road
Colchester
Essex
CO3 3WG

Tel: 01206 282222
Website: www.colchester.gov.uk

Colchester Borough Homes
Rowan House
33 Sheepen Road
Colchester
Essex
CO3 3WG

Tel: 01206 282514
Website: www.colchesterboroughhomes.co.uk
Email: housing.evidence@cbhomes.org.uk

Ipswich Borough Council
Grafton House
15-17 Russell Road
Ipswich
Suffolk
IP1 2DE

Tel: 01473 423000
Website: www.ipswich.gov.uk
Email: homechoice@ipswich.gov.uk

Maldon District Council
Princes Road

Moat Homes Ltd
Mariner House

Draft March 2021 v2

Maldon
Essex
CM9 5DL

Tel: 01621 854477
Website: www.maldon.gov.uk
Email: homechoice@maldon.gov.uk

Galleon Boulevard
Crossways
Dartford
DA2 6QE
Tel: 0845 359 6161
website: www.moat.co.uk
Email: customer@moat.co.uk

Mid Suffolk District Council
Endeavour House, 8 Russell Road
Ipswich
Suffolk
IP1 2BX

Tel: 0300 123 4000
Website: www.midsuffolk.gov.uk
Email: homechoice@baberghmidsuffolk.gov.uk

East Suffolk Council
Riverside
4 Canning Road
Lowestoft
Suffolk
NR33 0EQ

Tel: 01502 523524
Website: www.eastsuffolk.gov.uk
Email: homechoice@eastsuffolk.gov.uk

Flagship Homes
31 King Street
Norwich
Norfolk
NR1 1PD

Tel: 0845 258 6432
Website: www.flagship-homes.co.uk
Email: info@flagship-homes.co.uk

Draft March 2021 v2

Glossary of Terms

Affordable Rent	Local authority or registered provider accommodation let at a higher rent level compared to social rent, normally up to 80% of market rent levels.
ALMO	Arms Length Management Organisation is a not-for-profit company that manages the housing stock and provision of housing services on behalf of a local authority. Ownership of the housing stock remains with the local authority.
Applicants	People who apply to join the housing register who are seeking access to local authority or registered providers' properties for rent or low cost ownership.
Housing Register	The housing register is a list of applicants who want to be considered for social housing. Eligible applicants are able to join the housing register and will be prioritised based on their need for social housing.
Large Scale Voluntary Transfer (LSVT)	Large Scale Voluntary Transfer refers to local authorities that have transferred their housing stock to a RP. The RP owns the housing stock and is responsible for overall management and provision of housing services.
Main homelessness duty (s193 (2)) Effective date	Where the main homelessness duty has been accepted the band B effective date will be the day after the relief duty ended (i.e., day 57) unless they were already in band B with an earlier date. The exception will be where an application is/has been in the 'reduced preference' band: in these circumstances the band B date will only be effective from when the reduced preference reason is resolved
Negotiated tenancy surrender	Applicants in this category will be placed in Band A if tenancy surrender has been negotiated and meets these conditions: • They were a council or RP tenant when taken into custody and the offence did not mean that they had broken their tenancy or the tenant has to go into a mental health or other special facility for an extended period; and • They have or are likely to be sent to prison or an institution for more than 13 weeks (including the time spent on remand) and; • They have conducted their tenancy in a reasonable way and have not broken their tenancy agreement; and • Their rent is up to date: and • They have not been served with a 'notice seeking possession;' and • They offer to end their tenancy Before agreeing to a tenancy surrender, the landlord will agree this with the PO. Tenancy surrenders will not go ahead until the PO gives their written confirmation. Tenancy surrenders are only applicable within the Gateway area of operation.
Nominations	To help POs retain spaces within specialist or supported accommodation, POs have agreed to house a certain number of clients each year from this type of accommodation. These applicants will be placed in either Band A or Band B of the scheme at the discretion of the PO.
Partner Organisation (PO)	The term PO refers to the seven local authorities which participate in the scheme.
Prevention duty	Under the prevention duty, POs will try to help applicants who are both eligible and threatened with homelessness to stay in their current accommodation where it is safe for them to do. If this is not possible, the PO will support applicants to secure alternative accommodation.
Relief duty	Under the relief duty, POs will help applicants who are both eligible and homeless to secure suitable accommodation, with a reasonable prospect that accommodation will be available to them for six months.

Draft March 2021 v2

Registered Provider	RP are private, non-profit making organisations which provide low cost social housing. Sometimes they are referred to as Housing Associations. Where we refer to registered providers throughout the policy, this can also include community land trusts, almshouses and charities
Relationship breakdown of a secure/assured tenant in the sub-region	This applies to existing secure and assured tenants only. If a joint tenant ends the tenancy when moving out, if the remaining applicant qualifies to be offered the same property, they will be offered this property. If they are not offered the property, the remaining tenant will be placed in Band A if they either: • Qualify to be offered a smaller property; or • Qualifies for the property size but does not need the adaptations within the current property If a joint tenant ends the tenancy when moving out, the property is not automatically offered to the tenant remaining. However, if an applicant qualifies to be offered the same property they will be made an offer of that property. If an applicant qualifies to be offered a smaller property they will be placed in Band A and will be able to bid for properties under the scheme. These applicants will be subject to a time limited bidding restriction of 6 months. During these six months, the POs reserve the right to express an interest on the applicant's behalf for suitable properties. If a property is then subsequently refused, the applicant may lose their right to remain in their current property.
Social housing	Social housing is a term used to describe accommodation owned and managed by local authorities and registered providers. This includes accommodation let on social and affordable rent levels.
Social rent	Local authority or RO accommodation let a lower rent level compared to affordable rent.
Stock holding local authority	Stock holding refers to local authority who have a housing stock and are responsible for the overall management and provision of housing services.
Tenant Incentive Scheme	Existing social housing tenants within the Gateway area of operation who wish to downsize into smaller sized social housing.
Threatened with homelessness	A person is 'threatened with homelessness' if they are likely to become homeless within 56 days or if a person has had a valid section 21 notice issued in respect of the only accommodation available for their occupation and the notice will expire within 56 days.

Draft March 2021 v2

Index

A

Additional Preference 4
Allocation of extra-care sheltered housing or very sheltered housing 20
Applicants who have deliberately made their housing situation worse 17
Applicants with a medical or social need for a larger property....19
Applicants' consent and declaration....9
Applications from previous applicants 10
Appropriate bidding for applicants awarded homeless and homeless prevention priority....23
Armed forces....4

B

Band A 13
Band B 13
Band C 14
Band D....14
Band E 15
Band F 15
Bedroom Sizes....19
Bidding Restrictions 22
Bungalows....20
Bypassing an applicant on a shortlist....26

C

Change in Circumstances 11
Closing a Housing Register Application....10
Complaints procedure 28

D

Data protection....11
Demand....3
Direct Lets 21

E

Effective Date....9
Employees and members of the Council or an RP and their relatives 11
Equal Opportunities 3
Exceptions to the Property Size Rules 18
Exclusions....5
Extra rooms for carers 19

F

False Information 6
Feedback 12
Finding a Home 20
Formal Offer....25

H

How to apply for housing....7
How to request a review of a Housing Register Decision 28

J

Joint applications 10

Draft March 2021 v2

L

Local Connection 7
Local Lettings 24

M

Medical Assessments 15

O

Offering properties to tenants who owe rent 25
Offers to Homeless Applicants 26
Owner-occupiers 17

P

Parents with 'staying access' to dependent children or shared residency orders 19

R

Reasonable Preference 4
Rejecting an Offer 25
Renewals 10
Restricted bungalows 21
Right to Move 8

S

Sheltered accommodation 20
Statement on choice 3
Succession rights when a council or RP tenant dies 17
Suspensions 6

T

The Essex-wide agreement for victims of domestic abuse 21
The Housing Ombudsman Service 29
The Local Government Ombudsman 28
Two households forming one household on an application 9
Types of applicants 10

V

Verification 8

W

Welfare 16
Wheelchair, Mobility and Adapted Housing 16
Who can be included on an application 9
Who is eligible to join the housing register? 5

Draft March 2021 v2