



**WOKINGHAM
BOROUGH COUNCIL**

ALLOCATIONS POLICY

November 2014

(Amended March 2015 in line with statutory
guidance)

Definition and Process

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1. ELIGIBILITY AND QUALIFICATION

When an applicant applies for housing, the Local Authority has first to determine whether the person is “eligible” and a “qualifying person”.

ELIGIBILITY

The test of eligibility concerns a person’s immigration status, or their status having spent time living abroad. An applicant may be ineligible for an allocation of accommodation under section 160ZA(2) or (4) of the Housing Act 1996 (as amended).

When assessing whether a person is eligible in this context, the Housing Needs Officer will use Chapter 3 (Eligibility and Qualification) of the *Allocation of accommodation: guidance for local housing authorities in England 2012* and this can be found at www.gov.uk.

QUALIFICATION

Housing authorities may only allocate accommodation to people who are defined as ‘qualifying persons’ (section 160ZA(6)(a)). Subject to the requirement not to allocate to persons from abroad who are ineligible and the exception for members of the Armed and Reserve Forces a housing authority may decide the classes of people who are, or are not, qualifying persons.

The Wokingham Borough Council Allocations Policy has not distinguished any disqualifying persons.

The Allocations Scheme within the Allocations Policy details the anticipated percentages of lets between bands. Allocations will be made according to the scheme, and within bands, according to priority and date order. For the exigencies of the scheme, use of housing stock, and in response to urgent duties, the Senior Needs Officers and Service Manager Neighbourhood Housing have responsibility for any allocations made outside of this route.

The information below describes how an applicant may meet the criteria for a band.

2. BANDING CRITERIA

BAND ONE

Statutory Overcrowding (not just overcrowding, but extreme situations)

A decision about the urgency of overcrowding will be made with reference to Sections 325 and 326 of the Housing Act 1985 and with guidance from Environmental Health Services.

When an application for housing is assessed by a Housing Needs Officer and serious overcrowding is identified, the Needs Officer will discuss the application with a Senior Needs Officer who will (in conjunction with advice from Environmental Health), decide whether the application should be placed in Band One.

Prohibition/Demolition/Closing Order (Environmental Health guidance & where it is not possible to remedy)

If an application is made by a person who is in urgent housing need due to one of the above orders, the Housing Needs Officer will use information provided by Environmental Health to decide on priority banding.

Serious property failure (Social Housing)

Where an applicant is in urgent housing need due to serious property failure, the Housing Manager at the Council or Housing Association will liaise with a Senior Needs Officer who will make the decision of priority banding.

Under-occupying by two bedrooms or more (Social Housing where the vacancy comes back for re-let).

The decision about priority banding for applicants under-occupying social housing by two bedrooms or more will be made by the Housing Needs Officer based on the facts of the household make-up and property.

Urgent health or disability needs (Medical A)

An applicant can apply for re-housing on medical grounds by completing a form and providing supporting documentation. Applications and supporting information is collated by a Housing Needs Officer and presented to the Independent Medical Adviser – IMA - (externally to Wokingham Borough Council) who will make a decision of whether an applicant should be awarded overriding medical priority (Medical A).

If Medical A is awarded the application will be placed in Band One. Within the band, date of award is then the decider between applicants.

Urgent social or welfare needs (Social A)

An applicant can apply for Social Priority where they believe their situation to be:

- Urgent
- Serious
- Unusual
- Enduring
- Cannot be solved any other way

A Senior Needs Officer will consider Social Priority requests and will usually do so in conjunction with support from another professional (e.g. Children's Services, Police).

If Social Priority is awarded the applicant will be placed in Band One and under the priority scheme would be made one offer of accommodation (within their areas of choice). Within Band One, after Medical Priority, the decider among Social Priority A applicants, will be date of award.

Homeless (full duty)

Where a Housing Needs Officer, or Senior Needs Officer has accepted a duty to rehouse a household under Section 193 of the Housing Act 1996 (as amended), the applicant will be placed in Band One. After Medical and Social Priority cases, the decider among homelessness applicants will be date of acceptance decision.

BAND TWO

Within band two, the deciding factor amongst applications is date of application.

Under-occupying by 1 bedroom (social housing)

If an applicant needs re-housing as they are under-occupying their council or Housing Association home by one bedroom the Housing Needs Officer will assess and band their application based on the facts of the household situation.

Move on from Supported Accommodation

Applicants that are in supported accommodation which is not permanent housing are in Band Two. They are eligible to be in this band as they have been living in supported accommodation in order to meet their need for tenancy related support or an assessed social care need and are considered vulnerable due to:

1. Learning Disabilities
2. Mental Health Illness

3. Physical disability
4. Substance misuse
5. A care leaver

The supported accommodation MUST be within Wokingham Borough Council's boundaries. If the accommodation is out of this area then the support MUST already be funded by Wokingham Borough Council.

Also:

- There is a need to move
- The move is supported by Housing Needs and Adult Social Care / Mental Health/Children's Services professionals, particularly if there will be ongoing funded support.
- The applicant has met support planned targets / outcomes
- Has demonstrated their ability to manage a tenancy appropriately, even if there is a need for ongoing support to do this.
- No rent arrears
- No history of anti-social behaviour

A decision about eligibility for Band Two will be made by a Senior Needs Officer or the Senior Needs Officer (Vulnerable People).

As part of the Council's Corporate Parenting responsibilities, Care Leavers who are re-housed into social housing, and then lose this accommodation can be re-considered at a later date (with the support of Social Care staff) under our commitment to allowing more than one chance.

Overcrowding by two or more bedrooms short

If a household are requesting re-housing as they are overcrowded by two or more bedrooms short, a Housing Needs Officer will assess and band the application based on the size criteria set out in the Allocations Policy.

Urgent unsatisfactory housing (Environmental Health defined)

Where Environmental Health support an applicant's request for re-housing due to urgent concerns raised under the Housing Health and Safety Rating System (HHSRS), the Housing Needs Officer will assess and band the application based on the supporting information provided.

Compound needs (two or more categories from Band Three)

Housing Needs Officers will assess applications and where they identify two or more housing need categories from Band Three they will assess and band accordingly.

Members of the Armed and Reserve Forces

Where an applicant meets the criteria set out below, the Housing Needs Officer will assess and band accordingly.

- 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.
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services family accommodation following death of their partner
- Serving members of the Armed Forces leaving service accommodation through no fault of their own and comprise a family with children or fall into one of the priority groups defined by the Housing Act 1996

BAND THREE

Significant health or disability needs (Medical B)

An applicant can apply for re-housing on medical grounds by completing a form and providing supporting documentation. Applications and supporting information is collated by a Housing Needs Officer and presented to the Independent Medical Adviser – IMA - (externally to Wokingham Borough Council) who will make a decision of whether an applicant should be awarded overriding medical priority (Medical A) or Medical B. Medical B is usually awarded to reflect that the household's housing is affected by a medical condition but where the situation is non-urgent.

If Medical B is awarded the application will be placed in Band Three unless their other housing circumstances take them to a higher band.

Significant social or welfare needs (Social B)

An applicant can apply for Social Priority where they believe their situation to be:

- Urgent
- Serious
- Unusual
- Enduring
- Cannot be solved any other way

A Senior Needs Officer will consider Social Priority requests and will usually do so in conjunction with support from another professional (e.g. Children's Services, Police). If a

Senior Needs Officer decides that an applicant's needs meet the above criteria they will be placed into Band One.

If an assessment of the household's housing needs results in all of the criteria above being met aside from overriding urgency, the Senior Needs Officer will assess whether Social Priority B should be awarded and the application placed in Band Three (unless their general housing need places them already in a higher band).

Unsatisfactory housing (Environmental Health defined)

Where Environmental Health support an applicant's request for re-housing due to concerns raised under the Housing Health and Safety Rating System (HHSRS) that the housing conditions may be unsatisfactory, the Housing Needs Officer will assess and band the application based on the supporting information provided.

Overcrowding by one bedroom short

Where an applicant applies for re-housing as they are lacking one bedroom, a Housing Needs Officer will assess and band their application based on the facts of the situation.

Insecure tied accommodation

Many people in tied accommodation join the Housing Register and an initial assessment of their situation may lead them to Band Four (no apparent housing need). Where a household's tied situation has become insecure due to circumstances beyond their control the Housing Needs Officer will assess their application and decide, in conjunction with a Senior Needs Officer whether their circumstances have become insecure and consider that they should be placed in Band Three.

Insecure private rented accommodation

Many people in privately rented accommodation join the Housing Register and an initial assessment of their situation may lead them to Band Four (no apparent housing need). Where a household's privately rented situation has become unusually insecure due to circumstances beyond their control (or shows an unusual pattern of insecurity beyond their control) the Housing Needs Officer will assess their application and decide, in conjunction with a Senior Needs Officer whether and they should be placed in Band Three.

An example of insecurity could mean frequent (e.g. three times in three years) proven need to move due to landlord's giving notice (not due to behaviour of tenant or at tenant's request) for a family with school-aged children.

Homeless (not full duty cases)

Applicants who are homeless or threatened with homelessness within 28 days but are not owed a rehousing duty under Part VII of the Housing Act 1996 are still entitled to

'reasonable preference'. This would not extend to include those who are ineligible for assistance under the Housing Act 1996.

If an applicant has no fixed address or may be 'sofa surfing' we will need to consider their homelessness and whether they are intentionally homeless and if you would not be considered for priority need purposes.

If a person applies and advises that they are homeless (and where we have no statutory duty) we will need to take steps to verify the information provided. We may ask for supporting information such as;

- Doctor's letter with a "care of" address dated within the last 6 months.
- Benefit entitlement letter with a "care of" address.
- Agency support letter (e.g. from Salvation Army, a support agency or the Police)

We will need Information about where the applicants has been staying even if they have been sofa surfing temporarily

If they have been sleeping out, we will need information about where they have been rough sleeping plus validation of their circumstances from e.g. Police, Salvation Army, Support Worker.

Homeless peoples' circumstances vary a great deal and so the above is not an exhaustive list of what we may need, or what information would be sufficient to verify a person's situation.

Armed Forces

If a member of the Armed Forces is leaving accommodation through no fault of their own on discharge, or if a former member of the Armed Forces has housing need they will be assessed and banded by a Housing Needs Officer. Unless their housing circumstances automatically takes them to a higher band they will placed into Band Three.

BAND FOUR

No housing need/adequately housed

Where a household have no housing need and are adequately housed, their application will be assessed and banded by a Housing Needs Officer.

An example of a person with no housing need could be a single person who has their own bedroom but shares the property with their family, or a family who are living in a stable private let that is suitably sized for their needs.

Sharing but not overcrowded

Where a household is sharing facilities but is not overcrowded or in any other kind of housing need, they will be assessed and placed in Band Four by a Housing Needs Officer.

Out of Area

Applicants who live outside of Wokingham Borough will not generally be prioritised for housing under the Allocations Policy. Our priority is to house those applicants who live within the area.

If a Wokingham resident has needed to move to a neighbouring Borough for affordability reasons (e.g. due to the scarcity of privately rented accommodation within the Borough) and applies to join the Housing Register within 12 months of their move out of Borough they will be considered as in area applicants. A Housing Needs Officer will make this assessment and band the applicant accordingly.

If a person who lives elsewhere and has an urgent need for housing in Wokingham (e.g. to provide essential care that cannot otherwise be delivered) an applicant can ask that a Senior Officer consider the facts of the situation and decide whether the applicant should be considered “in-area”.

Wokingham Borough Council has adopted the requirements of the *Right to Move: statutory guidance on social housing allocations for local authorities in England March 2015* and where social housing tenants from other parts of the country meet our criteria (Part 18 of Guidance) up to 1% of annual lets will be made to people with these needs.

Owner Occupiers

Owner Occupiers are generally not prioritised for most social housing (and are placed in Band Four when their application is assessed by a Housing Needs Officer). This rule does not apply to some Extra Care Housing where applications from owner-occupiers can be accepted. Owner Occupiers include those who have:

- An interest in a property as a free holder or leaseholder in the UK or anywhere else in the world
- Part ownership of a property under a Shared Ownership Scheme
- Ownership of mobile homes, houseboats and accommodation on seasonal holiday parks

A housing opportunity for an owner occupier applicant may come about if a vacancy arises that has not been accepted by anyone in Bands One to Three, or Band Four within-area or outside the area. The likelihood of this happening, however, is low.

If an applicant who previously owned a property has sold, they will be required to provide evidence of the sale and of the profit received. If no monies were received from the sale, this will also need to be evidenced. A redemption statement from the mortgage lender or a

completion statement from the solicitor who acted on their behalf during the sale, will be accepted as evidence. Similarly, if a person has owned a property in the past and been repossessed, we will need to see evidence or verification of this.

If an applicant has disposed of capital without making adequate housing arrangements, for example, gifting the capital to relatives or friends, they will not be prioritised.

Savings/Capital

Those who do not own accommodation but have sufficient savings (£60,000 or more) to buy a property (or share in a property, or fund a privately rented home) will not be prioritised.

An applicant may have housing need (e.g. overcrowding) but if their savings/capital is £60,000 or more, when their application is assessed by a Housing Needs Officer, they will be placed in Band Four.

Income

Gross household income (of sole and joint applicants together) will be taken into consideration. Depending on the bedroom size needed, working age applicants with the income thresholds set out below will be placed in Band Four as they are deemed to have sufficient financial resources to pay a market rent or buy a home in the Borough and so even if they have housing need, their application when assessed by a Housing Needs Officer will be placed in Band Four.

- One bedroom need - £40,000 per annum¹
- Two bedroom need and above - £60,000 per annum²

3. Other Issues Affecting Banding

Unacceptable Behaviour or Actions

When deciding whether or not an applicant is eligible for housing, Wokingham Borough Council may decide that the applicant should be deprioritised if satisfied that;

- The applicant or members of the household have been guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant of social housing

An assessment of the facts of each individual application will be made by a Senior Officer who will be responsible for the decision to de-prioritise.

Rent Arrears

¹ Figure as at October 2014 - Subject to annual review

² Figure as at October 2014 - Subject to annual review

If a Social Housing tenant applies for a transfer and has housing need and would ordinarily be in Bands One to Band Three they will be deprioritised if their rent account is in arrears (until their account is cleared).

Requests for exceptional consideration can be made to a Senior Officer. The Senior Officer will look at the individual circumstances and will consider;

- Urgency/seriousness of housing need
- Payment history
- Level of arrears

Deliberate Worsening of Circumstances

The Housing Needs Team will assess every application to confirm the applicant is in the housing need they have described on their application form.

If there is evidence that a household has knowingly acted in a way to try and increase priority for housing, (when there was an alternative option which would not have resulted in a higher priority), then the Council reserves the right to place the application into the appropriate band as though the latest move had not happened.

Examples of deliberate worsening of circumstances might include:

- Selling a property that is affordable and suitable for an applicant's needs
- Moving from a secure Assured Tenancy to insecure, overcrowded accommodation, where there is no good reason for this move
- Where there is evidence that it was reasonable for an applicant to have remained in their original accommodation.

The purpose of this policy is to provide a disincentive for households to worsen their housing circumstances to try and achieve a higher priority for social housing. A Senior Needs Officer will make the decision that an applicant has deliberately worsened their circumstances to take advantage of the banding system.

4. Working People and Volunteers

Wokingham Borough Council has a commitment through the Housing Allocation Policy to help those in housing need who are working and volunteering and will let up to 10% of the overall general needs lettings per year to local people who are working and volunteering. The 10% would represent those households who would not necessarily be next for re-housing. Within the mainstream letting process and banding system, working people and volunteers will naturally feature in the cohorts.

Mechanism for additional help to working people and volunteers

Working with our Housing Association partners, and with our own stock we may identify re-let and new-build properties that will be targeted for working people/volunteers.

Households with the necessary household size and who have chosen the geographical area will be shortlisted. Of these, another shortlist will be run to select those living in Wokingham Borough with employment (permanent employment or a steady pattern of temporary contracts over the preceding two years) or undertaking voluntary work.

Numbers will be monitored at the end of each quarter.

5. Decisions and Reviews

We will inform applicants that they have the right to information about certain decisions which are taken in respect of their application and the right to review those decisions (s.166(1A)) of the Housing Act 1996, as amended.

By virtue of s.160ZA (9) and (10) we will notify an applicant in writing of any decision that he or she is **ineligible** for an allocation of accommodation under s.160ZA(2) or (4).

Applicants also have the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them (s.166A(9)(b)). For example, if an applicant is de-prioritised or if they disagree with the decision reached concerning the band in which they have been placed.

Procedures on review

Applicants will need to submit their review request within 21 days from the date notified of the decision. We retain the discretion to extend this time limit in exceptional circumstances. The review should be made in writing, and that it would also be acceptable for the request to be submitted by a representative on their behalf and, if needed, verbal representations could also be made.

The review will be carried out by an officer who is senior to the person who made the original decision. For example, if a decision is made by a Housing Needs Officer, then the review would be considered by a Senior Needs Officer and this chain would follow the hierarchy to Head of Housing and Strategic Director.

The review will be completed wherever practicable within eight weeks of receipt. If additional time is needed we would notify the applicant of the reason for the extensions.

We will notify applicants in writing of the outcome of the review and will explain the reasons for the decision.