



# **BARNSELEY METROPOLITAN BOROUGH COUNCIL**

## **LETTINGS POLICY 2022**

**Effective from 3 February  
2022**

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## **1. Introduction**

This Lettings' Policy explains how Barnsley Metropolitan Borough Council (BMBC) lets Social Housing in Barnsley. The policy is implemented on behalf of BMBC by Berneslai Homes.

## **2. Aims and objectives**

This Lettings' Policy reflects the National Government Agenda for Choice in Lettings and is consistent with legislative requirements set out in the 1996 Housing Act (as amended by the Homelessness Act 2002), The Localism Act 2011 and The Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (S1 2012/1869). This Lettings' Policy supports the Council's corporate objectives and its Tenancy Strategy and Tenancy Policy.

There are several key objectives of this Lettings' Policy.

- To contribute to the development of balanced and sustainable communities.
- To create and, wherever possible, maximise choice for housing applicants.
- To provide flexible and affordable housing options which meet needs and expectations.
- To promote social inclusion.
- To make effective use of the housing stock.
- To minimise relet void periods.
- To minimise the incidence of difficult to let property.
- To promote and achieve equality of opportunity.
- To let Council accommodation fairly in an open and transparent way.
- To adhere to relevant legislative and regulatory framework.
- To assist the Local Authority in meeting its statutory and corporate responsibilities towards Barnsley residents.

A comprehensive and transparent Code of Guidance and a set of clearly understandable information leaflets will support the policy.

### **3. Equality and Diversity**

This Lettings' Policy recognises, respects and responds to the needs of diverse individuals and communities. The Lettings' Policy supports Barnsley Council's single equality scheme and key equality priorities and Berneslai Homes' Equality, Diversity and Inclusion Policy and Corporate Equality Action Plan.

We comply with equality laws, and we review all our policies regularly to ensure we work to best practise principles and keep up to date with changes in the law. By equality laws, we mean those covering people with the following protected characteristics:-

- Age
- Disability
- Gender
- Gender identity
- Marriage and Civil Partnerships
- Pregnancy and maternity
- Race, colour and national and ethnic origin
- Religion and belief
- Sexual orientation

The Lettings Policy has been subject to an Equality Analysis prior to implementation.

This policy enables all eligible applicants to access the Housing Register. It ensures we assess all applicants for housing on the basis of their individual needs. In addition, our assessment will identify any special requirements, so that we can remove potential barriers. For example, language barriers, barriers to making bids for vacant homes due to learning difficulties, visual impairments, mental health issues, or any other reason.

Where, in this policy, we refer to advising applicants 'in writing', we will ensure that, wherever possible, we use an alternative or preferred method to remove communication barriers. This could include large print, telephone or face to face interpreting (including British Sign language), email and verbal communication.

### **4. Data Protection and Rights to Information**

We aim to provide excellent customer service to applicants for the Housing Register. This includes a right to confidentiality and right to certain information.

#### **Right to Confidentiality**

- We will not divulge (without their consent) information about a housing applicant. This includes the fact that they are an applicant.

*This is in line with section 166(4) of the Housing Act 1996 as amended by the Homelessness Act 2002*

## **Right to Information**

- An applicant has the right to see information held about them on the Housing Register. We will provide this information within 30 days of their request and it will be free of charge.

*This is in line with section 166(4) of the Housing Act 1996 as amended by the Homelessness Act 2002*

- After we have completed a full assessment, we will inform an applicant about their priority on the Housing Register.
- We will provide information, through the Berneslai Homes' website ([www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk)), about property types they are eligible for.
- We will provide, through Berneslai Homes website, feedback information about the lettings undertaken so that the applicant can estimate the length of time they are likely to have to wait before being rehoused. This will be provided on a weekly basis on Berneslai Homes' Website..

*This is in line with Section 167(4A) (a) of the Housing Act 1996, as amended by the Homelessness Act 2002.*

We will inform an applicant if they have been given any priority status on the Housing Register.

*This is in line with section 167(4A)(ai) of the Housing Act 1996.*

- An applicant has the right to request that we inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

*This is in line with the Housing Act 1996 section 167(4a)(c) as amended by Section 16 of the Homelessness Act 2002.*

- The applicant has a right of appeal against any decision we make about their application. Their right to appeal is set out in section 10 of this policy.

*This is in line with the Housing Act 1996 section 167(4a)(d) as amended by Section 16 of the Homelessness Act 2002.*

- We will publish the full copy of this Lettings' Policy and the associated Code of Guidance on Berneslai Homes' website ([www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk)) and make it freely available to any person who requests it.

## **5. Summary and Overview**

Barnsley Metropolitan Borough Council (BMBC) Housing Register is a combined register, which includes the following categories of applicant:-

- General applicants (those not currently a BMBC tenant).
- Transfer applicants (those who are currently a BMBC tenant).

It is fully choice based lettings system.

Applicants can apply for a range of property types within any area across the borough.

We assess eligible applicants into one of 5 priority bands according to their individual circumstances. Bands 1 to 3 are prioritised in date order of entry to the band and are time limited. Bands 4 and 5 are prioritised in date order of application.

We will advertise vacancies through Berneslai Homes website.

We encourage applicants to apply for suitable vacancies in accordance with any eligibility criteria

For 90% of all vacancies we will make an offer for a vacancy to the highest priority applicant who has expressed an interest in that vacancy and is eligible for it (subject to a final re-assessment). 10% of all vacancies will be offered on the basis of an applicant's time on the waiting list and not the priority of their application

We may reduce the priority of applicants in Bands 1-3, if applicants do not apply for vacancies or unreasonably refuse an offer.

In some instances we will not advertise a vacancy. These will be emergency cases where accommodation is needed immediately. For example fire, flood, or to meet other contractual or statutory obligations.

Applicants can appeal against any decision we make about their application (see Section 10).

## **6. Applying for Housing**

### **6a. Who is eligible to join the Housing Register**

We operate an open waiting list that, subject to certain exclusions, outlined overleaf, will be open to everyone over the age of 16 who is eligible for Social Housing in the UK.

Applications cannot be accepted from:

- People who are subject to immigration control within the meaning of the Asylum & Immigration Act 1996 or any subsequent Immigration legislation.
- People from outside the United Kingdom who fail the habitual residence test.
- People from outside the United Kingdom who are in breach of, or whose residence does not comply with, European Union of Rights of Residence Directive and Statutory Instruments.
- Applicants who are not a 'qualifying person' as set out in 6d and our Qualification criteria (Appendix 1).
- People from abroad who the Secretary of State determines are ineligible.

If we receive applications from people in the above categories we will inform them, in writing, that they are ineligible to appear on the Housing Register. This confirmation will be within 5 working days of the decision being made. Applicants deemed ineligible to appear on the Housing Register can appeal against that decision, however the council must follow legislation in respect on who is legally eligible to join the waiting list..

#### **6b. Age Limit**

The minimum age for inclusion on Barnsley MBC Housing Register is 16. There is no upper age limit.

However, we will only allocate a tenancy to an applicant under 18 in exceptional circumstances and after we have completed a Special Assessment which includes arranging a suitable support package and tenancy guarantor (litigation friend) and where the applicant can demonstrate being able to maintain a tenancy with or without support.

#### **6c. Removing applicants from the Housing Register**

The Housing Act 1996, as amended by the Homelessness Act 2002, allows us to remove people from the register for a temporary period for the following reasons:-

- They fail to provide further information that has been requested. This is determined by Section 166(3) of the 1996 Act as amended by section 15 of the Homelessness Act 2002 and any subsequent legislation/ Secretary of State statutory guidance.
- They appear to no longer be an eligible person.
- If new information comes to light which affects the original application.
- Where the applicant will not engage with support needed to maintain a satisfactory tenancy



Where we remove applicants from the Housing Register for any of the above reasons, we will advise them of the decision, in writing, within 5 working days of the decision being made.

Applicants have the right of appeal within 6 weeks of the receipt of the decision (see Appeals' Process section 10).

#### **6d. Housing register qualification criteria**

The qualification criteria for applicants wishing to join their housing register, is designed to address local priorities and needs. This includes giving reduced preference to applicants because of their previous conduct, which might include anti-social behaviour or rent arrears.

The following factors will be taken into account in deciding whether an applicant is a qualifying person:

- residence or local connection with the area
- previous/ current rent arrears
- previous/ current antisocial behaviour
- positive behaviour

Full guidelines are set down in the Qualification Criteria contained in Appendix 1 of this document.

#### **6e. Suspending applicants from the Housing Register**

There may be applicants whose circumstances mean that they do not qualify to join the Housing Register as set out in section 6d above and Appendix 1. However, we may, in some circumstances, suspend an application from the Housing Register, for up to a maximum of 12 months, whilst investigations take place or until the applicant remedies the issue. . Where we suspend an application, we will place a time limit on the suspension, which is based on the nature of the issue and reasonable prospects of making the changes necessary. We will automatically review our decision at the end of the period of suspension. The maximum suspension period is no more than 12 months, after which time an application will be reviewed. The applicant will then either be:-

- Advised that they do not qualify to join the Housing Register under the terms set out in Appendix 1 of this policy; or
- Allowed to appear on the register.

Grounds for suspension are set out in the Qualification Criteria set out in Appendix 1.

We will advise suspended applicants of our decision, in writing, within 5 working days of a decision being made. This will include the length of time the application is suspended and what steps are needed to qualify for joining the housing register.

Applicants have the right of appeal within 6 weeks of the receipt of the decision (see Appeals' Process section 10).

#### **6f. Deferring applicants from the Housing Register**

We do not defer housing applications as it is a fully choice based lettings system and applicants can choose to apply for properties or not. This would not apply to applicants in priority Bands 1-3 who will be expected to be actively looking for and making regular applications for vacancies. Applicants in Bands 1 to 3 not actively looking for accommodation or asking for their application to be deferred will be placed in Band 4 until they actively begin applying for vacancies and/or ask for the deferment to end. In either case a new assessment of priority will be made. .

#### **6g. Applications from BMBC Councillors or Board Members of Berneslai Homes and their close relatives or staff of BMBC or Berneslai Homes and their close relatives**

Councillors, Board Members, BMBC and Berneslai Homes' staff and close relatives of Councillors or staff can apply to join the Housing Register. Upon application, they must acknowledge their position within the Council or Berneslai Homes or their relationship to the Council or Berneslai Homes.

Upon joining the Housing Register they will be neither advantaged nor disadvantaged as a result of their position or relationship.

Lettings to Councillors, Board Members, staff and close relatives of Councillors, Board Members or staff where the Councillor, Board Member or member of staff has a position which could reasonably influence the Lettings' Process require approval by the appropriate service Director within Berneslai Homes. If there is a conflict of interest from this officer, then the offer must be considered for approval by the Berneslai Homes' Chief Executive Officer.

#### **7. How we decide priority**

The Housing Act 1996 Section 167 as amended by the Homelessness Act 2002, Homelessness Reduction Act 2017 and central Governments' Allocation of Accommodation: guidance for local housing authorities in England dated June 2012 and any subsequent statutory guidance received sets out the categories of people who we must give reasonable preference for accommodation. This includes the following categories.

- People who are homeless or threatened with homelessness (within the meaning of part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002 and The Homelessness Reduction Act 2017).
- People owed duties under section 190(2b), 192(2), 193(2) or 195(2) of the 1996 Housing Act as amended by the Homelessness Act 2002.
- People owed duties under section 195 of the Housing Act 1996 (Prevention) and 189B(2) (Relief) under The Homelessness Reduction Act 2017

- People living in overcrowded housing or housing which is in such poor condition that it is a risk to the health and safety of the occupants.
- People who need to move on medical or welfare grounds.
- People who need to move to a particular locality in the district and where failure to meet that need would cause hardship (to themselves or to others).
- Current and former members of HM Forces and the spouses of deceased members of HM Forces (see Section 7a ii)

This policy has been developed and is designed to give reasonable preference to such applicants.

When awarding priority we take into account:-

- A person's ability to resolve their own housing situation. This includes the financial resources available to a person to meet their housing costs.
- The reason for their current housing situation.
- Their housing requirements;
- Their support needs and desire to engage with any support needs identified; and
- Any local connection they have with the borough in accordance with the local connection criteria contained within this policy. .

The full priority scheme is listed below.

### **7a. The Barnsley Housing Register Priority Scheme**

BMBC Housing Register is a combined register, which includes the following categories:-

- **General** applicants (those not currently a BMBC tenant).
- **Transfer** applicants (those applicants who are a current BMBC tenant).

We assess all applications as set out in section 8 of this policy.

We award priority according to the circumstances of the individual households.

We assess applicants into one of 5 priority bands (see below) according to their circumstances and needs. This assessment is a composite assessment and takes full account of the applicants combined circumstances **and** their ability to resolve their own housing situation. This means that an applicant having more than one lower priority need for re-housing may have a composite assessment for a higher priority band or it may mean that we award lower priority to an applicant with a high need for re-housing but who can resolve their own housing situation.

The bands are managed in date order. Bands 1 to 3 are managed in date order of entry to the band. Bands 4 to 5 are managed based on the original

application date. This means that the applicant who has been in each band for the longest period of time has the highest priority within that band. However, whilst the **primary** factor is waiting time in need, where necessary, we will make a final reassessment of priority between interested applicants in the **same** band before we make an offer. This final reassessment means that, in exceptional circumstances, or where there has been significant change in an applicant's circumstances, we **may** make an offer to an applicant who may not have been waiting as long.

This is to ensure that we take into account factors other than waiting time and make the offer to the right applicant based on:-

- Their re-housing priority for that particular vacancy.
- Their time in need.
- How well they match the requirements of the advertised vacancy.
- Any changes in their circumstances.
- Our obligations under law.
- Their need for a particular property type and/or locality; and
- Our need to make the best use of our housing stock.
- The need to maintain community cohesion on a particular estate.

There are clear guidelines around this final level of assessment in section 9g. Any decision to offer to an applicant who has been waiting less time will be authorised by a senior designated officer within Berneslai Homes and our reasons will be recorded as set out in section 9g.

The 5 bands are:

- **Band 1**
- **Band 2**
- **Band 3**
- **Band 4**
- **Band 5**

Applicants in bands 1 to 3 must reside in, or have a local connection with, the Borough as defined in this policy and by any current legislation.

#### **7a(i) Deliberate worsening of circumstances**

We do not award higher priority where we have evidence to suggest that an applicant has deliberately worsened their housing circumstances. In these instances we will award the priority that they would have been entitled to had they not worsened their housing circumstances.

#### **7a(ii) Local Connection**

A person has a local connection in the following circumstances.

- They have lived for 3 out of the last 5 years in Barnsley or have lived in Barnsley for 6 months out of the last 12 months.
- They are currently employed in the Barnsley area.
- They have close family who have lived in Barnsley for 3 out of the last 5 years or have lived in Barnsley for 6 months out of the last 12 months. Close family are parents, grandparents, sons and daughters and siblings
- Members of the Armed Forces and former service personnel, where the application is made within five years of discharge from HM Forces.
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or civil partner
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partly attributable to their military service.
- They have other special circumstances that connect them to Barnsley.
- They have been deemed to have a local connection under current homelessness law.

If a person has a local connection they are assessed as if they lived within the borough and as such can be awarded priority in bands 1 to 4.

However, if a person has **no local connection** with the borough they will be assessed into one of two priority categories:

- Re-housing need. – They will be added to band 4
- No Re-housing need – They will be added to Band 5

A person with no local connection cannot appear in bands 1 to 3.

## **7b. Band 1**

This band is for people in emergency need who require immediate re-housing and who are unable to resolve their own housing need. We arrange priority within Band, 1 in the first instance, in date order of entry into Band 1 and not by the original application date. Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

It will be for the following categories of cases (but not exclusively). It may also be that some applicants who are awarded emergency priority have several urgent re-housing needs which, when combined, raises their priority to emergency.

- **Homeless full duty**

People determined as homeless with a full duty under the provisions of the Housing Act 1996 as amended by the Homelessness Act 2002.

- **Homeless relief duty**

This band will be awarded where, following an assessment, the Council's

Housing Options, Advice and Homeless Prevention Service is satisfied the applicant:

- (a) is homelessness, and
- (b) is eligible for assistance, and
- (c) has a local connection with the borough (as set out in s199(1) Housing Act 1996)

- **Severe medical needs**

This category includes people who have a severe and permanent physical medical need or severe mental health issues or severe sensory impairment. They will be at severe risk in the immediate future and their current housing is having a serious detrimental impact on their health and their ability to live independently. This includes applicants leaving hospital and who cannot return to their existing accommodation and those with a likely admission to residential care or hospital if they are not rehoused.

In awarding Band 1 priority for medical grounds we must be satisfied that there is a **severe** risk in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Severe social and welfare circumstances**

This category will include people who we are satisfied are at **severe** risk of harm in their present accommodation. This includes, but is not exclusive, applicants suffering domestic violence, racial harassment, homophobic harassment and witnesses of crime, victims of crime and those suffering as a result of Anti-Social Behaviour (ASB).

In awarding Band 1 priority for social and welfare grounds we must be satisfied that there is a **severe** risk of harm in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Demolition and Compulsory Purchase Orders (CPO)**

This category includes people who are affected by demolition and compulsory purchase orders issued through Barnsley Council. It includes any BMBC tenants and residents whose homes are being demolished through regeneration schemes and who we have assessed under our special management lettings' rules as requiring priority Band 1. (See section 11).

- **Special Management Applicants**

This category includes special management applicants who we consider to be Band 1 priority. See section 11 for more details about special management lettings.

- **Care leavers / Shared Lives**

This category is for young people leaving the care of Barnsley's Local Authority or older people leaving the Barnsley Council's shared lives service who are considered to be able to maintain a tenancy with or without support. Band 1 will be given to single applicants for a bedsit or 1 bedroom accommodation only, unless there are other factors to be taken into consideration. For example the applicant needs 24 hour on site support or the applicant has children/ live in carers etc

Care Leavers/Shared Lives Service leavers can make applications for 2 bedroom properties. However, the Band 1 priority will not apply for 2 bedroom homes unless there are any other factors e.g. medical conditions which establish a need for 2 bedroom accommodation.

#### **7b(i). Band 1 - Time Limit on priority**

To ensure that applicants take responsibility for securing alternative and suitable accommodation there is a 3 month time limit of their priority status. This also ensures that applicants in Band 1 are not simply waiting for a specific vacancy to the detriment of other priority applicants.

After 3 months we will reduce priority to Band 2 if the applicant has not been applying for suitable vacancies or has refused a suitable offer of accommodation. We will not remove priority where the applicant has been applying for suitable vacancies or where suitable vacancies have not arisen in the 3 month period.

If we reduce priority when they have previously been in Band 2, they will return to Band 2 from that assessment date. If they have not previously been in Band 2 they will enter Band 2 from the Band 1 assessment date.

We will warn applicants of this possibility in writing, to give the applicant the opportunity to raise any concerns. This gives them time to reconsider their options, make suitable applications for vacant properties or contact us to tell us if they believe we should reconsider their priority.

We will give them advice about the availability of properties and they will be encouraged to widen their choice of area, and/or property type, if immediate re-housing is not possible.

Where we have removed priority, we will inform applicants in writing. They then have up to 6 weeks to appeal against this decision if they disagree with the decision taken.

#### **Homeless Full Duty applicants – time limit**

We are prevented, under the terms of the Housing Act 1996 (as amended by the Homelessness Act 2002) and any subsequent Homelessness legislation, from automatically reducing priority for homeless applicants who have been in Band 1 for 3 months, unless BMBC Housing Options, Advice and Homeless Prevention Service have discharged the Council's duty under the terms of the

act. After 3 months, the Housing Options, Advice and Homeless Prevention Service will review the status. They will review the case and will either:

- Discharge duty by making one reasonable offer of accommodation; or
- Extend their right to remain in Band 1.

Where BMBC Housing Options, Advice and Homeless Prevention Service have discharged duty, the housing application will be re-assessed in line with the Lettings Policy and the appropriate level of priority awarded based on the individual applicants circumstances.

### **Homeless Relief Duty applicants – time limit**

There is no blanket policy for the length of time a Band 1 award for homeless relief will be in place. On a case by case basis the award time scale will be based upon on-going assessment with consideration given to:

- The time scales provided in legislation for homeless relief
- The specific circumstances and needs of the applicant, and
- The applicant's cooperation with actions set out in the personal housing support plan.

A Homeless Relief band 1 award may be brought to an end where:

- The applicant refuses a suitable offer of accommodation, or
- Unreasonably refuses to cooperate with the actions in the personal housing support plan.

Ending a priority award for either of the reasons above may also have the effect of ending any on-going duty that may have been owed, however on-going duties to provide advice and assistance will continue up to the end of the relief duty.

The decision to end this priority status under Homeless Relief will be made by Housing Options, Advice and Homeless Prevention Service. If a decision is made to end this priority status for homeless applicants the priority will be reduced to Band 4 with the original date of application or suspended whilst further enquiries are made.

### **7b(ii). Band 1 - Applying for vacancies**

Applicants within Band 1 will be able to exercise choice, through the open advertising process, about where and what property type they require. We will advise them of their need to actively apply for suitable vacancies and the possibility of having their priority reduced if they fail to make suitable applications for advertised properties.



We will, with the approval of the applicant and in accordance with the 'Search & Apply' service, routinely apply for suitable vacancies on behalf of vulnerable applicants in Band 1.

#### **7b(iii). Band 1 refusals**

Refusals of reasonable offers of accommodation, lack of co-operation or uptake of advice may result in the applicant being moved to Band 2 or being suspended whilst further investigations are completed.

Following a refusal of a property, where the applicant has previously been in Band 2 they will return to Band 2 from that assessment date. If they have not previously been in Band 2 they will enter Band 2 from the Band 1 assessment date.

We will advise applicants, in writing, of our decision to reduce priority. They have 6 weeks to appeal against this decision.

#### **Refusals for homeless Full Duty Band 1 applicants**

For homeless applicants, the refusal of a suitable offer of accommodation may result in the Authority determining that it has fulfilled its obligation under the 1996 Housing Act as amended by the Homelessness Act 2002 and any subsequent legislation. If this is the case the level of priority will be reduced. The level of banding to be awarded will be decided taking into account the specific circumstances and needs of the household.

If the authority decides that they have discharged duty written notification will be given to the applicant, and inform the applicant of their right to request a review within 21 days of the date they receive written confirmation. The appeal must be made to the Council's Housing Options, Advice and Homeless Prevention Service.

#### **Refusals for homeless Relief Duty Band 1 applicants**

Where an applicant is owed a homeless relief duty and unreasonably refuses a suitable offer of accommodation, this will have the effect of ending the relief duty and the band 1 award.

Where an applicant is owed a homeless relief duty and unreasonably refuses a suitable 'final' (s189B (9) (a)) offer of accommodation, this will have the effect of ending the relief duty and any subsequent (main housing) duty that may have been owed.

The applicant will be notified in writing that the relief duty has come to an end and advised of their right to request a review of the decision within 21 days to the Housing Options, Advice and Homeless Prevention Service.

Where Band 1 for Homeless relief is ended the priority award will be reduced to Band 4.

In situations where Band 1 is removed but there are issues affecting the household, other than homelessness, e.g. overcrowding, medical needs etc., a 'composite assessment' of the housing application will be carried out. This will take into account the whole housing needs of the household, to determine whether any additional priority may be awarded under the general lettings policy 'reasonable preference' criteria.

### **7c. Band 2**

This band will be for applicants whose housing need is very urgent and who are unable to resolve their own housing circumstances.

We arrange priority within Band 2, in the first instance, in date order of entry into Band 2 and not by the original application date. Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

It may also be that some applicants who are awarded Band 2 priority have several less urgent re-housing needs which, when combined, raises their priority to Band 2.

As with Band 1, applicants within this band will be able to exercise their choice about where, and what property type, they require. We will give advice about the availability of their required property type and we will encourage them to widen their areas of choice if immediate re-housing is not possible.

This will include (but not exclusively) the following categories of applications.

- **High level medical needs**

This category includes people who we are satisfied have high level and permanent physical medical need or **high-level** mental health issues or high-level sensory impairment. They will be at **high** risk in the immediate future and their current housing is having a detrimental impact on their health and their ability to live independently.

In awarding Band 2 priority for medical grounds, we must be satisfied that there is a **high** risk in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **High level social and welfare grounds**

This category includes people who we are satisfied are at **high** risk of harm in their present accommodation. This includes applicants suffering domestic abuse, racial harassment, homophobic harassment, witnesses of crime, victims of crime and those suffering as a result of ASB.

In awarding Band 2 priority for social and welfare grounds we must be satisfied that there is a **high** risk of harm in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Foster Carers or Adoptive Parents**

This category is for those applicants who are Barnsley Council foster carers, prospective foster carers or adoptive parents whose current accommodation is unsuitable for fostering or adoption. References will be required from the appropriate Children's Service within BMBC.

- **Statutory overcrowding**

This category is for applicants who are overcrowded as defined by the Housing Act 1985.

- **Disrepair** (For non-Council or Housing Association dwellings)

This category is for applicants whose current home is in such poor repair, or lacking facilities, to such a degree as to be a risk to the health and safety of the applicant and others included in the application **but** where, under the terms of the Housing Act 1996 as amended by the Homelessness Act 2002, the applicants would not be deemed statutorily homeless.

Disrepair will be inspected and assessed by BMBC's Regulatory Services' section.

We will only award priority for this category in the following circumstances and where Regulatory Services recommend.

- Where the tenant has contacted the landlord but where there is too great a risk to the health and safety of the occupants to remain in the property whilst remedial work is undertaken.
- Where BMBC intends to commence enforcement action against the landlord and there is too great a risk for the applicant's health and safety to remain in the property whilst enforcement is progressed.

We will not award priority where the occupant is not co-operating with the landlord's attempts to rectify the defects.

- **Homeless Prevention Duty is Owed**

This band will be awarded where, following an assessment, the council is satisfied the applicant is —

- (a) threatened with homelessness and homelessness cannot be avoided, and:
- (b) Eligible for assistance

This award will be applied on condition that the applicant is cooperating with required actions, as set out in their personal housing plan, to resolve their housing problem.

This priority will not be awarded where applicants have deliberately worsened their housing situation.

- **Special management lettings category**

This includes applicants who we assess under our special management lettings rules as requiring Band 2 priority (See section 11).

- **Members of HM Forces due to leave the service within 13 weeks or bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.**

This category is for Forces Personnel or bereaved spouses/civil partners of forces personnel leaving HM Forces/Services Family Accommodation and is within 13 weeks of their confirmed discharge date/ date required to vacate Services Family Accommodation.

We may increase priority for this category of applicants where the date of discharge/ required to leave Services Family Accommodation is nearing and where they are determined as homeless within the terms of the Housing Act 1996 as amended by the Homelessness Act 2002 and subsequent legislation/ statutory guidance.

- **Current Barnsley Council or Housing Association tenants, living in Barnsley who are under occupying their current home**

This category is for people who are currently a tenant of a Barnsley Council or Housing Association home, who are under occupying that home and who, if moved, would release **two or more** bedrooms. For example, a single person living in a three bedroom Barnsley Council home who were seeking a one bedroom home.

- **Applicants who have a right to succeed to a Barnsley Council tenancy under Housing Act 1985 Part 1v**

This category is for people who have succession rights, as defined in the

Housing Act 1985 and subsequent legislation, but whose home is unsuitable for their current needs or a unit of specialist accommodation for which the successor does not qualify.

- **Applicants who currently hold a Flexible Tenancy with Barnsley Council where that tenancy has come to an end.**

This category is for people who currently hold a Flexible Tenancy with Barnsley Council under the Tenancy Policy applicable at the time of application, where that tenancy is coming to an end, there are no Anti-Social Behaviour issues, are able to maintain a tenancy and the tenant has no means to meet their own housing need.

**Band 1 applicants who have exceeded their Band 1 time limit, have not been applying for vacancies, or have refused a reasonable offer of accommodation**

#### **7c(i). Band 2 – Time limit on priority**

##### **Homeless Prevention – Band 2**

There is no blanket policy for the length of time Band 2 awards for homeless prevention will be in place. On a case by case basis the decision to extend or remove Band 2 will be based upon an on-going assessment and consideration to:

- The time scales for prevention activity provided for in legislation
- The specific circumstances and needs of the applicant,
- The applicant's cooperation with actions set out in the personal housing support plan, and
- Where remaining in Band 2 would prevent temporary accommodation placements.

A Homeless Prevention band 2 award may be brought to an end where:

- The applicant refuses a suitable offer of accommodation or
- Unreasonably refuses to cooperate with the actions in the personal housing support plan.

The decision to end this priority status will be made by Housing Options, Advice and Homeless Prevention Service. If a decision is made to end this priority status for homeless applicants the priority will be reduced to Band 3 with the original date of application.

The applicant will be notified in writing that the prevention duty has come to an end, providing an explanation as to the reason, and advised of their right to request a review of the decision within 21 days to the Housing Options, Advice and Homeless Prevention Service.

##### **Other Band 2 awards**

For none homeless applicants, to ensure that applicants take responsibility for securing alternative and suitable accommodation there is a 6 month time limit

on Band 2 priority status. This also ensures that applicants in Band 2 are not simply waiting for a specific vacancy to the detriment of other priority applicants.

After 6 months we will reduce priority to Band 3 if the applicant has not been applying for suitable vacancies. We will not remove priority where the applicant has been applying for suitable vacancies or where suitable vacancies have not arisen in the 6 month period.

If they have previously been in Band 3 they will return to Band 3 from that assessment date. If they have not previously been in Band 3 they will enter Band 3 from the Band 2 assessment date.

We will warn applicants of this possibility in writing. This will be 4 weeks before their priority is reduced. This gives them time to reconsider their options, make suitable applications for vacancies or contact us to tell us if they believe we should reconsider their priority.

Where we have reduced the priority for none homeless applicants we will inform applicants in writing. They then have up to 6 weeks to appeal against this decision.

#### **7c(ii). Band 2 - Refusals**

##### **Homeless Prevention Band 2**

Applicants refusing a suitable offer of accommodation whilst in Band 2 for homeless prevention will be notified in writing that the prevention duty has come to an end and advised of their right to request a review of the decision and reasons within 21 days to the Housing Options, Advice and Homeless Prevention Service.

In this situation the priority may either be reduced to band 3 or their application placed in pending whilst further enquiries are made.

##### **Other band 2 applicants**

Unreasonable refusals of offers, lack of co-operation or uptake of advice may result in the applicant being moved to Band 3 or being suspended whilst further investigations are completed.

If they have previously been in Band 3 they will return to Band 3 from that assessment date. If they have not previously been in Band 3 they will enter Band 3 from the Band 2 assessment date.

We will inform applicants of this decision in writing. They then have 6 weeks to appeal against this decision.

#### **7d. Band 3**

This band will be for applicants whose housing need is urgent and who are unable to resolve their own housing circumstances.

Priorities within Band 3 are arranged, initially, in date order of entry into Band 3 and not by the original application date.

Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

It may also be that some applicants who are awarded Band 3 priority have several low level re-housing needs which, when combined, raises their priority to Band 3.

As with Band 2, applicants within this band will be able to exercise their choice about where and what property type they require. We will give advice about the availability of their required property type and they will be encouraged to widen their areas of choice to resolve their housing need more quickly.

This will include (but not exclusively) the following category of applications.

- **Applicants needing supported housing or floating support**

This category includes those applicants referred, by nominated support providers, for re-housing and where support will be offered to the applicant in new accommodation and where there is a clear need for support and where re-housing is essential and urgent.

This category of applicant includes people who require supported housing which we can provide via a floating support package or through nomination to Supported Housing Providers. We will award Band 3 priority where their application is fully supported by and assessed as needed by their partner support providers.

We will work with support providers to establish a suitable support package.

Where offers are made to this category of applicant there will be an additional condition attached to their tenancy to ensure that they actively engage in the support provision agreed.

The composite assessment process may, in exceptional circumstances, increase priority for this category to Band 2.

- **Medium level medical need**

This category includes people who we are satisfied have a **medium** level of permanent physical health issues, **medium** level mental health issues or medium level sensory impairment. They will be at **medium** risk in the immediate future and their current housing is having an impact on their health and their ability to live independently.

In awarding Band 3 priority for medical grounds, we must be satisfied that

there is a **medium** risk in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Medium level social and welfare circumstances**

This category includes people who we are satisfied are at **medium** risk of harm in their present accommodation. This includes applicants suffering domestic abuse, racial harassment, homophobic harassment, witnesses of crime, victims of crime and those suffering as a result of ASB.

In awarding Band 3 priority for social and welfare grounds we must be satisfied that there is a **medium** risk of harm in the present accommodation and that this risk will be reduced or eliminated by re-housing.

- **Re-housing of applicants leaving supported housing**

This category of applicant includes people who need to leave supported housing within the next 12 months, or in a planned time, and who are ready for independent living with, or without, support. We will award Band 3 priority where their application is fully supported by, and assessed as, needed by their current support providers.

Where there are support needs, we will work with support providers to establish a suitable support package.

Where offers are made to this category of applicant it will be a condition of their tenancy that they actively engage in any support provision identified at Special Assessment.

- **Children in flats where there are no lift facilities**

Applicants with children aged 5 or under who live in maisonettes, or flats on the first floor and above and there is no lift available.

- **Severe but non-statutory overcrowding**

This category includes those applicants who are overcrowded to an unacceptable level but where the provisions of the Housing Act 1985 do not determine statutory overcrowding. Re-housing into suitable accommodation must significantly reduce the overcrowding.

- **Urgent locational requirements**

This category includes applicants who have an urgent need to move to a particular locality where travel to that locality is difficult and where failure to move to the location is causing exceptional financial hardship to them or members of their household. This includes moving to:-

- Give and/or receive support.
- Be closer to employment.



- Access specialised medical care.
- Be closer to specialised and essential schooling.

- **Under occupation**

This category includes current BMBC or Housing Association tenants currently living in Barnsley who, by moving, would release one spare bedroom, e.g. a current Barnsley Council tenant living in a three bedroom home and wanting to move to a two bedroom home.

- **Applicants leaving Armed Forces tied-accommodation within 12 months of their application.**

This category is for those applicants, their spouse or civil partner, who are leaving the Armed Forces within 12 months from their application and who will, within 28 days of their date of discharge, become homeless and be owed a full re-housing duty by BMBC. They must be in a position to take up, and reside in, any property offered to them. We will award this priority when we receive written confirmation from their employer of their intended date of discharge.

We will increase priority for this category of applicants to Band 2 where the date of discharge is within 13 weeks and where they are determined as homeless within the terms of the Housing Act 1996 as amended by the Homelessness Act 2002.

- **Two for one transfers**

This category applies when 2 applicants, who are both BMBC tenants, want to live together and where both of the existing BMBC properties are unsuitable for their joint needs.

### **Special management lettings applicants**

This includes applicants who we assess under our special management lettings rules as requiring Band 3 priority (See section 11).

- **Band 2 applicants who have exceeded their Band 2 time limit, have not been actively looking for accommodation or have refused a reasonable offer of accommodation.**

### **7d(i). Band 3 - Time limit for priority**

To ensure that applicants take responsibility for securing alternative and suitable accommodation there is a **12 month** time limit of their priority status. This also ensures that applicants in Band 3 are not simply waiting for a specific vacancy to the detriment of other priority applicants.

After 12 months we will reduce priority to Band 4 if the applicant has not been applying for suitable vacancies. We will not remove priority where the applicant has been applying for suitable vacancies or where suitable vacancies have not arisen in the 12 month period. We will warn applicants of this possibility in writing. This will be 4 weeks before their priority is reduced. This gives them time to reconsider their options, make suitable applications for vacancies or contact us to tell us if they believe we should reconsider their priority.

When we have reduced priority we will inform applicants in writing. They then have up to 6 weeks to appeal against this decision.

#### **7d(ii). Band 3 - Refusals**

Unreasonable refusals of offers or lack of co-operation or uptake of advice may result in the applicant being moved to Band 4 and the date changed to the original application date.

We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

#### **7e. Band 4**

This band is the largest band and is for all applicants who have low level, minor needs or no need to move. It is managed in date order of the application date.

Final priority position within this band is re-assessed at the short-listing stage. See section 9g for further details.

The category of application included in this band (but not exclusively) is set out below.

- **Newly forming households or adults leaving home**
- **Moving to be closer to employment**

This includes applicants who do not fulfil the Band 3 criteria for locational moves.

- **Moving to give or receive support**

This category includes those wishing to move to give or receive low level support.

It is also for those giving higher level support but where travel is not unreasonable.

- **Those moving to be closer to education**

This category includes those applicants who want to move to be:-

- In a specific school catchment area; or
- Closer to a school or college of choice but who have no specific or urgent need to attend that school.

It also includes those who need a specific school on social and welfare grounds but where travel is not unreasonable.

- **Applicants with children 6 years of age and over living in flats on the 1<sup>st</sup> floor or above.**
- **Low level physical or mental health medical issues or low level sensory impairment where re-housing is a preference of the applicant rather than essential for their health and wellbeing.**

This also includes applicants with higher level medical issues but where re-housing will not reduce the issues caused by the medical condition.

- **Low level Social and Welfare need where re-housing is a preference of the applicant rather than essential for their health and well being**

This also includes applicants who have higher level social and welfare needs but where re-housing will not resolve or significantly reduce the issues.

- **Low level overcrowding**

This is where there is bedroom sharing but there is no overcrowding as defined under the Housing Act 1985 and does not satisfy the criteria for non-statutory overcrowding

- **Out of District applicants with no local connection but who have housing need.**

This category includes all out of district applicants with no local connection but who have emergency, very urgent or urgent re-housing needs. This includes those applicants that have approached Housing Options, Advice and Homeless Prevention as threatened with homelessness, who have no local connection and are owed the prevention duty.

Priority will always be awarded to this category of applicant from the date of their application and not any date for reassessment of priority needs.

- **Band 3 applicants who have exceeded their Band 3 time limit or made unreasonable refusals.**

#### **7e(i). Band 4 - Time limit for priority**

There is no time limit on this band.

#### **7e(ii). Band 4 –Refusals**

Where an applicant in Band 4 has refused five offers of accommodation, that are deemed reasonable to meet their needs, their housing application will be suspended for a period of six months.

We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

#### **7f. Band 5**

This band is for qualifying applicants who have no local connection with Barnsley and who have minor, or no, housing needs.

This band is managed in date order of application.

See Section 7a (ii) for local connection criteria.

#### **7f (i). Band 5 - Time limit for priority**

There is no time limit on this band.

#### **7f (ii).Band 5 - Refusals**

Where an applicant in Band 5 has refused five offers of accommodation that are deemed reasonable to meet their needs, their housing application will be suspended for a period of six months.

We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

### **8. Assessment Procedures**

We assess applications from the information that has been provided on their application form, subsequent changes in circumstances received and/or from other routine checks which may include home visits or taking up references and/or to check for any potential fraud. We also take into account supporting information from other agencies and key workers involved with the applicant.

Qualifying applicants will then be placed on the Housing Register in the most appropriate priority band in accordance with this policy.

The current target times for the initial and subsequent assessment are available on request from Barnsley Homes.

We will advise applicants in writing of the outcome of their initial and any subsequent assessment.

We may need to conduct further investigations to establish:-

- Whether higher priority is appropriate.
- Whether they have a right to appear on the register; or
- Special circumstances that we need to address in dealing with their housing application.

We will advise applicants if we need to conduct further investigations to establish their final priority, or if we need to follow our Special Assessments Procedure.

Whilst we are conducting further investigations, or arranging a Special Assessment, the applicant will be placed in the most relevant priority band or, where our initial assessment cannot establish a right to appear on the register, we will place applicants in a pending status. If we place them in a pending status we will advise the applicant that they will not be considered for re-housing until these checks have been completed. We will inform the applicant of the outcome of our checks.

On **new** applications, when we have to make further investigations for final priority, we will backdate the final decision to the date of application.

The applicant will have the right of appeal against the decision as set out in section 10.

#### **8a. No fixed abode**

Where an applicant advises us that they have no fixed abode, we will ask for a correspondence address/ email address to which we may contact the applicant and encourage the applicant to contact the Housing Options, Advice and Homelessness Prevention Service.

#### **8b. Change of circumstances**

The applicant must tell us of a change in their circumstances and keep their application updated. We will re-assess their application in line with the current target assessment times as set out in section 8.

Where priority increases, we will backdate any new priority decisions to the date we received their Change of Circumstances form or were informed of the change of circumstances.

When we have updated an application form and where the update results in a change in priority we will advise the applicant where any changes affect their priority on the waiting list. Where any changes are minor and do not affect priority we will not routinely contact the applicant.

The applicant will have the right to appeal against any change in priority or decision made on their housing application. Any appeal will have to be made in accordance with this policy's appeals procedure and timescales.

### **8c. Annual review**

We review every application at least once a year on the anniversary of the date of application, unless a review has taken place at an earlier date for reasons such as a change of circumstances or removal of priority.

If the review form is not returned within the timescales specified in the review documentation, the application will be cancelled and removed from the Housing Register. We do not advise customers that their application has been cancelled during the annual review.

After we have completed the review, we will inform the applicant of any changes to their priority only if the new circumstances of the applicant mean that priority has changed.

### **8d Incomplete application forms**

If we have to return an incomplete Application Form, or Change of Circumstances Form, to the customer, we will assess the application, or changes, from the date we receive the fully completed form (i.e. not the original date of receipt).

### **8e Special Assessment procedure**

Some applications, as set out below, may require a more specialised and sensitive assessment. This is to ensure that we offer the right type and size of property in the right area and that any need for support is taken into account and addressed as part of their re-housing.

- Applications from persons with either physical, mental or sensory disabilities.
- Applications from care leavers or other families where the Local Authority has parental responsibilities.
- Applications from people aged under 18.
- Applications from persons leaving prison, or under the supervision of the Probation Service, or having recent criminal convictions for Anti-Social Behaviour type issues.
- Applications from known sex offenders
- Applicants accepted as part of the National Witness Protection Scheme.
- Applications from people who have communication difficulties.
- Applications from minority groups where there are vulnerability issues.
- Applications from those suffering domestic abuse.

- Any other applications where there is other agency involvement and/or the person's re-housing needs are complex, or where it is deemed necessary to conduct a Special Assessment.

Where these applications arise, we will involve relevant agencies in a joint assessment procedure.

We will always ask the applicant for permission to conduct a Special Assessment and share relevant information with stated agencies.

We will also follow relevant, information sharing, protocols when working with partners and Support Agencies.

We will advise the applicant of the likely time it will take to conduct the Special Assessment and the outcome of the assessment.

We will advise the applicant of the outcome of the Special Assessment within 5 working days of the assessment being completed. The information will include the priority awarded and details of the property type/size and location the priority relates to and details of any support requirements to be arranged prior to any offer.

This assessment may result in the requirement for a support package to be written and agreed between relevant agencies. The objective is to assess the risk factors and draw an appropriate balance between the need of the applicant for Social Housing as a means of integration into the community and the need for the community to be safe. Where offers are made to applicants, and support is deemed necessary to maintain a satisfactory tenancy, it will be a condition of their tenancy that they actively engage in the support provision.

## **8f Offers and Special Assessments**

An applicant undergoing a Special Assessment is entitled to apply for a vacant property. If they are then selected for an offer we will reserve the vacancy for up to 5 working days, even if the property is ready for letting, to allow for the completion of the Special Assessment. The offer may be withdrawn if the outcome of the Special Assessment determines that the offer is unsuitable or where support needs are identified and are unavailable.

## **9. Lettings and Offers**

### **9a. What type of tenancy will be offered?**

Tenancies will be offered in accordance with the Council's current Tenancy Strategy and tenancy policy and in accordance with the law at the time of allocation.

## 9b. Property-matching rules

In order to make best use of the housing stock within Barnsley and to ensure that accommodation offered matches the needs of the households who most need that property, we allocate in accordance with our property-matching rules. Part of our composite assessment process is to assess what type of properties applicants qualify for. When we offer accommodation, we will select the highest priority applicant from those households who have applied, and fulfilled, the property-matching rules for that vacancy.

Property-matching is completed in two stages:

Stage 1 – Bedroom number rules

Stage 2 – Property type rules

### 9b(i). Stage 1 - Bedroom number rules

This stage matches the number of people in the application to the number of bedrooms they require to be adequately re-housed. The Lettings' Database automatically assesses bedroom requirements. The table below sets out the general rules. However, there may be amendments to these rules depending upon the local area context, size of bedrooms and turnover of stock.

The size of the household includes the head of the household, which may be a single person or couple, plus the number of others to be re-housed with them.

For example, a household with 2 or more others could be:

- a single applicant with 2 or more children to be rehoused;
- a co-habiting couple with one child and expecting another; or
- a married couple with a daughter and an elderly relative.

**Table 1: General bedroom matching rules**

| Size of household            | Bedsit | 1<br>bedroom | 2<br>bedroom | 3<br>bedrooms | 4<br>bedrooms |
|------------------------------|--------|--------------|--------------|---------------|---------------|
| One adult                    | ✓      | ✓            | ✓            |               |               |
| Two adults                   |        | ✓            | ✓            |               |               |
| Household +1<br>other person |        |              | ✓            | ✓             |               |
| Household+ 2<br>other people |        |              | ✓            | ✓             |               |



|                                      |  |  |   |   |   |
|--------------------------------------|--|--|---|---|---|
| Household+ 3<br>other people         |  |  | ✓ | ✓ | ✓ |
| Household+4<br>other people          |  |  |   | ✓ | ✓ |
| Household+ 5<br>other people         |  |  |   | ✓ | ✓ |
| Household+ 6 or<br>more other people |  |  |   | ✓ | ✓ |

The Lettings' Policy enables households to meet their current housing needs and aspirations up to 1 extra bedroom. However, some where we have a particular shortage of a type of accommodation offers may be restricted to accommodation that meets presented need.

\*Overcrowding will not be allowed when making an offer unless there is no alternative given the nature of the council housing stock and would significantly improve an applicants current housing situation./.

In some circumstances, when an applicant demonstrates the need for more bedrooms, we may consider them for larger properties. These are generally in the cases below.

The following rules apply when working out minimum bedroom requirements.

- People with a full time care responsibilities or specific medical or support needs who require an additional bedroom.
- The babies of expectant mothers, where the mother has medical confirmation of the expected date of confinement, will be included in the household type of the family.
- The children of separated or divorced parents will be included in the numbers of people within the family where evidence is supplied that the applicant has responsibilities for at least 2 or more nights each week.
- Households applying for foster care or adoption for children or to be part of the council's Shared Lives service (subject to support and confirmation from the appropriate council service).

### **9b(ii). Stage 2 – Property Type Rules**

We have a wide variety of accommodation across the borough and there are a number of circumstances where we restrict access to the property type, based on factors such as age, disabilities, pets, household size and so on.

The main restrictions are in ground floor flats, sheltered housing, bungalows or adapted properties where, in most cases, we restrict access to people over 60 or who have disabilities that require a certain type of accommodation or facility, although we may also apply restrictions on an individual basis.

Where there are restrictions, the property advert will reflect the criteria so that applicants are fully aware of their eligibility.

If there are any non-routine restrictions, a nominated senior officer in Berneslai Homes must approve any amendments before we advertise the vacancy.

Where we have vacancies in restricted properties, we will only consider those applicants meeting the matching rule for that particular vacancy. This means that we may bypass a higher priority applicant if they do not match the property-matching rules.

Details of any household/property type matching rules will be included in the property advertisements. For example we may say “you have to be 60 or over or have medical or disability need for this type of property to apply for this vacancy”.

The rules are set out below.

## **General Rules**

- **Age restrictions on flats and bungalows**

Some accommodation has restrictions on eligibility based on age and/or disability. Where such restrictions exist, details of any household/property type matching rules will be included in the property advertisements.

- **Larger Homes**

On occasions there may be a need to restrict access to larger properties to those requiring the specific number of bedrooms. This restriction will take account of turnover of stock in the area and demand from priority applicants needing larger homes.

- **Low demand areas**

In some areas the property-matching rules may be relaxed due to low demand, property differences or the needs of the community.

- **Barnsley Extra–Care Housing Schemes**

These schemes rely upon having a balance of tenants needing varying levels of care and support. For vacant properties in these schemes, Berneslai Homes will work with Social Services and other Support Providers to ensure that allocations are made with the relevant criteria. Generally, support needs, and not housing needs, criteria will determine a particular allocation. Allocation of extra care housing accommodation will be in accordance with the rules of the Housing Association and allocation panel for each scheme and not the standard Lettings Policy allocation criteria

- **No pets**

There are restrictions on most flats with shared entrances. Pets, such as dogs (other than guide dogs) and cats, are not allowed. The property advertisement will include details where pets are not allowed.

- **Disabled persons and adapted properties**

We may place restrictions on properties which have been purpose built or adapted for the needs of a disabled persons. Details will be contained in the property advertisement.

Details of any specific allocation criteria will be contained within the individual property advertisement.

### **9c. Sensitive Lettings' Plans**

This policy allows the development of sensitive lettings' plans where a particular estate, group of properties or individual properties dictate the need to allocate using different criteria. We may vary property-matching rules to:-

- Make best use of the housing stock.
- Support community cohesion and development.
- Tackle estate based problems.

For example, where we have a problem with substance misuse on an estate, we may restrict applications to households with no substance misuse issues.

A senior designated officer must authorise any decision to vary property-matching rules at a local level. Any variances will be detailed in the property adverts.

Elected members will be consulted if there is a permanent, and/or sensitive variation, to the standard property-matching rules for a specific area.

Details of any sensitive lettings' plans will be made available via Berneslai Homes' website or in individual property advertisements.

### **9d. Offer Process**

The objectives of the offer process are to:-

- Maximise choice for applicants.
- Meet housing and community needs.
- Ensure equality and consistency.
- Minimise void rent loss and speed up the turnaround of vacant homes.

### **9d(i). What will be advertised.**

In most instances we will advertise all vacancies when they are available for re-letting. This is with the exception of the following categories.

- Properties required for temporary accommodation.
- Properties with specific adaptations, or suitable for specific adaptation, where we have identified an ideal match for the property from a high priority applicant.
- Properties required to allow permanent or temporary re-housing of Council tenants affected by fire, flood or other emergency.
- Properties required to allow permanent re-housing of those affected by redevelopment. We will only reserve properties for this category when we are at a critical stage in clearing a redevelopment scheme.
- Properties being monitored for potential demolition or redevelopment.
- Properties leased to support providers.
- Properties required to allow any other Special Management Letting as set out in section 11 of this policy.

### **9d(ii) Priority guidance/restrictions on applying for vacancies**

In some instances we may restrict applications for vacancies to certain bands or category of applicant or advise applicants that we give preference to a certain band or category of applicants.

#### **Allocations on waiting time only**

To assist mobility and increase choice for applicants who have been on the Housing Register for a considerable period of time, 10% of all advertised vacancies will be offered on the basis of the original date of application and will be across all Bands 1-4. These restrictions will be equally placed in all property types across the borough, irrespective of demand. The percentage of restrictions will be reviewed annually to take account of changes in supply and demand. Any changes will be published. We will record this type of restriction on the property advert.

#### **Applicants being re-housed due to redevelopment**

To assist in the regeneration of our communities we may also restrict applications for some vacancies to those applicants who have to move out of accommodation to allow the redevelopment to take place. We will make these decisions on a scheme-by-scheme basis and, before applying such restrictions, we will consider the following factors:-

- The size of the redevelopment scheme.
- The urgency of clearing the site.
- The future redevelopment proposals (i.e. will it then provide additional housing?).

- The other demands on vacancies in the area from those applicants in bands 1 and 2.

## **The Right to Move**

Right to Move- The Council will endeavour to allocate up to 1% of available homes to applicants subject to The Right To Move as per 'The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967).

Performance against this requirement will be made available quarterly on Berneslai Homes website

## **9d(iii) Offer stages**

### **Stage 1 - Advertisement**

All properties, with the exception of those in 9d(i), will be advertised in the following ways.

- On-line at [www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk) .
- By direct email to applicants who have provided a valid email address
- By direct contact with people assessed as being in priority Bands 1,2 & 3 who have been assessed as requiring support through the Search & Apply Scheme.
- By email to Local Members, Partner Organisations and Support agencies providing support to waiting list applicants, on request

The property advert will contain, at the very least, the following information:

- Address (house numbers will not published for security reasons).
- Property type.
- Number of bedrooms.
- Heating type.
- Property-matching rules (e.g. minimum number in the household required or age restrictions).
- Rent and other charges.
- Bathing facilities.
- Any other letting restrictions.

### **Stage 2 – Applying for a vacancy**

Any applicant can apply for vacancies as long as:-

- They meet the advertisement criteria.
- They have a current application on the Housing Register and their application is not excluded, suspended or in Pending status.

- They are an applicant for re-housing under the Special Management Lettings' Rules (as detailed in section 11 of this policy)
- They meet the bedroom matching rules.

Each property advertisement will indicate when the period for applications will close

Applicants can apply:-

- Online at [www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk).
- By e-mail to : [Homeseeke@berneslaihomes.co.uk](mailto:Homeseeke@berneslaihomes.co.uk).
- In writing.
- By telephone: 01226 775555

The response will be recorded against their application.

Applicants can apply for a maximum of 3 vacant properties during each choice based lettings cycle.

If an applicant is currently 'under offer' for a vacancy, we will not consider them for any further properties they may apply for. We may remove priority where an applicant refuses an offer to enable them to qualify for a newly advertised vacancy

Shortlists, of eligible applicants who have expressed an interest in the vacant property, will be prepared at the time of offer. The shortlist will only contain those applicants who fulfil the general property-matching rules for the vacancy. The shortlist will be in band priority order and within bands in waiting time order (other than the 10% which will be advertised with priority being given to applicants based on the original date of application irrespective of the priority band).

We will then complete a final check of the applicants who are shortlisted to ensure that their circumstances have not changed and priority, on the register, has not been affected. The offer will then be made to the person highest on the shortlist who meets any eligibility criteria.

Section 9g explains our 'Bypassing' rules and processes.

Any decision to offer, out of time order, will be recorded and authorised by a senior designated officer. The fact that we have taken an offer out of sequence will be highlighted on our lettings' feedback publications.

#### **Stage 4 - Offer**

A formal offer will be made to the selected applicant.

Applicants have 3 working days to respond to a face-to-face or telephone offer or 5 working days to respond to a postal offer.

If this offer is refused, subsequent offers will be made (in line with stage 3) to the other eligible applicants who applied for the vacant property.

### **Stage 5 – Re-advertisement**

If there are no suitable applicants, or no responses from the first batch of selected applicants, the offer process and identification of interest will be repeated.

With a view to relaxing, or tightening, the criteria, the Lettings' Team will work with the local Housing Management Team to ensure they take account of the local context when reviewing the property-matching rules.

A new advert will be placed and the offer process will be repeated.

### **9e. Refusals**

Given the range of information and advice available to the customer, and the procedures that aim to match applicants' choice, refusals should not be common. However, where we receive refusals, the following rules apply:-

If applicants within bands 1 to 3 refuse a reasonable offer of accommodation, **consideration** is given to moving the application into the next, lower priority, band.

Section 7 outlines which bands applicants will move to should they make an unreasonable refusal of an offer.

The definition of a reasonable offer is set out below:-

- The property is reasonably close to school or employment.
- Medical or other proven need for support is available locally.
- It is suitable for any specific needs
- It will result in the applicant being free from fear and/or risk of violence.
- The property is adequate in size.
- The property has suitable facilities to meet the housing needs of the applicant.

If a homeless person, for whom the Authority has an obligation to secure accommodation, refuses a reasonable offer, the Local Authority may consider that it has discharged its duty under the 1996 Housing Act.

Applicants in Bands 4 or 5 will have their application suspended for six months should they refuse five reasonable offers. We will inform applicants of this decision in writing. They have 6 weeks to appeal against this decision.

#### **9e(i) No response to offers**

Where an applicant does not respond to an offer, we will assume they no longer require re-housing and we will cancel their application. We will advise them of our decision in writing and within 5 working days of cancelling their application.

#### **9e(ii) Removing priority for refusals for homeless households**

If we decide to move any Band 1, 2 or 3 homeless applicants into a lower category, we will hold the vacancy and will contact them to advise them of the consequences of their actions. We will allow them 1 working day to re-consider the offer. If they still refuse the property, their priority may be reduced and we will offer the property to another applicant. The applicant has the right of appeal to the Housing Options, Advice and Homelessness Prevention Service within the Council..

#### **9f. Withdrawing offers**

We reserve the right to withdraw offers in the following circumstances:-

- Where we have reason to believe the applicant has given false information.
- Where the applicant's circumstances have changed and this alters priority and/or makes them ineligible for the property or makes them ineligible to appear on the Housing Register.
- Where we require the property for another emergency reason.
- Where we have made the offer in error.
- Where information has come to light that would make the offer unsuitable.
- Where we ask for further information from the applicant and the information has not been provided within the timescales given.

#### **9g. Monitoring offers and bypassing applicants**

We will record all applications for vacant properties and all offers we make. The majority of offers are made in date order within the highest priority bands but we may occasionally have to bypass an applicant who has applied for a property and who is generally eligible for the vacancy, for another applicant below them on the register. We may also have to bypass an applicant on the general Housing Register to offer a property to an applicant under the terms of the Special Management Lettings' Rules (see section 11 of this policy).



The general (but not exclusive) reasons for bypassing applicants are as follows:-

- A reassessment has changed the priority of the applicant.
- The applicant does not meet the specific advertised criteria for the vacancy.
- To meet our obligations under law.
- The applicant has specific, or management, issues which would affect them, or the community, should they be located in this property. This should have been noted in their original assessment and the applicant advised of the decision at the time of the assessment. The authorised officer must approve this decision and the applicants advised of the decision.
- Allocating to a lower priority applicant will make better use of the housing stock.
- The property is an ideal match for another priority case.
- The property is an ideal match for a Special Management Letting and it is higher priority to make the Special Management Letting.
- The property is not suitable for the applicant.

This reassessment may include contacting the applicants for further relevant information.

Where we bypass an applicant we will record our decision and our reasons for making that decision.

Our decision will be based upon fact, and not assumption, about an applicant's choice.

A senior nominated officer must approve any bypassing.

#### **9h. Nominations to Registered Providers (Housing Associations)**

The Council have negotiated nomination agreements with registered provider's s with accommodation in the borough.

When we receive a request for nominations we will nominate applicants in priority order in accordance with our policy however, any offer will be subject to the individual provider's policies and procedures. This vacancy will be advertised (refer to 9d 'Advertisement').

The Lettings' Policy refusal criteria applies to registered provider's nominations. Where an applicant successfully obtains a home from a registered provider through the nomination process, this will satisfy the housing application which will be cancelled as status – 're-housed.'

## **10. Appeals**

The Appeals' Process for the Lettings' Policy operates outside the scope of the Council and Berneslai Homes' complaints' procedures.

The Appeals' Process covers the “decision making” aspect of the Lettings' Policy. This includes the awarding of priority, removing priority for the refusal of offers, removing priority for failing to apply, exclusion, suspension and offers.

It does not apply to complaints about the policy or the way in which procedures have been followed. Complaints about such issues will be dealt with in line with Berneslai Homes' complaints' procedures.

The appeals' process has 2 stages outlined below:-

- **Homeless applicants - Appeals' Process**

This appeals' process does not apply where the applicant is appealing against a decision made by the Council under Part 7 of the Housing Act 1996 as amended by the Homelessness Act 2002 and The Homelessness Reduction Act 2017. In these instances the appeal process is managed by the Housing Options, Advice and Homeless Prevention Service.

- **None Homeless applicants appeals' procedure- Stage 1 Appeals**

The applicant, or their nominated representative, has to register an appeal within 6 weeks of being informed of a decision about their application.

A nominated officer in Berneslai Homes will consider the appeal. If all of the nominated officers were involved in the original decision, the Berneslai Homes' Customer Services' Team will conduct the review.

An applicant can register an appeal in various ways.

- By telephone.
- In person (or via a nominated representative).
- Over the internet at [www.berneslaihomes.co.uk](http://www.berneslaihomes.co.uk).
- By e-mail at: [homeseecker@berneslaihomes.co.uk](mailto:homeseecker@berneslaihomes.co.uk)
- In writing to Berneslai Homes. PO Box 627, Barnsley, S70 9FZ

We will register the appeal and conduct investigations and considerations. We will advise the appellant of the outcome of the appeal within 20 working days. If the circumstances are particularly complicated and involve contacting other agencies etc. this timescale may be extended. We will however advise the appellant if this is the situation.

## **Stage 2 Appeals**

Where the stage 1 appeal cannot be resolved to the satisfaction of the applicant, they have the right to formally appeal at stage 2 of the Appeals' Process. The applicant must register their second appeal within 6 weeks of receiving written confirmation of the first stage appeal decision. Berneslai Homes' Customer Services' Section arrange Stage 2 appeals.

An applicant can register a stage 2 appeal in various ways.

- By telephone.
- In person (or via a nominated representative).
- Over the internet.
- By e-mail.
- In writing.

Any applicant who appeals at stage 2 will have their case reviewed by a Panel made up of Berneslai Homes' Board Members and a representative from Barnsley Federation of Tenants' and Residents' Association. The applicant can appear at the appeal hearing and present their case.

A senior designated officer will attend in an advisory role. In certain cases it may also be appropriate for representatives from Social Services or other agencies to attend in an advisory role.

Appeals' Panel Members must declare an interest if they have had any involvement in the case or if the applicant is known to them.

### **Information to the Panel**

Prior to the Panel hearing, members of the Panel and the appellant will receive a copy of the evidence to be presented at the hearing by Berneslai Homes. This evidence will be anonymous, thereby removing prejudices that may occur if an individual is named.

The identity of the appellant will be made known at the Panel Hearing.

### **Appeal Format**

The applicant can make their appeal to the Panel in writing, in person or via a third party where they have given their permission.

The Berneslai Homes senior designated officer will attend the Panel and make verbal representations based upon a written report.

It will also be necessary for any officer involved in the decision to attend the hearing to answer any questions. For example, this could be a Housing Management Team officer or Rent Officer.

Berneslai Homes' Customer Services' team will arrange the Hearing and facilitate the Panel.

### **Process at the Hearing**

- The Chair of the Panel will ask the officers to present their case.
- The Chair of the Panel will ask the appellant to present their appeal.
- The Chair of the Panel will give the appellant an opportunity to ask questions of the officers.
- The Chair of the Panel will give the officers an opportunity to ask the appellant any questions.
- The Panel will ask questions of the appellant.
- The Panel will ask question of the officers.
- The appellant will be asked to summarise.
- The officers will be asked to summarise.
- All parties will be asked to leave the room for the decision to be made. This is with the exception of the Panel and the Advisory Officer.
- All parties will be advised to return to the room for the Chair of the Panel to deliver the decision.
- The decision of the Panel will be based upon factual documentary evidence.

### **Role of Advisory Officers**

If a specialist Advisory Officer attends the Panel, their role is to clarify issues, confirm points of law and give advice to the Panel. They are not part of the decision making Panel although it would be preferable that they leave, to be recalled only to clarify points of issues. The clerk should be the only officer remaining present during the decision making process.

Panel Members can ask questions of these officers at any point during the Hearing. They can also, if necessary, ask questions of these officers in private after the appellant and representing officers have been asked to leave.

It is at the discretion of the Chair whether the Advisory Officers are present during the decision making process.

### **Decisions**

#### **The decision of the Appeals' Panel is final.**

There are a range of decisions that can be made by the Panel, dependent upon the reason for the appeal.

The main decisions are:-

1. Appeal Upheld.
2. Appeal Not Upheld.

3. Officers are asked to make further investigations and review their decision, which will come straight back to Panel if requested by the appellant
4. Appeal Upheld in Part.

The Chair of the Panel will deliver the decision to the appellant and make requests of the officers to take any necessary action.

Berneslai Homes will confirm the decision in writing to the appellant within 5 working days of the appeal hearing.

The appellant may still exercise his/her right to approach the appropriate Ombudsman service.

## **11. Special Management Lettings**

The Lettings' Policy incorporates flexibility in **certain circumstances**, to allow re-housing to non-priority applicants, or applicants who are not at the top of the Housing Register, where there is a benefit in achieving the wider objectives of the Council. This includes making best use of Council stock, reducing crime and disorder and freeing up a particular property or property type.

Applicants for special management priority will be assessed in line with the guidelines below and will be added to the Housing Register into the relevant priority bands. They will be awarded a category of "Special Management Lettings" which does not award them overall priority for re-housing but ensures that we can, at any one time, identify the number, type and priority of applicants in this category. It also ensures that we can make direct offers to this category, or in the case of redevelopment schemes, restrict applications for a small percentage of vacancies to applicants in this category.

Special Management Lettings' applicants are encouraged to apply for any advertised vacancies and will be assessed in line with the banding system.

All offers to applicants in this category, whether they are direct offers or offers through the standard choice based route, must be authorised by a senior nominated officer.

### **Direct Offers**

In some instances we may make a direct offer to an applicant in the Special Management category without open advertising.

Before we decide to allocate a property under these circumstances, we will consider the wider need for the special letting against the needs of the priority cases on the general Housing Register. This assessment will include the benefit to BMBC's best use of stock in making the allocation i.e. freeing up a much needed disabled person's property.

## **Restricted advertising**

In some instances we may openly advertise a vacancy but we may restrict applications to applicants in the regeneration category of the Special Management Lettings.

Before we decide to allocate a property under these circumstances we will consider the wider need for the special letting against the needs of the priority cases on the general Housing Register.

### **11a Incentivised Special Management Transfers**

In some instances we may need to create a vacancy of a particular property type in a particular area. In these instances we will authorise a Special Management letting and we may offer an incentive payment (which is agreed annually), to assist towards relocation. Incentives will only be offered where the relocation is of benefit to the Council.

The categories are set out below.

- Transfers which involve giving up a high demand property for a lower demand property, which will then make the high demand property available to people in housing need,
- Transfers to applicants who have an established need for adaptations to their current property and where the agreed option is to recommend re-housing.
- Transfers from people living in adapted, or disabled person's, property where they no longer require that property type and where there is an identified need for the property from an applicant on the Housing Register.
- Transfers for successors who have succeeded to a property that is too large, has adaptations not required by them or which they do not qualify to occupy.
- People who are prepared to transfer from a property, required for a tied tenancy for future employees or for other future use.
- People who are prepared to transfer to free up a property for use as a decent home.

### **11b Non Incentivised Special Management Lettings**

- Applications from either Council tenants, or residents on Council estates, where the property is required empty for demolition, extensive repair or redevelopment. This includes victims of fire, flood or other emergency, in a Council property whose re-housing is permanent. In some instances these applicants may be entitled to disturbance or home loss payments.
- BMBC or Berneslai Homes' employees leaving tied BMBC tenancies, where the tied tenancy is required for future employees or other future use and where re-housing is in line with BMBC and Berneslai Homes' Human Resources' procedures.

- Transfers on management grounds where it is assessed that transferring offers the best solution to the management problem.
- Key Workers.

The definition of a Key Worker is:-

- A person taking up a position where the position could not have been filled locally and they are essential to introduce, or maintain, other employment in the Barnsley area or
- An incoming member of staff for the Local Authority or Barnsley Homes.

Any offers of accommodation to Key Workers will be for a temporary period and will not be secure.

### **Priority Bands for Special Management Lettings**

The following table sets out the general bands which Special Management lettings' applicants qualify for. Depending upon individual circumstances the priority decision may be increased or decreased. We also reserve the right to make direct offers to these applicants outside of the scope of the banding system. The band assessment will only apply to offers that are made through the choice based, open advertised route and will mark the applicant's position against other applicants in the priority band.

| <b>Category</b>   | <b>Band</b>   |
|---|---|
| Transfers which involve giving up a high demand property, which will then be available to people in housing need, for a lower demand property.  | Band 3  |
| Transfers to applicants who have an established need for adaptations to their current property where the agreed option is to recommend re-housing.  | Bands 1 to 3 depending on the medical need and risk factor of remaining in the property. The assessment will follow the rules of medical priority assessment. |
| Transfers from people living in adapted or disabled person's property where they no longer require that property type and where there is an identified need for the property from an applicant on the Housing Register. | Band 1 to 3   |
| Transfers for successors who have succeeded to a property that is too large, has adaptations not required by them or which they do not qualify  | Band 1 to 3   |

|  |  |
|--|--|
| to occupy  |  |
| People who are prepared to transfer from a property required for a tied tenancy for future employees or for other future use.  | Band 3   |
| People who are prepared to transfer to free up a property for use as a decent home.  | Band 3   |
| Applications from either Council tenants or residents on Council estates where the property is required empty for demolition, extensive repair or redevelopment. This includes victims of fire, flood or other emergency in a Council property whose re-housing is permanent. In some instances these applicants may be entitled to disturbance or home loss payments. | <p>Band 1 to 3. This decision will be based on:</p> <ul style="list-style-type: none"> <li>• the severity of the problem.</li> <li>• the time required to clear a site.</li> <li>• security issues on the site.</li> </ul> <p>A routine review will take place for these applicants and they can move up the priority band if our need to move them out increases or if they are at risk as the redevelopment scheme progresses. Priority will be awarded for regeneration applicants from the date of the decision to demolish their homes. Where more than one applicant is registered from the same date we will give priority to those with the longest tenancy history or those with other housing needs which put them at higher risk in their current accommodation.</p> <p>If we move a regeneration applicant up to a higher band we will award them a priority date from the date we made that decision.</p> |
| BMBC or Berneslai Homes' employees leaving tied BMBC tenancies, where the tied tenancy is required for future employees or other future use and where re-housing is in line with BMBC and Berneslai Homes' Human Resources' procedures.  | Band 2   |
| Transfers on management grounds where it is assessed that transferring offers the best solution to the management problem including  | Band 1 to 3. Priority will be assessed under social and welfare grounds.   |



|                                |   |
|--------------------------------|---|
| Family Intervention Tenancies. |   |
| Key Workers                    | Band 3 – Licences will be fixed term for 6 months |

## **12. The Role of Elected Members**

Elected Members have a role to play in the letting of Council property. This role is:-

- Forming, developing and continually reviewing the policy.
- Sharing local knowledge.
- Representing the interests of the electorate and their communities.
- Assisting applicants in the Appeals' Process.
- Monitoring performance.

### **12a. Formation, Development and Review of the Lettings' Policy**

To ensure this role is effective, the following activity will take place.

- Where requested, a senior designated officer will attend meetings with Elected Members to discuss general issues around the management of the Housing Register.
- Berneslai Homes may consult the Cabinet Spokesperson responsible for housing on the very rare occasion where there is a need to make a very sensitive letting outside of the scope of the Lettings' Policy and where Berneslai Homes' Chief Executive/ Director of Housing Management does not have delegated authority to approve the allocation. This does not include Special Management lettings or general, and necessary, bypassing of applicants.
- Berneslai Homes will consult the Council where there is a need to substantially and permanently amend the property-matching rules for either an individual property or range of properties.

### **12b. Sharing local knowledge**

It is important that local knowledge is shared to ensure that the Lettings' Policy meets its aim of supporting sustainability and balance within our communities. Elected Members have good local knowledge and an obligation to support both the individual and collective needs of their community.

Members may advise officers of any substantive and supported information about a member of the public who they believe may be on the Housing Register. Officers will investigate this information in line with the Lettings' Policy and advise the Councillor of the outcome.

Members have the right to raise issues about the management of new tenancies and the management of the Housing Register. Performance information, as outlined in 13, will assist members in monitoring the effectiveness of the policy and will allow members to raise concerns.

### **12c. Representing the interest of the electorate and their communities**

Elected Members have an important role within the community. Elected Members have good local knowledge and an obligation to support the individual and collective needs of their community.

The public may approach their Elected Members for assistance in applying for re-housing and/or to ask for assistance to express an interest in a vacancy.

The public may also contact Elected Members, for support or advice, if there are tenancy management problems on estates. Elected Members have an important role to play in the monitoring of Introductory Tenancies.

Officers will respond to any member referrals in accordance with the standard protocols and by following the terms of the Lettings' Policy.

- If asked to do so by the applicant, an Elected Member can apply for a vacant property on their behalf. The application will be accepted and considered in line with the policy. If the applicant is successful, we will contact them in the same way as if the applicant had made direct contact.
- Elected Members may make referrals on behalf of a client regarding their status or priority on the register. Officers will respond direct to the applicant and (with the applicant's permission) will copy the response to the elected member. Officers will consider the referral in line with the terms of the Lettings' Policy.
- Elected Members may make referrals regarding a breach of tenancy conditions. Officers will respond to this referral, direct to the complainant and will copy the response to the Elected Member.

### **12d. Elected Members Role in Appeals**

Elected Members have no decision making role in the Appeals' Process except in the case where a Berneslai Homes' Board Member, sitting on a stage 2 appeals' Panel, is also an Elected Member. They can, however, provide information to support the customer and represent customers at appeal hearings.

### **12e. Elected Members' Role in monitoring performance**

Members also have an important role at local level through the Council's Neighbourhood Management Initiative, where members can receive summary reports on the performance of the service in that area. Information provided would not be at an individual address level, but would summarise overall performance in line with the policy.

## **12f. Information provided to Elected Members**

Elected Members will receive electronic copies of the following public information to assist them to fulfil their role.

- The public weekly vacant property advertisement.
- The public feedback report regarding lettings made is available to Elected Members via Berneslai Homes' website.

## **13a. Monitoring and performance reporting of the Lettings' Policy**

Berneslai Homes closely monitors all elements of the Lettings' Policy. This to ensure that policy and our application of it is:-

- Meeting the stated aims.
- Meeting its targets.
- Collecting and submitting the required information for government and other statutory bodies;
- Being regularly reviewed; and
- Meeting its equality and diversity obligations.

Full details of the information gathered and monitored are set out in the Berneslai Homes' Quality Control procedure. The general monitoring covers a wide range of subjects including:-

- Priority.
- Eligibility.
- Suspensions.
- Length of waiting time.
- Offers.
- Refusals.

Monitoring will highlight any potential for discrimination or actual discrimination on any grounds.

## **13b. Performance reporting**

Berneslai Homes will produce quarterly performance and monitoring reports relating to the management of the Housing Register.

These reports are included in Berneslai Homes' quarterly reports to the Council. Any concerns will be highlighted and dealt with in line with the Council/ALMO performance management framework.

## Lettings' Policy - Appendix 1

### Exclusion and Suspension Statement

**This appendix provides additional details to support the information provided in section 6d and 6e of the Lettings' Policy 2013**

#### 1. Background

In section 6 of the Lettings' Policy, it is explained that some people are ineligible to appear on the Housing Register and it sets out the reasons why this is the case.

In section 6d, reference is made to a specific group of applicants who do not qualify to appear on the Housing Register as a result of their current, or previous, conduct and these applicants are described as being **excluded** from the Housing Register. This is because, for this category of applicants, a judgement has to be made on the extent that their conduct may impact on their ability to maintain a tenancy in a satisfactory manner. It is also possible that changes in the applicant's circumstances, or conduct, may result in a change in their eligibility to appear on the Housing Register so, although they may be assessed as not qualifying when they originally apply, they may be re-assessed at a future date and the decision may then be that they do qualify. This makes this group of applicants different from other ineligible applicants where there is no judgement to be made and where the applicant cannot do anything to change their eligibility status.

In section 6e, the main reasons why an applicant can be **suspended** from the register, for a temporary period, are set out. Again, the decision to suspend an application requires a judgement to be made and it is also possible that the applicant can take action which will address the reason for the suspension. Therefore this group of applicants also differs from the other categories of ineligible applicant.

Applicants that do not qualify and are excluded or suspended from the Housing Register will not appear on the Housing Register. They will not be able to apply for vacancies and they will not be offered a Council property.

This statement sets out the reasons why some people are excluded, or suspended, from the Housing Register and how the decision to exclude or suspend an application is made.

All decisions on an applicants qualification to join the Housing Register will be based on individual circumstance, objective criteria, proven evidence and will comply with the guidelines set out within this statement.

## 2. Exclusion - General principles

The Localism Act (2011) permits Local Authorities to determine what persons are or are not qualified to be allocated housing. For the purposes of this Policy, the Council considers a Housing Register applicant to be ineligible for the allocation of accommodation where:

- The applicant or a member of their household whose behaviour is serious and unacceptable enough to make them unsuitable to be a tenant of the authority; and
- In the circumstances at the time the application is considered, they are unsuitable to be a tenant of the authority by reason of that behaviour.

A three-stage test of '*suitability*' will be applied to every application for accommodation, to assess whether to exclude:

1. Has the applicant or a member of their household behaved in a serious and unacceptable manner, which is enough to make them unsuitable to be a tenant of the authority?
2. At the time of the application, is the tenant still unsuitable to be a tenant of the authority by reason of his behaviour, or the behaviour of a member of his household?
3. Was the unacceptable behaviour serious enough to entitle the landlord to consider commencing legal proceedings or to pose a risk to the community?

The current circumstances of the applicant and their household will be considered against any past unacceptable behaviour to determine whether there have been any changes that would make a decision to exclude unreasonable.

The following provides some examples of unsatisfactory conduct, or breaches of tenancy regulations, that are likely to lead to a decision to exclude an applicant:-

- Violence, or threats of violence, to and/or against:- the community, Elected Members, staff of BMBC and Berneslai Homes', their contractors or agents.
- Wilful damage or Abandonment of a property.
- Anti Social Behaviour by the applicant, a member of their household or visitors to their home.
- Current or former rent or mortgage arrears (where the rent or mortgage is deemed affordable).
- Drugs related behaviour causing nuisance/anti-social problems in neighbourhood.
- Criminal activity/convictions causing nuisance/anti-social problems in neighbourhood.
- Domestic violence.
- Social Housing Fraud

It should be noted that this list identifies only some of the key behaviours that could result in a decision being made to exclude an applicant and that there are other issues that could also result in a decision to exclude.

Any information, provided as part of the application process, that could result in the decision that the applicant does not qualify to join the waiting list will be considered very carefully.

Once a decision is made that an applicant is ineligible to join the Housing Register on the grounds of their current, or previous, conduct they will be referred to as an **excluded** applicant.

The excluded applicant will be informed in writing of the decision to exclude them from the Housing Register and of the reasons for this decision. This will be provided within 5 working days of the decision being made. Any excluded applicant will be advised that they have a right to appeal within 6 weeks of being notified of the decision.

We will tell applicants how long they will be considered to be excluded and what action they should take to prove that they are suitable prospective tenants.

The decision to exclude an applicant from the Housing Register will also take into account the existence of any support and supervision which may be provided by statutory or other agencies which could help reduce any potential risks to the satisfactory conduct of a tenancy to an acceptable level.

When it is determined that an applicant is to be excluded from the Housing Register, the Council will meet its statutory duties by ensuring that advice and assistance is provided to those who request it.

Any decision to exclude an applicant from the Housing Register will be authorised by a nominated Senior Lettings' Officer within Berneslai Homes.

### **3. Reapplying after being excluded from the Housing Register**

It is the responsibility of an excluded applicant to reapply to join the Housing Register.

Any excluded applicant can reapply at any time and they will be advised of this right when they are notified of the decision that they are to be excluded.

However, the applicants will need to demonstrate that the reasons for the exclusion no longer apply or there has been some other significant change in their circumstances that merits a reapplication being made.

All applicants have the right to appeal against any housing application decision.

#### **4. Suspending an applicant.**

Further to the qualification criteria as set out above, in some cases an applicant may be suspended from the Housing Register for a set period of time. All applicants will be notified that they have the right to appeal against any decision to suspend an application.

The following list identifies some of the circumstances which may result in a decision to suspend an application and the possible outcomes following the period of suspension:-

- **The deliberate worsening of the applicant's housing situation**

Where there is good reason to believe an applicant has purposefully engineered their housing circumstances, in order to gain a higher level of priority, the applicant will be suspended from the Housing Register and a full investigation of their case will be carried out.

- If this investigation is unable to prove that the applicant has purposefully engineered their circumstances, the application will be re-instated from the original priority date.
- However, if the investigation proves the applicant has engineered their housing circumstances, priority will be awarded on the basis of what their circumstances would have been had this action not been taken.

- **The supplying of false or misleading information**

Where there is any reason to suspect that an applicant has provided false, or misleading, information in order to improve their chance of securing a Council Tenancy, the application will be suspended from the Housing Register to allow time for a full investigation of their circumstances to be carried out.

- If this investigation is unable to prove that the applicant has provided false, or misleading, information, the application will be re-instated with the original date of application, or the original priority date as appropriate.
- However, if the investigation proves the applicant has provided false or misleading information, the applicant will be informed that they have committed Social Housing Fraud and they will be advised of the consequences. Depending on the circumstances this could include the applicant being excluded from the Housing Register, or a change to the level of priority that was awarded based on the false information that was provided.

- **Promise to reduce rent or mortgage arrears**

An application may be suspended in circumstances where an applicant has former tenant rent arrears, tenancy related debts, or mortgage arrears, where they have not made regular payments to reduce arrears in the past but, upon

making an application to join the Housing Register, they make arrangements to clear their debt by instalments.

- Where such applicants demonstrate that regular payments have been maintained during the period that their application has been suspended, their application will be re-instated with the original date of application or the original priority date as appropriate.
- Where such applicants do not keep their promise to make regular payments to reduce their former rent or mortgage arrears, the application may be excluded or be subjected to a further period of suspension when it is reviewed.

#### • **Anti-Social Behaviour**

An application can be suspended where there have been previous / current issues of Anti Social Behaviour and where the applicant has begun to address those issues and is actively cooperating and working with agencies to improve the behaviour. In these instances the application may be suspended for up to 6 months to give the applicant the opportunity to demonstrate a change in behaviour.

- In this instance the decision to allow the applicant onto the Housing Register will be subject to a Special Assessment.

#### • **Applicants identified as 'Not Engaging' with Support Providers**

An application can be suspended where the applicant has been assessed as needing support and where support is in place but the applicant is not engaging with the support.

- When the applicant is able to demonstrate that they are actively engaging with the support that is being provided, the application will be re-instated with the original date of application, or the original priority date as appropriate.
- If the applicant continues to refuse to engage with the support that is assessed as being necessary, the application may be subject to a further period of suspension or may be excluded from the Housing Register when the automatic review of the suspension takes place.

It should be noted that this list identifies only some of key behaviours that could result in a decision being made to suspend an applicant and that there are other issues that could also result in a decision to suspend.

#### **Period of Suspension**

Applications which fall into the above categories will be suspended for a period of between 0 and 6 months. The application will, automatically, be reviewed at the end of this period, or sooner if the investigations are complete, or if the applicant provides other relevant information.



An applicant will be advised about the period of suspension, in writing and within 5 working days of the decision being made.

A suspended applicant will also be advised about the outcome of their review, at the end of the period of suspension. This will be in writing and within 5 working days of the review being completed.

Any decision to suspend an applicant from the Housing Register will be authorised by a nominated Senior Lettings' Officer within Berneslai Homes.

## **5. Use of Flexible Tenancies**

As an alternative to, or as a result of, a period of suspension/exclusion an applicant may be advised that they have been assessed as being suitable to be offered a Flexible Tenancy, as set out in the Council's current Tenancy Policy.

This could apply where the applicant is demonstrating early signs of a change in their behaviour or are actively remedying any other issue that has, or could, result in their suspension or exclusion from the Housing Register.

A Special Assessment will be carried out on applicants whose circumstances indicate that they could be suitable for an offer of a Flexible Tenancy and it is likely that this will be as a result of a recommendation from Partner Agencies.

Any decision to recommend an applicant be approved as eligible, on the Housing Register, for a Flexible Tenancy only will be authorised by a nominated Senior Lettings' Officer within Berneslai Homes.

An applicant identified as being suitable for a Flexible Tenancy only, will be informed that they are eligible to be on the Housing Register for only a Flexible Tenancy and they will be given the reasons for this decision. This will be in writing and will be within 5 working days of the decision being made. Any such applicant will be advised that they have a right to appeal within 6 weeks of being notified of the decision.

Policy approved by council 27<sup>th</sup> September 2018

Policy amended by council 3<sup>rd</sup> February 2022. Changed Band 1 to include applicants awarded a relief duty.