

Lettings Policy - Code Of Guidance

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SECTION 1- THE CODE

1a Purpose of the Code

The purpose of this Code Of Guidance is to:-

- Ensure that the Lettings Policy is interpreted and implemented fairly and consistently.
- Provide reference to legislative frameworks.
- Expand upon the framework of the Lettings Policy.
- Make sure Barnsley MBC and Berneslai Homes, who have delegated authority to operate the policy, have regard to part 6 of the 1996 Act and the amendments made to it by the Homelessness Act 2002.
- Ensure quality and consistency in the use of the Allocations' Database.

The Code Of Guidance is for:-

- Staff and Board Members of Berneslai Homes.
- Staff of Barnsley MBC.
- Elected Members.
- Any member of the public who requests it.
- Agencies providing support to applicants.

The code should be referred to in conjunction with the Lettings Policy.

1b Information and Advice

Barnsley MBC and Berneslai Homes have responsibilities to provide quality, accessible information and advice.

- **We will ensure information is made freely available to the public about their right to make an application for re-housing.**

To do this we will display and make available posters, information leaflets and brochures in all Barnsley Connects' offices. There will be a poster with a phrase in the most common minority languages in Barnsley, advising applicants that we can provide translation services on request.

- **We will help people who have difficulty making an application.**

To do this we will offer help to any member of the public requesting an application form. If the difficulty is because of a disability, or other reason, we will make every effort to accommodate the customer's needs. For example arranging a home visit or specialist assistance such as sign language assistance. If the difficulty is due to language barriers we can arrange for interpreting services to be made available.

- **We will inform applicants of their rights.**

Lettings Policy information will explain the rights of applicants and our staff will be fully trained. Information will be available in various formats eg leaflets and our website.

- **Applications are considered in line with legislation and the Lettings Policy.**

Lettings' staff will have access to, and be fully trained on, the relevant legislation. We will assess applications in line with the Policy, Code Of Guidance and legislation. We will monitor our procedures to ensure we are doing things correctly. The Lettings Policy is published and available for anyone requesting it.

Provision of Information.

We will follow a strict code regarding information about individual applications:-

- When an applicant asks to join the Housing Register we will provide them with all the right information and comply with Data Protection. (For information about Data Protection, see procedure section).
- When dealing with a housing application, we will consider a person's right to information and right to confidentiality.
- We will not divulge (without their consent) information about a housing applicant. This also includes the fact that they are an applicant. However, there are exceptions to this rule where there are public protection issues (eg vulnerable adults and children) where we may need to share information with relevant agencies.
- An applicant has a right to see information we hold about them on the Housing Register. There is no charge for this information and it must be provided within 30 days of their request.

- We aim to complete Band 1 and 2 applicants within 10 working days of receipt by the Assessment Team, and Bands 3 – 5 within 20 working days. (Applicants will be notified of any reason for delay). In line with the Housing Act 1996, as amended by the Homeless Act 2002, an applicant has a right to certain information. We will provide applicants with this information within 5 days of a full assessment of their housing application taking place. This information includes:-
 - 1) Any priority status they have been awarded.
 - 2) The date priority has been awarded from.
 - 3) The fact that they may appeal against any decision we make (see section 14).

We should be aware that at all times, an applicant has the right to ask us to inform them of any decisions about the facts of their case, which may or may not have been taken into account when considering whether to allocate them a property.

1c Procedure for giving out information.

Before we give out information we must assess the caller's identification (ID).

We ask for:-

- Applicant's Name.
- Applicant's Date of Birth.
- Who else is on the application.
- Application address and
- National insurance number (if we have it).

If we are satisfied it is the applicant, we may talk to them about the application.

We can take information from a third party about an application provided we do not have to disclose any information to them. For example if an applicant's mother telephones to say that her daughter has had a baby, we can take the information and check it with the details we have on the application.

However, if an applicant's mother contacts us to ask where her daughter is on the Housing Register, or what priority she has, we must not give this information out without the applicant's permission.

We will not give information to anyone else without the written permission of the applicant, unless there is a public protection issue, where we may share information with relevant organisations. If an applicant asks us to pass information about their application to a nominated person we will obtain written or verbal authority from the applicant (see standard letter **perapp**). When the applicant has given their authority to discuss their application with a 3rd party, the receiving officer will update with notepad entry. We will continue to give information about the application to the nominated person unless the applicant tells us they no longer want us to. (the letter **perapp** tells them this).

When giving out information, we must always consider a person's right to confidentiality.

SECTION 2 – DEFINITION OF AND ACCESS TO HOUSING REGISTER

2a Definition and Access to the Housing Register

This Code Of Guidance will outline the responsibilities and procedures we must follow in deciding who can and cannot appear on the Housing Register

The Housing Register is Barnsley MBC's framework for allocation of its stock. Berneslai Homes manages the Register on behalf of the Council. In this section we refer to Berneslai Homes and its staff as "we" or "us".

Section 166 (3) of the 1996 Act places an obligation on us to consider all applications for social housing in line with the Lettings Policy.

The minimum age for inclusion on the Housing Register is 16. However, we will only allocate a tenancy to an applicant under 18 in exceptional circumstances, and only after the Housing Assessment Team have completed a Special Assessment. (See section 9 - Special Assessment Procedure)

2b Assessment Process

For Bands 1 and 2, the target for full assessments of applications for re-housing is 10 working days, from the date the application form is received by the Assessment Team. For Bands 3, 4 and 5 the target time is 20 working days. However, it is possible that some assessments may take longer than the target time. Where there is a delay we will notify the applicant.

From the receipt of an application for re-housing, we make several decisions:-

1. Is the Applicant eligible to join the Housing Register?
2. Is the Applicant subject to a Special Assessment Procedure?
3. What property types are the Applicant(s) eligible for?
4. What priority does the Application have?
5. Does the applicant need assistance through the 'Search & Apply' service?

Information Exchange Protocols

An integral part of the assessment process will involve liaison and sharing information with other agencies. When sharing information with other agencies the following should be considered:-

- Ensure that only reasonable information is requested to facilitate the decision making process.

- Legal Framework – The timely and appropriate exchange of relevant information is essential if professionals and relevant agencies are to protect the applicant. Any information exchanged should be done within the legal parameters of the Data Protection Act 1998 and the Common Law of Confidentiality.
- Data Protection Act 1998 requires that personal information is:-
 1. Obtained and processed fairly and lawfully.
 2. Only disclosed in appropriate circumstances.
 3. Accurate.
 4. Relevant and not held for longer than necessary.
 5. Kept securely.

Any disclosure of personal information must always have regard to both Common and Statute Law. The Human Rights' Act 1998 should also be considered. For full details of sharing information protocols see:- the Barnsley Multi Agency Adult Protection Policy and Procedures' document, available on the intranet.

When dealing with confidential information the following issues should be considered:-

- The needs of the Service User.
- The needs of the public for protection.
- The needs of the worker for protection.

Fraudulent Applications.

When there is suspicion that an application may be fraudulent, it will be placed in Pending Status by the Housing Assessment Officer. The applicant should be contacted and informed that their application has been placed in Pending Status and the reasons why. We should tell the applicant of the evidence we have, following investigations a Senior Housing Officer will then make a decision as to the status of the application. At all times the above protocols should be observed.

2b(i) People who qualify to Join the Housing Register

Do those making the Application qualify to join the register?

This is the first decision we make when assessing an application. The main reason why an applicant can be ineligible to appear on the Housing Register is because the Applicant does not fulfil the UK residency test.

Residency Test

We must decide if an applicant is eligible for accommodation in line with the Residency Rules under s.160A (1)(a), (3) and (5) of the Homelessness Act 2002.

We will carry out checks on Housing Applicants to ensure that they are eligible to appear on the Register on the grounds of residency. The questions below are relevant when deciding eligibility:-

- Are they a British Citizen?
- Are they a Citizen of the European Union?
- Are they an existing secure or introductory tenant of a Housing Authority?

If the answer to question 1 is NO, enquiries will need to be made.

If they are an EU Citizen, enquiries will need to be made into their right to reside in the UK. The enquiries may need to be considered both at the time of the initial application and again before making an allocation.

If the answer to both questions 1 and 2 is NO, further extensive enquiries will need to be made regarding residency. The Lettings' Manager is our Nominated Officer for advice on this matter.

If there is uncertainty about an Applicant's immigration status, we must contact the Home Office Immigration and Nationality Directorate, using the procedures set out below.

1. The Home Office's Border and Immigration Agency exchanges information with Housing Authorities subject to Data Protection and Disclosure requirements being met and properly managed, provided the information is needed to help carry out statutory functions or to prevent and detect fraud.

2. The Evidence and Enquiries Unit (EEU) provides a service to housing authorities to confirm immigration status of applicants from abroad (non Asylum Seekers). To use this service, Housing Authorities must be registered with the EEU, Border and Immigration Agency, C Block 3rd Floor, Whitgift Centre, Wellesley Road, Croydon, CR9 2AT.

Authorised officers can make enquiries by letter or fax to: 020 8633 0014, but replies will be returned by post.

In cases where the EEU indicate that the applicant may be an Asylum Seeker, enquiries of their status can be made to the Border & Immigration Agency by fax: 020 8633 0014. Copies of the EEU's correspondence must accompany the request.

Before doing so, we must advise the applicant an inquiry will be made. If, at this stage, the applicant prefers to withdraw their application, no further action will be required. Use standard letter RESHO.

If we find, following investigation, that an applicant does not fulfil the residency criteria, we must advise them within 5 days and send them a letter RESNOTQUA. If one of the applicants is eligible, but the other is not for the above reason, use standard letter RESNOTQUA1.

2b(ii) Reinstating Cancelled Eligible Application Forms

If an applicant reapplies within **three** months of the cancellation date, the application can be reinstated. In these cases we can use the original application date, which means they can be reinstated with their original time priority and Banding on the register.

If the applicant reapplies after **three** months, a new application needs to be made. We will need to use our discretion where reasons for the delay are not straightforward thus deciding if the original date of application should still apply. We should send a new acknowledgement letter to the applicant. We will record our decision on the on Allocations' Database.

2b(iii) Suspension from the Register

In certain cases there may be applicants whose circumstances do not warrant exclusion from the Housing Register. We may, in these circumstances, take the decision to suspend an application from the Housing Register. When considering suspension we must still have regard to the needs of the applicant and their current circumstances.

Grounds for suspension are the same as for exclusion on the grounds of behaviour as set out in section 17, however we can decide to suspend while further investigations take place or if the applicant makes an agreement to remedy the issue which may have previously led to them being excluded. Examples of reasons to suspend rather than exclude are:-

- An agreement to bring a property up to an acceptable standard.
- The issue which would lead to exclusion happened more than 5 years ago.
- A small amount of current/former tenant arrears, or mortgage arrears, where an agreement for payment can be reached, For example 1 month's rent or mortgage arrears.
- A recharge bill of less than £500 where an agreement can be reached

We should only decide to suspend, rather than exclude, after careful consideration of the full facts of each case and following discussions with the applicant regarding our concerns. If we decide to suspend an application we must tell the applicant in writing within 5 working days. Send the word-generated letter "suspend" from the Housing Assessment Team folder. When we decide to suspend an application we must always set a review date.

The applicant should be notified of the period of suspension and what action they need to take for their application to become eligible. This should be included in the initial letter advising of the suspension. In addition, the applicant should be advised of the Appeals' Process.

We Should Not Place an Application in the Suspended Status for longer than 6 months except in exceptional circumstances to be agreed by The Lettings Manager.

We must review all suspended applications when the review date is reached. A report is available on the Standard Report System. This is a PDF report accessible through the directory of links file. This report will list all applications requiring a review.

The Housing Assessment Officer will re-assess the application, taking into account the reasons for the suspension, and make checks to ensure any agreements made have been fulfilled. This may involve contacting the applicant to provide proof that a debt has been cleared. The Housing Assessment Officer may also need to liaise with the Senior Rents' Officer and/or Housing Management Team Leader, Tenancy Enforcement team etc.

If the outcome is the behaviour, either rent arrears or Anti-Social Behaviour, and would not deem the applicant ineligible, then the Housing Assessment Officer can make a recommendation, to the Lettings' Manager or Senior Assessment Officer, to lift the suspension and place the application on the Housing Register. It will then be re-assessed in line with the current Lettings Policy. All details must be placed on the application notes.

The date the decision is made to allow the applicant to rejoin the register will be the original application date or Banding date if in priority Bands 1 – 3.

2b(iv) Offer of a Flexible Tenancy

In certain cases there may be applicants whose circumstances do not warrant exclusion or suspension from the Housing Register but who present such a risk of tenancy failure that makes the offer of an Introductory followed by a Secure Tenancy inappropriate. We may, in these circumstances, take the decision to allow the applicant on to the Housing register but limit any tenancy offered to an Introductory followed by a two year Flexible Tenancy. When considering a Flexible Tenancy we must still have regard to the needs of the applicant and their current circumstances.

Grounds for offering a 2 year Flexible Tenancy on the basis of previous and/or current behaviour may include, but are not exhaustive:

- Previous anti-social behaviour where the applicant and their family have taken positive steps to address that anti-social behaviour but the timescales have been short (up to 6 months ago)
- The applicant has taken positive steps to address any tenancy related debt by making regular payments but the debt is still significant
- The applicant has been evicted from a previous tenancy for rent arrears, has repaid the debt, but the risk of rent arrears accruing in any tenancy offered is considered very high, taking into account previous and current rent payments

- The applicant has had difficulties maintaining a tenancy in the past but is actively addressing those difficulties.

We should only decide to offer an Introductory Tenancy followed by a 2 year Flexible Tenancy, rather than Introductory followed by Secure Tenancy after careful consideration of the full facts of each case and following discussions with the applicant regarding our concerns. If we decide to allow an applicant on to the housing register for a Flexible Tenancy rather than Introductory followed by Secure Tenancy we must tell the applicant in writing within 5 working days.

The applicant should be notified of the decision and of the right to appeal against the decision made.

2b(v) Pending Applications

If an application form is received that does not provide enough information to complete a basic assessment, it should be returned to the applicant for completion. However, we can place a housing application in pending if we need **additional** information from the applicant to complete a full assessment. We should only use the pending status where:-

- Vital information is missing or in doubt which may affect our decision on eligibility for the register.
- Where we believe an application has been made fraudulently and are carrying out investigations.

The reason for this caution is that, while an application is in pending status, it is not considered for vacancies.

The best action if we need more information, but where it will not affect the applicant being registered, is to input the information we have and request any further information needed. For example, proof of pregnancy which could affect the property types the applicant is considered for and the priority they have. We would reconsider priority once the information has been received.

All applications in the pending status will be subject to monitoring.

2b(vi) Marital or Relationship Breakdown of Joint BMBC Tenants.

We may receive applications from people who are current Joint Tenants of BMBC but who want re-housing separately due to their relationship breakdown. We need to treat these cases carefully as both parties have an equal share in a Joint Tenancy.

We must follow the procedure outlined below, but only where the Joint Tenancy has not been terminated by either one of the joint tenants, or by the courts as part of matrimonial proceedings. For these latter cases we must follow the procedure – “Joint Tenancies Guidance Notes and Procedure”. (See intranet)

We Must Not Advise Applicants That They Have To End Their Current Tenancy Before They Can Join The Housing Register. Applicants in this situation should be advised to contact Housing Options for advice on their options.

The notes should be read in conjunction with the guidance notes “Joint Tenancies Guidance Notes and Procedure”.

Action to Take

The applicant needs to complete an application form. The application should be registered on the **Standard** List as opposed to the Transfer List. This will make sure that Allocations' IT system will not attach the application to the tenancy reference, as the whole tenancy will be ended if the applicant is re housed. We will also need to ensure that the contact address for the tenancy has not changed when the application was input (this would happen if the applicant is on the tenancy as the 'main tenant') If it has changed, help should be sought from either the Lettings' Officer or a Lettings' Assistant who specialises in tenancy changes and who can amend the 'main tenant'.

The answer to the question, on Allocations' Database, “What is the tenure of current accommodation?” should be, “BMBC Council Tenant”. We must place a highlighted note on the note screen regarding the current interest in the Joint Tenancy. We must then assess the application in line with the Policy and award priority accordingly.

The awarding of priority status should not be based solely on the fact that the relationship has ended or the fact that they want to end the joint interest in the tenancy. All re-housing factors need assessing, i.e. medical, social and welfare etc, just as we would assess if we received an application from owner-occupiers who had gone through a relationship breakdown.

In all cases staff in the Assessment Team should discuss, and if appropriate refer, the application to Housing Options' Advice and Homelessness Prevention Service. This is to make sure that we consider reasonableness to remain in the property and not miss a potentially homeless case. A referral may result in a decision on homelessness being made and this may affect their priority.

Joint Tenancy Breakdown - Offer of Accommodation

If an offer of a Single Tenancy is to be made to one party of a current Joint Council Tenant, then when making the offer we should make it clear that they will need to end their interest in the Joint Tenancy before being able to sign for the new tenancy.

Joint Tenancy Breakdown - Signing for a New Tenancy

We must make sure when the new tenant signs the agreement that the termination for the old property has also been signed. We must follow the usual signing procedure, but it is essential that 'old tenancy' be amended to a 'sole tenancy' in line with the procedure - "Joint Tenancies Guidance Notes and Procedure".

The tenant will automatically become a secure tenant if they were an existing Secure Tenant at the time of the offer. See Introductory Tenancy Policy and Procedure.

2b(vii) Lettings to Councillors or Staff of BMBC, Board Members or Staff of Berneslai Homes or their Close Relatives.

Councillors, Board Members, staff and close relatives of Councillors, Board Members or staff can join the Housing Register. Definition of 'close relative' is how it appears in the Housing Act 1985 section 113: Spouse, Partner, Parent, Grandparent, Child (inc step children), Grandchild, Brother, Sister, Uncle, Aunt, Nephew or Niece. When applying they must declare their position within the Authority or Berneslai Homes or their relationship with the same. We have agreed guidelines which will ensure equality:-

1. Officers must not deal with their own applications for re-housing or applications received from their partners or relatives.
2. Officers/Councillors or Board Members seeking re-housing must exercise professional discretion in dealing with the officer handling their application. They should be aware that undue canvassing of a Housing Officer may be considered as improper or harassment and could, therefore, face disciplinary procedures.
3. It is important that any application from Councillors, Board Members, staff or their relatives is neither advantaged nor disadvantaged as a result of their position or relationship.
4. On receipt of an application, if eligible, it should be registered and the relationship noted on file and Allocations' IT system.
5. If the applicant is to be offered a property, the Lettings' Officer should complete and sign the pro forma stating that the application has been assessed in line with the

Lettings Policy. We must then send full details of the property to be offered, and the applicant's position on the Housing Register, on the pro forma to the Director of Customer and Estate Services.

6. We must not inform the applicant of any possible offer until the Director of Customer and Estate Services has approved the offer.
7. All staff must ensure that they declare their interest in anyone on the Housing Register.
8. Any officer who has deliberately and improperly advanced their own or their relatives' application may be considered to have committed gross misconduct.

In view of the above, staff must exercise special concern with regard to applications received in this category. Staff must ensure the applicants receive proper consideration and are not disadvantaged in their search for re-housing. If officers are in any doubt they should seek assistance from the Lettings' Manager.

SECTION 3 – ROLE OF LOCAL MEMBERS

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

- Forming, developing and reviewing the Policy.
- Sharing local knowledge.
- Representing the interests of the electorate and their communities.
- Monitoring performance.

3a Formation, Development and Review of the Lettings Policy

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

- Where requested, a Senior Officer will attend meetings with Elected Members to discuss management of the Housing Register.
- Berneslai Homes may consult the appropriate Cabinet Spokesperson (Housing) on the rare occasion we need to make a letting outside the scope of the Lettings Policy, and where the Director of Customer and Estate Services does not have delegated authority to approve the allocation.
- Berneslai Homes will consult the Council where there is a need to substantially and permanently amend the property matching rules for either an individual or a range of properties.

3b 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 the 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.

Members have the right to raise issues about the management of the Housing Register. Performance information will assist in monitoring the effectiveness of the Policy, and will allow members to raise concerns.

3c Representing the Interests 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 Member for assistance in applying for re-housing and/or to ask for assistance to express an interest in a particular vacancy. When expressing interest in a vacant property, on behalf of an applicant, we must have the permission of the applicant to accept the expression.

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

- If asked by the applicant, an Elected Member can express an interest in a vacant property for them. The expression will be accepted and considered in line with policy. If successful, we will contact the applicant in the same way as if they 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.

3d Elected Members role in Monitoring Performance

Elected Members have a role in overseeing the performance arrangements of Policy implementation. This will be undertaken through regular reports to members as part of the overall performance monitoring framework of this service. Members also have an important role at local level, through performance monitoring arrangements at the Council's area boards, 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.

3e Information Provided to Elected Members

Elected Members will receive electronic copies of the public weekly vacant properties advertisement only.

The public weekly feedback report, regarding lettings made, is publically available on Berneslai Homes Website.

SECTION 4 – Equality, Diversity and Inclusion

We will ensure every applicant is treated with respect and sensitivity, irrespective of age, disability, ethnic and national origins, language, communication, culture, religion, gender, sexual orientation or any other characteristic.

Black And Minority Ethnic (BME) People

The Lettings Policy and Procedure does not discriminate, directly or indirectly, against BME individuals. We comply with statutory requirements relating to equality legislation, and relevant codes of practice. We promise that information will be made available to those whose first language is not English, and we will choose the most suitable and cost effective way of doing this when a request is made. This could include using our telephone interpreting service, face to face interpreters or translation of key information.

It is essential when letting properties to BME people that we carefully consider areas and property types. In line with statutory guidance, we will not bypass an applicant because we believe they may suffer harassment, or that the property does not suit their cultural or religious beliefs. However, where we have information about an area, including past incidents of racial harassment, we will ensure applicants are aware of these issues, to enable them to make an informed decision on whether an area or a particular property is suitable.

People with Disabilities

We will ensure all applicants with disabilities will be treated in a fair and consistent manner. Our policy and procedures do not discriminate, directly or indirectly, against people with disabilities.

We will ensure any offer of accommodation takes into account the person's needs, requirements and choice. The offer will take into account the person's disabilities and also any future need for possible adaptations to the property because of the applicant's medical condition.

We promise that information will be made available in suitable alternative formats and we will choose the most suitable and cost effective way of doing this when a request is made. This could include large print, through visits, through BSL interpreters for Deaf applicants and other communication support.

Where there are requests made by younger disabled people for age restricted accommodation, we have put in place a process to ensure their accommodation needs can be met appropriately, including a special assessment by the Director of Customer and Estates.

Gender Reassignment

We have a policy to ensure we respond sensitively to applicants who are undergoing gender reassignment, and we complete a Memorandum of Understanding with the individual. This enables us to have a conversation about how we support the applicant, and protect sensitive information in line with their request.

Recording of Equality Data

Staff will record data about ethnic and national origin, disabilities, faith, gender, sexual orientation etc, on the Allocations' Database. Staff will also ensure that, where contact is made with an applicant and information is missing, we ask the applicant to provide this, whilst acknowledging they may prefer not to say.

Equality Monitoring

Equality Monitoring of applicants and the Lettings' processes will take place through Berneslai Homes' Performance Management Framework. It is therefore important, wherever possible, to obtain relevant information from all applicants, subject to the applicant's agreement.

SECTION 5 - ASSESSMENTS PROCESS AND ELIGIBILITY

Property Eligibility Criteria

To make best use of the housing stock and ensure accommodation offered matches the needs of households who need that property type, we allocate properties through property eligibility criteria. The eligibility criteria identifies property types which different households will be considered for.

We have standard criteria to help us make a general decision but this may be changed to reflect the stock availability and type in each area.

Small Households

This table shows the eligibility for one and two adult households with no other persons to be re housed.

Size of Household	Bedsit*	1 bed lower flat/bungalow*	1 bed upper flat*	2 bed lower flat/bungalow*	2 bed upper flat*	2 bed House/Bungalow
One adult**	√	√	√	√	√	√
Two adult		√	√	√	√	√

* Certain accommodation is designated as being for the elderly or disabled and can only be let to people who are either elderly and/or disabled.

** Young people leaving care in Barnsley will be eligible for Band 1 priority for bedsit or one bedroomed accommodation only, unless there is a specific need for larger accommodation eg Care Leaver living with their sibling(s) and/ or children.

Larger Households

The following table shows eligibility criteria for larger households. Categories are for applications with a single person or a couple as the head of the household, plus one or more people within the household.

For example: A household with two or more others could be: -

1. A single applicant with two or more children to be re housed or;
2. A couple with a child or elderly relative to be re housed.

Size of	2 bed lower	2 bed	2 bed	3 bed	3 bed	4 bed
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Household	flat/bungalow*	upper flat*	house	bungalow*	house	house
Household +1 other person	√	√	√	√	√	
Household +2 or more other people	√	√	√	√	√	
Household +3 or more other people	√	√	√	√	√	√
Household +4 or more other people				√	√	√
Household + 5 or more other people				√	√	√
Household +6 or more other people				√	√	√

* Certain accommodation, designated as accommodation for the elderly or people with disabilities, can only be let to people who are either elderly and/or have a need for that type of accommodation.

When we offer accommodation applicants will, in the first instance, be drawn from those households who fulfil the eligibility criteria for the vacant property. However, there are some circumstances where the criteria may be relaxed or may be different from the above:

- Some upper flats and most lower flats and bungalows are specifically for people over 60, people with disabilities, or they have other age restrictions. We will only consider those applicants who meet the criteria for this property type.

- In some circumstances, due to the nature of the household, the allocation of property in accordance with these criteria may create **Statutory** overcrowding. We will not offer a property to an applicant if it creates overcrowding. In exceptional circumstances, and taking into account the council's limited number of very large homes, an offer which may still leave the applicant in overcrowded conditions could be made to relieve very serious overcrowding in an applicant's current home.
- In some circumstances, when an applicant demonstrates the need for more bedrooms, they may be considered for larger properties. This includes, but is not exhaustive:-
 1. People with a full time carer or specific medical or support needs which require an additional bedroom.
 2. The children of separated or divorced parents will be included in the number of people in the family, where the parent has responsibilities for at least 2 nights per week on a regular basis. This also applies to households providing foster care for children. (See section 6(i) - 'two household' families).
 3. Babies of expectant mothers, where the mother has a medical confirmation of due date of the baby; will be included in the number of people in the family.
 4. In some areas the criteria may be relaxed due to low demand, stock differences or the needs of the community. We aim to publicise any variances of this type to the standard eligibility criteria.
 5. We will also consider whether people wish to move to a smaller property because of under- occupation of their current Council or Housing Association home.

SECTION 6 PRINCIPLES OF THE HOUSING REGISTER

6a General Principles of the Housing Register

The Housing Register is a combined list made up of:

- **Standard** applicants - (those not currently BMBC tenants)
- **Transfer** applicants - (those currently BMBC tenants)

All applications, which are eligible, will have access to the Housing Register. The register is priority Banded, to ensure BMBC meets the requirements of the 1996 Housing Act and gives reasonable preference to certain categories of applicant. A comprehensive assessment will take into account of: -

- The applicant's current circumstances.
- Suitability of their current accommodation/circumstances.
- Their re-housing needs.
- Ability to secure, financially or otherwise, alternative accommodation.
- How re-housing will meet these needs.

Access to the Housing Register, and priority, depends on individual circumstances and the criteria of the Lettings Policy. Housing Assessment Officers make decisions on eligibility and priority.

6a (i) Priority Bands

There are 5 priority Bands within the Housing Register:

Band 1 - Emergency

Band 1 is awarded to those Applicants who have an emergency need for re-housing and are unable to resolve their own housing need. There are various emergency categories to which Berneslai Homes must give reasonable preference, the main category being applicants who are determined as being Statutory Homeless and in priority need.

However, other circumstances can also be classed as emergencies. The general guide is that remaining in their current accommodation or circumstances is such that the health or wellbeing of the applicant, a member of their family, or the community, will be severely affected if alternative accommodation is not secured. This includes the following situations, but this is not an exhaustive list:-

Homeless Applicants

These are people to whom the Local Authority has assessed are owed a Full (main) housing duty in line with the provisions of the Housing Act 1996 (as amended) and Homelessness Reduction Act 2017. The Council's Housing Options Advice and Homelessness Prevention Team will make decisions on these cases. Decisions on removal or reduction in homeless priority will also be made by this team.

Severe Medical Needs

People with severe and permanent physical needs or severe mental health problems and are at severe risk in the immediate future, whose current housing has a serious detrimental impact on their health, and where re-housing would improve their quality of life. These applications will be assessed under the Medical Assessment Procedure (see section 6c).

Severe Social and Welfare Circumstances

People who are at severe risk of harm in their present accommodation due to welfare, health and safety issues, domestic violence, threats of violence, fear or intimidation, or some other factor where they are at severe risk in the immediate future and where re-housing would improve their quality of life

When we assess risk we must obtain information from relevant authorities i.e. Social Services, Police, Victim Support, Tenancy Enforcement Team, Housing Management staff. It is possible that these applications may also fall within the Special Assessment Process. If a Special Assessment is needed, this should be carried out in line with procedures in section 9. In some cases this may involve a joint assessment with the Medical Assessment Officer.

People affected by Demolition and Compulsory Purchase Orders

People affected by demolition and Compulsory Purchase Orders. This includes any BMBC tenants and residents whose homes are being demolished through regeneration schemes and who have been assessed under our Special Management Lettings' rules as requiring Band 1. (see section 13)

For non – Council Tenants, a Compulsory Purchase Order must be verified by the agency seeking the order and that the need for re-housing is immediate.

Special Management Category

This category includes applicants who we assess under our Special Management Lettings' rules as requiring Band 1 priority. (see Section 13 for eligible categories)

Care Leavers / Shared Lives

This category is for people leaving Local Authority accommodation for which BMBC has a duty of care, where we have identified they have the ability to manage a tenancy, with support if necessary. People / Shared Lives clients leaving the care of BMBC will qualify for Band 1 priority for bedsit and one bedroom accommodation, unless there is a specific need for larger accommodation. (See section 5).

Band 2 Very Urgent

Applications with **very urgent** need for re-housing, who are unable to resolve their own housing needs. The general guide is that remaining in their current accommodation or circumstances is such that the health or well-being of the applicant, a member of the household or the community will be seriously affected if alternative accommodation is not secured. The following list is not exhaustive:-

High Level Medical Needs

People with high level and permanent medical need, or high level mental health issues. They will be at high risk in the immediate future and their current housing is having a detrimental impact on their health, which will be reduced or eliminated by re-housing. These applications will be assessed under the Medical Assessment Procedure (see section 6c).

High Level Social and Welfare Grounds

People at high risk of harm in their present property due to welfare, health and safety issues, threats of violence, fear or intimidation, or some other factor, where they are at high risk in the immediate future.

Homeless Applicants who are owed the Prevention Duty.

These cases will be determined by the Housing Options, Advice and Homelessness Prevention Team in line with the provisions in the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017.

The main focus of activity for this group of people will be to try and enable them to remain in their current accommodation. Band 2 will be awarded where Housing Options and

Advice are satisfied that homelessness cannot be prevented and there is an urgent need for them to move to alternative accommodation in order to prevent actual homelessness.

Statutory Overcrowding

We will assess this using the definition of Statutory Overcrowding as defined by the Housing Act 1985 (see section 6a for assessment criteria)

Disrepair

Cases where the state of repair of the home and/or the facilities are so badly lacking that there is a risk to the health and safety of the applicants but where, under the terms of the Housing Act 1996, as amended by the Homelessness' Act 2002, the applicants are not be classed as Statutorily Homeless.

The aim of the disrepair process is to improve the standard of the housing stock within the borough and should not be seen as a means of securing alternative Council/ Social Housing accommodation for residents. Priority for disrepair issues will only be considered on the advice of the Council's service responsible for enforcement of disrepair matters for non Barnsley Council homes, or the Asset Management Division of Berneslai Homes for Barnsley Council owned homes.

Non Berneslai Homes' applicants who state that their reason for applying for re-housing is the poor state of their property, should be advised to contact BMBC's Regulatory Services' department to report the problem. The applicant should be advised that priority for 'disrepair type issues only' will not be awarded unless the Council's disrepair enforcement service have been involved and are recommending rehousing.

Disrepair will be inspected and assessed by them and we will award priority based on their recommendation, in the following circumstances: -

- Where the Barnsley Council disrepair section intend to commence enforcement action against the landlord, and there is too great a risk for the applicants' health and safety to remain in the property whilst enforcement is progressed, we will place the applicant in Band 2. This would only be applicable if an Officer from Barnsley Council's Disrepair Enforcement Section had to serve a Prohibition Notice on the owner/tenant due, for example, to the accommodation being structurally unstable and in imminent danger of collapse or the premises being below ground accommodation (e.g. a cellar) and there is no means of providing adequate lighting and/or ventilation.

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

Where BMBC tenants state that their reason for requesting a transfer is the state of their property, we will liaise with Berneslai Homes' Asset Management Service and we will award priority only if they recommend it. The priority awarded will be decided following consultation between Asset Management and the Lettings' Service based on the extent of the disrepair, the applicant's family circumstances and the urgency of the repairs needed.

Barnsley Foster Carers or Adoptive Parents

This category is for those applicants who are BMBC foster carers, prospective foster carers and adoptive parents whose current accommodation is unsuitable for fostering or adoption. Confirmation will be required from Social Services.

Special Management Category

This includes applicants who we assess under our Special Management Rules as requiring Band 2 priority. (See section 14 for categories eligible).

Members of HM Forces

This applies to members of HM Forces, and their immediate family, who are within 13 weeks of discharge from the services.

Under Occupation

Where existing Local Authority and Housing Association tenants are releasing 2 or more bedrooms, Band 2 priority will be awarded e.g. a single person wishing to move from a 3 bed property to a 1 bed property.

Band 3 – Urgent

Band 3 will be awarded to Applicants with an **urgent** need for re-housing and unable to resolve their own housing needs. The general guide is that remaining in the current accommodation and/or their circumstances are such that their health or well-being, a member of the household or the community will be affected if alternative accommodation is not secured. The following list is not exhaustive:-

Medium Level Medical Need

This category includes people with a medium level of permanent physical need or medium level mental health issues. They will be at medium risk in the immediate future and their current housing is having an impact on their health. These applications will be assessed under Medical Assessment Procedure (see section 6c).

Medium Level Social and Welfare Circumstances

This category includes people who are at medium risk of harm in their present accommodation due to welfare, health and safety issues, threat of violence, fear or intimidation, or some other factor where they are at medium risk in the immediate future.

Severe but Non-Statutory Overcrowding

This category includes 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. (See section 6e for overcrowding rules)

Applicants Needing Supported Housing or Floating Support

- Applicants **referred** for housing by nominated support providers, where support will be offered when rehoused, and where need for support has been clearly identified by them.
- Applicants who have an identified **need** for supported housing, which can be provided via a floating support package, or thorough nomination to supported housing providers. In assessing such applications, priority will only be awarded where we are satisfied that the applicant can manage a tenancy with, or without, support.

In cases where support needs are identified, and an offer is to be made, we will need to ensure that a suitable support package is available and it will be a condition of the applicant's tenancy that they actively engage in the support provision.

Children in Accommodation on First Floor or Above

This is for applicants with children aged 5 and under living in accommodation on the first floor and above. On award of priority, applicants should be notified that priority will be removed when their youngest child reaches 6 years of age. (see also section **6i**)

Applicants Leaving Supported Housing

People who need to leave supported housing within the next 12 months, or in a planned time frame, and who are ready for independent living, with or without, support. We will award priority only where their application is fully supported by, and assessed as needed by, their current support providers.

Where there are ongoing support needs, we will work with Support Providers to establish that there is a suitable Care Package, and it will be a condition of their tenancy that they actively engage with the Support Provider.

Urgent Location Requirements

This category includes applicants who have an urgent need to move to a particular location because travel to that locality is difficult and where failure to move is causing financial hardship. This includes moving to:-

- Give and/or receive support.
- Be closer to employment.
- Access specialised medical care.
- Be closer to specialised and essential schooling.
- Satisfy The Right to Move (See Section 16)

(see 6d (iv) Re-housing on Travel Grounds for further information)

Under-Occupation

This category is for Local Authority or Housing Association applicants who are releasing 1 bedroom. For example, currently living in a 3 bedroomed property and willing to move to a 2 bedroomed property.

Homeless Applicants Who Are owed the Relief Duty.

These cases will be determined by the Housing Options, Advice and Homelessness Prevention Team in line with the provisions in the Housing Act 1996 (as amended) and the Homelessness Reduction Act 2017.

Where the Housing Options, Advice and Homelessness Prevention Team are satisfied the applicant is actually homeless band 3 will be awarded to enable the applicant to secure suitable accommodation and relieve their homelessness.

'Two for One' Transfers

This category applies when 2 applicants, who are BMBC tenants, want to live together and where both properties are unsuitable for their needs. This priority could be increased due to other circumstances such as a medical need to move home.

Applicants Leaving Armed Forces Accommodation

This category is for applicants who are members of the Armed Forces and/or bereaved spouses and civil partners of a member of the Armed Forces and are within 12 months of the date of their discharge from the Services.

We will award priority when we receive written confirmation from their employer of their intended Date of Discharge.

We will increase the applicant's priority to Band 2, 13 weeks prior to discharge from the Services.

Forces applicants should still be advised to contact Housing Options, Advice and Homelessness Prevention team.

Special Management Category

This includes applicants assessed under the Special Management Lettings' Rules as requiring Band 3 priority. (see section 13 for relevant categories)

Band 4 – Standard

Applicants with low level need, or no need to move, including:-

- Newly forming households or adults leaving home.
- Children 6 years and over, living in first floor flats and above (see 6i).
- Moving to be closer to employment.

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

Moving to Give or Receive Support

This category is for those wishing to move to give and/or receive low level support, and for those giving high level support where travel is not unreasonable.

Moving to be Closer to Education

This category includes applicants who want to move to a specific school catchment area, or be closer to a school or college of their choice, but who have no specific need to attend that school or college. It also includes those who need a specific school, but where travel is not unreasonable.

Low Level Physical or Mental Health Issues Where Re-Housing is Preferred but not Essential for Health and Well Being.

This category includes higher-level medical issues where re-housing will not reduce the problems caused by the medical condition.

Low Level Social and Welfare Needs

This category includes low level social and welfare needs where re-housing is the preference of the applicant, but is not essential for health and well being, or where re-housing will not resolve or significantly reduce the problems.

No Local Connection with Housing Need

This category is for applicants with no local connection to Barnsley but who have an identified housing need, including homelessness, as defined in Bands 1 to 3 above. However, for those with no local connection their priority will be limited to Band 4.

Band 5 – No Local Connection

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

Establishing a Local Connection

To establish a local connection, an applicant applying to join the Housing Register after 1st November 2018 must satisfy one or more of the following criteria:-

- They have lived in Barnsley for 3 out of the last 5 years or for 6 out of the last 12 months.
- They are currently employed in the Barnsley Council area.
- They have close family who currently live in Barnsley. Close family are parents, grandparents, sons, daughters and siblings. (The applicant must provide details of their addresses and their relationship to the applicant).
- Members of the Armed Forces, and former Service Personnel, where the application is made within 5 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 the 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 and have identified housing needs. Special circumstances to be determined, on an individual case basis, following discussions with a Senior Officer.
- They have been deemed to have a local connection under the current homelessness law e.g. Full Duty Homelessness due to fleeing domestic violence.
- Satisfy the requirements of The Right to Move (See Section 16)

Applicants accepted onto the Housing Register prior to 1st November 2018 will have established a local connection under the former Lettings Policy local connection criteria. They will retain that local connection for the duration of the live housing application.

6a (ii) Review of Priority Bands

Bands 1 to 3 are managed in date order of entry to the Band. A regular review of all cases in these Bands will be carried out as follows:-

- Band 1 after **3** months
- Band 2 after **6** months
- Band 3 after **12** months

The review should take into consideration:- the number of properties that have been available, lack of response to property adverts, unreasonable refusals of offers, lack of co-operation, or uptake of advice. The review will result in one of the following decisions being made:-

1. Priority can be extended because there have been no suitable properties available, and the applicant needs a specific property type, for example a medical need for a level access shower, or needs re-housing in a specific area, for example, due to support availability.
2. Priority can be extended if there have been no properties of the type, and in an area requested, but the applicant should be informed they must be prepared to consider a wider range of property types and areas. If the applicant does not then express interest in properties, priority can be reduced or removed.
3. Priority can be reduced, or removed, For example for not expressing interest in available properties of the type and in the area requested; refusal of a suitable offer; lack of co-operation or uptake of advice. (see also Refusals section 12).

Homeless Priority Awards

Those Applicants given priority banding for homelessness will have their award monitored and reviewed by Housing Options and Advice team. The assessment will consider timescales for the award in line with timescales provided for in legislation, identifying where duties have been brought to an end (as set out in the Lettings Policy and Homelessness Reduction Act 2017).

Where the level of priority is to be reduced an assessment of the general housing application will be undertaken by Lettings in line with the policy to determine, based on the applicants circumstances and needs, the level of priority to be applied.

For Non-homeless priority awards:

If priority is reduced, the applicant will be placed in a lower Band from the date the decision is made. A new review date should be selected as follows:-

- When an application in Band 1 is reviewed after 3 months and the decision made to reduce priority to Band 2, priority should be reviewed again 6 months from the date of the decision.
- When an application in Band 2 is reviewed after 6 months and the decision made to reduce priority to Band 3, priority should be reviewed again 12 months from the date of the decision.
- When an application in Band 3 is reviewed after 12 months and the decision made to reduce priority to Band 4, the application no longer needs a priority review date selecting.

If the reduction in priority places an applicant into Band 4, the date for Banding should be the date the application form was received, not the date the decision is made.

Where the review results in a reduction in priority, the applicant should be contacted and advised of the decision and advised of the right to appeal against the decision by following the Lettings' Appeal Process.

6b Guidance Notes to Help Assess Priority

The following sections provide guidance in interpreting re-housing priority for various factors: -

- Medical problems.
- Social and welfare factors.
- Giving/receiving support.
- Re-housing on travel grounds.
- Overcrowding.
- Under occupation.
- Care Leavers (see section 9 – Special Assessments).

- 2 household families.
- Lodgers.
- Children at height.
- Armed Forces Personnel.
- Foster Carers/adoptive parents.

An assessment of applicants re-housing priority includes an assessment of **all** factors relating to their housing application. This assessment involves looking at all relevant issues relating to their housing need/requirements.

This may include looking at secondary factors such as travel distances, and the affect these secondary factors have on their primary reason for re-housing. It is an assessment of the whole picture and not individual factors.

6c Medical Priority

The Initial Process

The initial Housing Application/Change of Circumstances forms, or information received by another means, should indicate whether the applicant has a medical need to be rehoused. Where this is the case, a Medical self-assessment form should be issued for completion by the applicant(s). Priority may be awarded because of any physical, and/or mental health issues, which are being affected by the current housing, or which may be improved by re-housing.

Assessments

Medical Assessment Officers/ Assessment Advisors are responsible for medical assessments. If insufficient information has been provided in order to complete the medical assessment, enquiries may be made of General Practitioners, any other medical attendants, Social Workers, etc. In some circumstances it may be helpful for the applicant to be visited at home to gain the best understanding of how an applicant is being affected, in their present home, because of their medical conditions.

If a home visit is carried out, consideration will be given as to whether the needs of the applicant, or those of a family member, can be met by minor adaptations to their current property. If this is the case it may be more appropriate to make a referral under the Equipment and Adaptations processes set out in the guidance from Social Services.

In making assessments of the suitability of an applicant's current accommodation, Medical Assessment Officers will consider the following:-

- Access to the property
- Access to the toilet and bathroom
- Ability to manage stairs / whether banister rails are in place

- Ability to use the bathing facilities
- Heating type and the ability to maintain the heating.
- General mobility around the home.
- Ability to maintain the home and garden.
- Location of the property in relation to the bus stop and/or local amenities.

Any priority, on medical grounds, will also take into consideration the following:-

Chronic or progressive medical conditions

- The extent to which an applicant's home is unsuitable for their needs.
- Access into, and out of, their home.
- Whether the property is affecting their physical or mental well being.

Infirmity due to Old Age

- Any application from an older person needs careful consideration. A key factor in any assessment is the extent to which age may render the person less able to fend for themselves, or to need more stable accommodation, or to need more support.

Mental Illness

- Suitable, stable housing is a key factor in the long-term well being of this group of applicants. A Special Assessment will be carried out in all cases of severe mental illness to ensure that adequate levels of support will be in place when the applicant is re-housed. Special Assessments will take into account the individual's choice and support needs. Any priority will be determined by the applicant's individual circumstances.

Physical or learning disabilities

- As with any applicant, those with physical or learning disabilities affecting housing need, will be assessed sensitively. In order to ensure that applicants are matched with suitable accommodation a Special Assessment may be carried out and may involve a Case Conference and/or liaison with any other professionals or agencies involved, for example Health Authorities, Social Services etc.

Recording of Medical Needs

Where an applicant has a physical and/or mental health medical condition, the details should be recorded in the notes field. If the medical condition is to be taken into account for eligibility for accommodation with facilities where the applicant does not have to climb stairs (for example, someone under age 60 who cannot manage stairs due to ill health) a 'Yes' should be placed in the question "Are there medical circumstances that need Special Housing?" If the medical condition is not to be taken into account, the answer to the question, should be 'No'. (for example where the applicant has no medical needs or where the medical needs can be met in accommodation where they can climb stairs.).

6c (i) Medical Decisions

Band 1 Emergency Medical Priority

Applicants with **severe** medical needs will be considered for this Banding where current housing is failing to meet their needs and who are at **severe** risk in the **immediate** future. There is a need to clearly identify applicants who have this level of housing need. Priority will be re-assessed after 3 months. Examples of such cases where there are severe and immediate needs for alternative accommodation might include applicants:-

- In hospital and ready for discharge but who are unable to be discharged to their current accommodation because it does not meet their physical or mental health needs.
- Who are at immediate risk of being institutionalised if appropriate housing is not found.
- Who have to live downstairs and cannot access toilet/bathing facilities in their current home.

This list is for example only and is not exhaustive. Staff should contact a Senior Officer if in doubt as to whether an applicant qualifies for this priority.

Band 2 Very Urgent Medical Priority

Applicants with **high level** medical needs, where current housing is failing to meet their needs, and they are at **high risk** in the **immediate** future. Priority will be re-assessed after 6 months. Examples of such cases are:-

- Applicants who have great difficulty accessing their current home e.g. there are a lot of steps to both back and front doors.

- Applicants who have an inability to mobilise safely within their current home e.g. there is insufficient space to use a wheelchair or walking frame.
- Where Community Care cannot begin in the current property, leaving the individual at risk.
- Where the applicant is moving from Supported Housing, allocated on mental health grounds, and where the Support Agency recommends re-housing.
- Where the applicant cannot access bathing facilities.

This list is for example only and is not exhaustive. Staff should contact a Senior Officer if in doubt as to whether an applicant qualifies for this priority.

Band 3 Urgent Medical Priority

Applicants with **medium level** medical needs will be considered for this Band, where current housing does not meet their needs, and they are at **risk** in the future. Priority will be re-assessed after 12 months. Examples of such cases are:-

- Where there are difficulties accessing their property e.g. a lot of steps to the front door but only 1 at the back door.
- Where there are problems climbing stairs.
- Where there is a need to be closer to amenities due to isolation e.g. Post Office, Bank, Doctors, shops etc.

This list is for example only and is not exhaustive. Staff should contact a Senior Officer if in doubt as to whether an applicant qualifies for this priority.

Band 4 Standard Medical Priority

This category is for applicants where any health problems are not affected by their current housing or where there is **low level** need but applicants are suitably housed or where there is a medical need but it can be met with minor adaptations or where moving is the preference of the applicant and would not significantly improve their health/ home situation. Applicants in these cases will be placed in **Band 4**. Examples are:-

- No medical problems, or despite any medical conditions, the applicant can manage any accommodation
- The applicant is already in suitable accommodation to meet their health needs and where there are no access problems with their current property and the applicant is wanting similar accommodation to the property that they already live in.
- Any medical need for re-housing can be solved by the provision of a ramp.
- A household member has a medical condition which may deteriorate in the future and is requesting re-housing to meet this anticipated need but where there is no evidence to suggest present risk.
- Where mental health issues are not directly linked to their housing situation.

- Where a member of the household may have a medical condition but have no, or low level, limitations in their current accommodation.

Equipment , Adaptation and Sensory Services Referrals

Where the Equipment, Adaptation and Sensory Services' section makes a recommendation that a person's situation requires re-housing to suitable accommodation as the only way of meeting that person's immediate/future-housing needs, the Lettings' Officer will check whether the person is already on the Housing Register. If they are, an assessment of priority will be made by the Medical Assessment Officer. Applicants will be placed in Bands 1 to 3 depending on the type of adaptation required, the severity of the situation and the ability of the applicant to resolve the situation themselves.

Where that person does not have a current Housing Application, the Lettings' Officer will contact them and discuss re-housing options and invite them to make an application to join the Housing Register. When an application is received, an assessment of needs will be undertaken in accordance with the procedure in the previous paragraph. Where the contact indicates that the person does not wish to consider re-housing, the referral will be returned to the Equipment and Adaptations' Service with appropriate comments about that person's decision.

Informing the Applicant of the Decision

When all the required information is obtained, a decision will be made regarding priority to be awarded, taking into account other assessment factors e.g. the need for support. Applicants will be notified within 5 working days of all the required information being obtained.

The applicants will be advised that they must inform us of any deterioration or improvement in their health, as this may affect their priority Band and the type of accommodation that may be suitable.

In accordance with the Letting's Policy, the applicant will be advised of their right to appeal against any decision made.

6d Social and Welfare Cases

6d(i) Identifying Cases

Social and welfare factors will be identified by the applicant or any of the following: (this list is not exhaustive)

- Police
- Social Services
- Victim Support
- Neighbourhood Safety Service
- HMOs
- Family Intervention Service
- Health Visitors

When considering social and welfare factors we will only award priority if the re-housing of the applicant will alleviate or resolve the situation.

As with medical need, we can make different decisions about applicants social and/or welfare needs. We may award priority, after investigation, if it is established that there are welfare or safety issues relating to domestic abuse, threats of violence, intimidation or other factors, and which are detrimental to the applicant's health or well-being.

Priority will be decided by the Housing Assessment Advisor, and recommendations documented within the application, when evidence has been gathered and relevant agencies consulted

Re-housing on Anti-Social Behaviour/ nuisance grounds etc should be seen as a last resort, and priority to the applicant should only be considered where traditional enforcement measures have been unsuccessful and the only option is to re-house the victim of the ASB/harassment.

In all such cases the Lettings' Manager and Housing Management Group Manager will need to agree that re-housing is necessary and they will recommend an appropriate priority, taking into account the severity of the situation and the effect the situation is having on the victim's health and wellbeing.

A decision will also be made at this stage whether a Special Assessment is required or a referral made to the Housing Options, Advice and Homelessness Prevention Service. All potentially homeless cases should be referred to the Housing Options, Advice and Homelessness Prevention Service.

6d(ii) What are Social and Welfare Grounds?

Cases where we would assess social and welfare factors can include:-

- Racial harassment.
- Sexual abuse or sexual harassment.
- Domestic violence or intimidation after relationship breakdown.
- Mental illness.
- Vulnerable children and adults.
- Persistent intimidation of household members.
- Severe breakdown in neighbour relations.
- Severe nuisance where violence has, or is likely to, occur.
- Providing or receiving support.

This list is not exhaustive and may include many other reasons. If staff should be in any doubt about circumstances that constitute Social and Welfare Grounds they should consult with the appropriate Senior Officer.

6d (iii) Awarding Priority on Social and Welfare Grounds

There are several social and welfare decisions. The list includes, but is not exhaustive:-

Band 1 - Emergency Social and Welfare Needs

We will place applicants in Band 1 if they or their family are at **severe** risk in the immediate future, due to welfare or health & safety issues. Examples:-

- A child needs to be moved due to abuse by, a member of the household or immediate neighbour, and the appropriate Child Protection Agencies are recommending re-housing.
- A move is recommended by a senior Police/ probation officer: For example applicant needs 'witness protection'.
- A recommendation is made by Multi Agency Risk Assessment Conference (MARAC)/ Multi Agency Public Protection Arrangements (MAPPA).

If staff are in doubt as to what situation would qualify for this priority they should discuss the matter with the appropriate Senior Officer.

Band 2 - Very Urgent Social and Welfare Needs

We will place applications in Band 2 if the applicants or their family are at **high risk** but are not in immediate danger of their health or safety being compromised. Priority will be

continually monitored and, if the level of risk changes, priority can be increased or decreased as appropriate Examples might include:- (although the list is not exhaustive)

- An application which has urgent priority for overcrowding but where the health of an elderly relative in the house is being affected by the situation.
- Applicants with very young children in an upper flat/maisonette, where the internal staircase is too narrow to safely negotiate a pram etc.

In making a decision as to the priority to be awarded staff will, in every case, assess the effect that the situation is having on the applicant and their family.

If staff are in doubt as to what situation would qualify for this priority they should discuss the matter with the appropriate Senior Officer.

Band 3 Urgent Social and Welfare Needs

We will place applicants in Band 3 if they or their family are **at risk** due to welfare and safety issues. Priority will be monitored and if the level of risk increases or decreases, priority can be amended as appropriate. Examples might include:- (although this is not exhaustive)

- **Low level** harassment/noise nuisance from neighbours where supporting evidence is provided from Police, Safer Neighbourhood Team, Housing Management Officers etc.
- Applicants moving to give, or receive, a high level of support.

In making a decision as to the priority to be awarded staff will, in every case, assess the effect that the situation is having on the applicant and their family.

If staff are in doubt as to what situation would qualify for this priority they should discuss the matter with the appropriate Senior Officer.

Band 4 - Standard Social and Welfare Needs

This category includes cases where an applicant feels they have a social and welfare need but we do not think their grounds meet our criteria, or we agree there is low risk or social and welfare need but re-housing would not lessen or remove the problem.

Examples might be:-

- Children living in a property with no garden or on a main road.
- Applicants moving to give low level support and where travel is not unreasonable.

Priority will be monitored, and increased or reduced, as the situation changes e.g. if a person threatening violence to an applicant is convicted and imprisoned, the applicant may be moved to a lower priority Band.

Informing the Applicant of the Decision.

When we have reached a decision about priority we will inform the applicant within 5 days of making the decision. We will also inform them that they have the right to appeal if they do not agree with the decision. (see Section 13)

We will advise the applicant to keep us informed of any changes in their situation so that we can reassess any improvement or worsening of risk.

6d (iv) Additional Notes on Assessing Social and Welfare needs

Domestic Violence/Abuse

Domestic violence means violence, threats of violence or emotional abuse from an associated person. It may include violence, or threats of violence, inside the home and/or outside the home. People are considered to be associated with each other if:-

- They are, or have been, married to each other.
- They are, or have, lived together.
- They have agreed to marry, regardless of whether the agreement is no longer in existence.
- They are relatives.
- They are living, or have lived, in the same household.
- In relation to children, each of them is a parent of the child or has exercised parental responsibility.
- A child who has been adopted or freed for adoption.

Violence occurs both inside and outside the home. It is important to note that a decision to award priority should not be based on whether or not any violence has occurred; the

threat itself is enough. It is not appropriate to use the existence of injunctions or other external proof of violence for evidence.

There are many reasons why people are unwilling to contact outside agencies about domestic violence and this should be respected. If Police or medical records or recommendations from MARAC, Victim Support or Pathways does exist then this can be used to avoid the need to interview the applicant again. We will ensure confidentiality is of the utmost importance and **on no account should the alleged perpetrator be approached.**

Whatever priority is awarded in cases of domestic violence, they should be referred to the Housing Options, Advice and Homelessness Prevention Team who can offer temporary accommodation and offer specialist advice, if necessary, until a property is available.

Harassment, Violence or Threats of Violence

Harassment is defined as an act, committed by someone, which interferes with another's enjoyment of his or her home/locality. It can occur for many reasons and may or may not lead to violence or threat of violence. Typical examples are:-

- Racial harassment or attacks.
- Sexual abuse or harassment.
- Harassment on grounds of religion.
- Harassment on grounds of sexual orientation.
- Harassment on grounds of mental illness/learning difficulties
- Violence against a person for other reasons.

Harassment, violence or threats of violence should be treated seriously and careful consideration should be given to the area in which the applicant wishes to be re housed.

When considering harassment it is important to bear in mind the effect of long-term, low-level, harassment. We may consider individual incidents minor but the applicants' own assessment of the cumulative effect should be considered.

When awarding priority we must consider records held by other agencies e.g. Police, Social Services, Neighbourhood Safety Unit, Housing Management Teams and Health Authorities. However, the absence of such records does not mean the applicant concerned has a "lesser" problem. Under no circumstances should the alleged perpetrator be approached.

If the applicant is a Berneslai Homes' tenant then a Risk Assessment and Report should be provided by the relevant Anti-Social Behaviour Officer. If the applicant is not a Berneslai Homes' tenant a Risk Assessment can be provided by other agencies. For example:- Neighbourhood Safety Team, Victim Support etc.

Recovery from the Effects of Violence, Threats of Violence, or Physical, Emotional or Sexual Abuse.

It may be the case that the actual risk has been removed but it is unreasonable for an individual to continue living in the area and to do so would harm their recovery. This would apply where a family member has been the victim of abuse and, although risks have diminished, the perpetrator or their family still lives within the area. It may also be the case that the lasting trauma itself necessitates an increased need for settled accommodation.

A full assessment of the cases should be carried out and a decision made about relevant priority Band.

Drug/Drink/Substance Misuse

The recovery of a person who has a drink, drug or substance misuse problem may be improved if they are in stable accommodation.

It will be particularly important for people leaving supported accommodation, to have access to stable accommodation. We will always consider an applicant's choice, and any support needs. This should ideally be where an applicant will have better access to personal or professional support. The priority and support needs of these cases will depend on the individual and will be decided following Special Assessment.

Where support is identified as being essential to enable the applicant to maintain a tenancy and integrate into the community, an allocation will not be made until the support package has been received and the applicant agrees to cooperate with the support being offered. It will be a term of the new tenancy that the applicant agrees to work in accordance with their support package. No offer will be made where the applicant fails to agree to follow the care package being offered or will not agree to the requirement to cooperate with the support provider terms contained in the tenancy being offered.

Carers or People Moving to Give/Receive Support

Carers of people with disabilities or support needs may ask to be re-housed to help them carry out their caring function more effectively, or where it is less of a problem for them to deliver the care e.g. if they live far away.

When we receive an application we need to take into account not only their need to move but also the medical/social/welfare problems of the person they are caring for.

Applicants with disabilities or support needs may also ask to be re-housed closer to their support provider to enable them to be cared for in a more effective way. When considering support provision we must consider the following: -

- Distance to be travelled.
- Frequency of visits.
- Mode of transport - does applicant/provider have own vehicle?
- Access to public transport.
- Availability of other support.
- Other commitments of support provider, children at school etc.
- Need for the support – refer to Social/Welfare section.

An applicant whose current housing situation is affecting their ability to care for their relative or is impacting on their home life in a **significant** way, because of the level of support they provide or distance they are required to travel, should be placed **in Band 3**. (see Assessing Priority on travel grounds below for rules on distance travelled).

The onus is on the applicant to provide the necessary evidence to back up their claim that high-level support is provided. The name and address of the person providing or receiving support should be recorded in the notes section of the application.

NOTE: If priority is awarded it will **ONLY** be available to move to the area needed to give or provide support. If an applicant expresses an interest in a property outside this area a reassessment should be carried out and priority may be removed. The applicant will be advised of the decision within 5 working days and advised of the right to appeal against the decision taken. Where priority is awarded for support reasons, the letter sent to the applicant needs to make this clear. A highlighted application note also needs to be made.

Those who provide a moderate/low level of support which does not impact significantly on other aspects of their life, or are not required to travel an unreasonable distance e.g. they have their own transport or there are good public transport links available, will be placed in **Band 4**.

Re-Housing on Travel Grounds

Re-housing on travel grounds alone does not result in the award of priority. Once an applicant's primary need for re-housing has been assessed e.g.:-

- To give/receive support.
- To access specialised and essential schooling.
- To move closer to employment due to working unsociable hours, being on call or subject to transport difficulties.

We can then consider location and travel as secondary factors, as this may affect their primary need to move.

When assessing travel grounds we will consider:-

- Other available support.
- Frequency of visits.
- The current distance travelled.
- The availability of transport, both public and private.

If the need to move is established, and the following applies, then the applicant should be given **Band 3** – urgent priority:-

- No private transport and live more than 5 miles away.
- Own transport and live more than 10 miles away.

If the following applies then applicants should be placed in **Band 4** – standard priority:-

- No private transport and live less than 5 miles away.
- Own transport and live less than 10 miles away.

The factor of location **alone** does not give an applicant priority and any applicants wishing to move on location grounds alone will automatically be placed in **Band 4**.

6e Overcrowding

Overcrowding is legally defined by the Housing Act 1985 and can lead to unhealthy living conditions. However, there are **NO** circumstances where even serious or Statutory Overcrowding **alone** would constitute Band 1.

6e(i) Overcrowding Assessment

1) When considering overcrowding we consider the following in the count:-

- Permanent lodgers.
- Children from broken relationships, who stay 2 or more nights each week.
- A carer who is required to live in the property but is unable to because of a bedroom deficiency.

2) We also give overcrowding priority to prevent overcrowding for example: -

Where households have a particular need for an extra bedroom for social/welfare/medical reasons provided confirmation of this is received from other agencies. For example, where there is the need for a room for medical equipment.

We **do not** count adult children away at university or college when assessing overcrowding until they return home permanently and we do not count temporary members of the household.

6e(ii) Overcrowding Tests

The Lettings Policy definition of Statutory Overcrowding is contained within the appropriate section (s) of The Housing Act 1985.

The two tests used to determine Statutory Overcrowding are:-

Room Standard

The Room Standard is contravened when 2 people over 10 years of age, of opposite sexes, not residing as man and wife, have to share a bedroom. The definition of "bedroom" also means a separate living or dining room. Any room that has a gas fire/back boiler in place will be disregarded.

The Room Test allows:-
1 room - 2 people
2 rooms - 3 people
3 rooms - 5 people
4 rooms - 7.5 people

For the purpose of this test, children under the age of 10 years will not be counted.

Space Standard

For the purpose of this test:- children under 1 are not counted, children between 1 and 10 years are counted as half a person. The exception to this is twins who count as half a person.

The Space Standard is contravened when the number of people exceeds the permitted number, taking into account the number and size of all rooms that can be used as bedrooms. A 'bedroom' is a room where it would be reasonable to sleep, including lounge, dining room. Any room below 50 square feet will be disregarded, as will any room that has a gas fire/back boiler.

The Space Test is based on floor area of each room size:-

Room Size	Persons Allowed
Less than 50 sq. feet	0
50 to less than 70 sq. feet	½ a person
70 to less than 90 sq. feet	1 person
90 to less than 110 square feet	1 ½ persons
110 square feet or larger	2 persons

6e(iii) Award of Priority

If either test is proved then there is **Statutory Overcrowding** and the application should be placed in the **Band 2**.

Where there is overcrowding to an unacceptable level but where the provisions of the Housing Act 1985 do not determine Statutory Overcrowding, the applicants will be put into **Band 3**.

Cases where bedroom sharing exists, (for example 2 children under 10), but where there is no overcrowding as defined by the Housing Act 1985, will be placed in the **Band 4**.

6e(iv) Joint Custody/Access to Children

To ensure fairness in awarding priority for overcrowding it is essential that we differentiate between those with full time overcrowding and those with part time overcrowding (as in joint custody/access).

Where an applicant has joint custody/access to children, where they stay with the applicant 2 or more nights each week, they can be taken into account when assessing overcrowding. Evidence of custody/access must be provided which can be in the form of a letter from the primary carer, a solicitor or Court documentation. Where overcrowding is the **only** re-housing need the following will apply:-

- Where **Statutory** overcrowding occurs when the children stay, applications will be placed in **Band 3**.
- Where overcrowding occurs when the children stay, but it is not **Statutory** they will be placed in **Band 4**.

If there are other re-housing factors then priority may be reduced or increased

6e(v) Intentional Overcrowding

If we believe that an applicant has deliberately caused the overcrowding, to increase their priority, we will collect all the relevant evidence. This includes checking with Benefits Agency, Council Tax etc.

If we can prove that the applicant has caused deliberate overcrowding then we will **remove** their priority.

Applicants will be advised on the decision made within 5 working days and will be advised on the right to appeal against any decision made.

6f Under Occupation

This is where an applicant has surplus bedrooms in their current property.

Where a Barnsley Council or Housing Association tenant is willing to move to a property which will release 1 bedroom they will be placed in **Band 3**.

Where a Barnsley Council or Housing Association tenant is willing to move to a property which will release 2 or more bedrooms they will be placed in **Band 2**.

Examples where priority is given for under occupation may include the following:-

- Single/Couple in a 3 or 4 bed property asking for a 1 bed property – Band 2.
- Single/Couple plus 1 other in a 3 bed property asking for a 2 bed property – Band 3.
- Single/Couple plus 2 others, of same sex, in a 3 bed property asking for a 2 bed property – Band 3.
- Single/Couple plus 1 other in a 4 bed property asking for a 2 bed property – Band 2.

- Single/Couple plus 2 others, of same sex, in a 4 bed property asking for a 2 bed property – Band 2.
- Single/Couple plus 2 others, of opposite sexes, in a 4 bed asking for a move to a 3 bed property – Band 3.
- Single/Couple plus 3 others in a 4 bed property asking for a move to a 3 bed property – Band 3.

Priority is **only** awarded for a move to the eligible property size. If the applicant expresses an interest in a larger property, then this priority will not apply. (also see Section 11 offers) An applicant can be awarded dual priority For example if in a 3 bed then band 3 would apply for a 2 bed, and band 2 would apply for a 1 bed. A highlighted note must be added to Northgate to show this.

NB: If a transfer application is identified as under occupying a high demand property, but does not fall into the above criteria, priority can be assessed under Special Management Rules. (see Section 13)

6g Disrepair/Insanitary Conditions

This priority decision can affect both Council and non-Council dwellings and includes those with major repair problems or lack of facilities, which could potentially be a risk to the health of the applicant or family member.

Where there are major repair problems e.g. structural or major dampness or lack of facilities or inadequate heating, kitchen or bathroom and in the case of non-BMBC properties, we will advise the applicant to contact BMBC's Regulatory Services Department who will carry out an assessment of the property. For properties outside the BMBC area the applicant will be advised to contact the disrepair section within their own Local Authority area. For BMBC owned properties liaison will be undertaken, and recommendations made, by the Asset Management Service.

The decision about priority will be based on the findings of the Regulatory Services' Team who will submit a report to the Housing Assessment Team and liaise with them regarding appropriate Banding. We will only award priority in the following circumstances and on the advice of Regulatory Services/Disrepair Section of the appropriate authority:-

- If the landlord has been contacted, and is willing to do repairs, but there is too great a risk to the health and safety of the occupants to remain in the property while work is carried out, we will place them in **Band 2**.
- Where the appropriate local authority Disrepair Section intend 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 place them in **Band 2**.

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

NOTE: If we believe the applicant has deliberately made the condition of the property unfit, and they are not vulnerable, we will not award priority. We may, however, have to make a referral to the Housing Options, Advice and Homelessness Prevention Team, BMBC's Regulatory Services Department or another Local Authority's Disrepair Service.

If we receive an application from a BMBC tenant stating the reasons for moving is disrepair/unsanitary conditions, we must refer the case to the Asset Management team by email as per their requirement (Berneslai Homes' Stock Co-ordinators) and request a survey of the property. The maintenance team will arrange a visit and assess the situation. They will report back and if there is a disrepair problem that cannot be resolved, the applicant will be assessed under the Special Management Lettings' Rules. The decision on priority will be made by either the Director of Asset and Regeneration or Director of Customer and Estate Services. In the interim period we will place the application in **Band 4**.

6h Lodgers

We class lodgers as adults living with family or friends and who want independent accommodation. All lodger applications will be placed in **Band 4**, unless other factors need taking into account, such as overcrowding.

However, there may be cases where lodgers are classed as potentially homeless as they are being asked to leave the property, Also, there may be cases where it can be proven that someone is legitimately lodging, but it is unreasonable for them to remain, but have not been asked to leave e.g. example, someone with a very young child is lodging with elderly or ill relatives and it is becoming increasingly difficult for them to remain.

Where Housing Options, Advice and Homelessness Prevention Team have not already been contacted by the applicant, the Assessment Team should advise the applicant to contact them, as it is a potentially homeless case.

6i Children in Accommodation on the First Floor or Above

Where an applicant has children 5 years of age or under, and they are living in accommodation where they need to go upstairs to reach their living accommodation (1st floor or above), they will be placed in **Band 3**.

The exception to this is where an applicant has chosen to move to an upper flat with children 5 or under, or while pregnant, and subsequently asks for a transfer. In these cases priority will not be given, unless they had to move to the upper flat because they were an emergency case and no other accommodation was available e.g. Full Duty Homeless.

Consideration for priority can be given if, when a baby is born, there are serious health problems.

Please note: When awarding priority we must inform the applicant that when their youngest child reaches the age of 6, priority will be reviewed and they will be placed in Band 4 from the original date of their application.

6j 'Two Household' Families

These applications are where a relationship has broken down, there are dependant children involved and either parent has requested re-housing.

The Lettings Policy supports maintaining family units and aims to provide accommodation for parents to enable regular, staying access. The criteria used are compliant with the Homelessness Act 2002.

Where we have confirmation of overnight access of at least 2 nights per week or the equivalent, we will classify the application as a 'family application' and they will then be eligible for accommodation commensurate with the family size in accordance with eligibility criteria. However, given the pressures on the housing stock we reserve the right to bypass an application where there is an urgent/emergency case that would make better use of housing stock.

We reserve the right to make best use of the council housing stock in deciding on eligibility for a particular property size.

We acknowledge access is often arranged outside of the court system and both parents can "share" custody of the children. Therefore, confirmation of overnight access can be from the Courts or the parent who cares for the children the majority of the time.

Where overnight access will not be allowed until the parent has suitable accommodation, we will accept as proof, a Court letter, a solicitor's letter or again a letter from the other parent. The applicant will be classed as requiring family accommodation.

Assessing Priority for 'Two Household' Families

Whilst we class shared access as requiring family accommodation, we have to apply the legislation when determining re-housing priority.

The Homelessness Act 2002 determines that, in the majority of cases, we have to give any additional **priority** to the parent with whom the child resides the **majority** of the time. It would only be in very exceptional cases that a child might be considered to reside with both parents.

A homelessness assessment would not, in most cases, award a full Homeless Duty to a parent who requires accommodation for part time access to their children and who has no secure accommodation of their own, which is reasonable to occupy.

Likewise, when assessing an application for re-housing through the Lettings Policy we would not, in most cases, place such an applicant in Band 1 or 2. We would assess each case on its merits and take into account all individual circumstances, such as social and welfare issues, medical circumstances etc. **(see Section 6e Joint Custody/Access to Children with regard to assessing overcrowding)**.

SECTION 7 – OLDER PEOPLE'S HOUSING

There are a number of Schemes across the Borough which have communal facilities for the use of residents and a Scheme Manager who works on site for a limited number of hours each week. Some of the schemes have accommodation all under one roof and others consist of bungalows clustered around a Community Centre. There is access to an intercom/alarm system monitored by Central Call should the applicant wish to have this service.

The criteria for this type of accommodation is 60+ years. Consideration, in exceptional circumstances, will be given to applicants under 60 years old where there is a medical need.

In the Schemes where accommodation is all under one roof, careful consideration should be given to the suitability of the applicant where there has been a history of alcohol and/or drug misuse, violence or arson. Applicants who fall into this category may be better accommodated in an individual property which is grouped around a Communal Centre.

Where there is doubt about the suitability of an applicant then this should be referred to the Lettings' Manager and Community Buildings' Team for advice.

(Communal facilities include use of communal lounge, kitchen and laundry)

SECTION 8 - FURNISHED TENANCIES

Selection Criteria for Applicants to the Furnished Tenancy Scheme (FTS)

1	The applicant must not have his/her own furniture (or very few pieces) and must not have the level of disposable income needed to furnish a whole property from scratch.
2	<p>Applicants may be given greater consideration if they are deemed to be vulnerable, either for health or social reasons.</p> <p>Vulnerable groups include:-</p> <ul style="list-style-type: none"> • People identified by Social Services as requiring the FTS such as people with a learning disability, young people leaving care, young parents and older people. • People to whom the Council owes a Full Duty to offer housing under Homeless Legislation. • People who are in acute housing need and who are occupying the Domestic Violence Refuge, homeless families' accommodation and other temporary emergency access accommodation. • People identified by one of the Housing Assessment Team's Medical Assessment Officers as requiring the scheme. • People whose homes are being demolished.
3	The applicant must not have abandoned a property.
4	The applicant must not have a record of Anti-Social Behaviour/neighbour nuisance.
5	The applicant must not owe any rent arrears to Barnsley MBC/Berneslai Homes.
6	If the applicant has held a tenancy before then Berneslai Homes should be able to obtain a reference from their last landlord.
7	The applicant must not have a recent history of drug misuse.
8	If the applicant is considered to be vulnerable, a tenancy can be refused unless additional support is available to them.

SECTION 9 SPECIAL ASSESSMENT PROCEDURE

Some applications may require a more specialised and sensitive assessment, because either the applicant or the community may be at risk if we fail to consider all relevant needs.

These Special Assessments can be split into two categories, Standard Special Assessment and High-Level Risk Assessment.

9a Standard Special Assessments

The Housing Assessment Advisor can deal with the Standard Special Assessment Procedure. This can be done either formally by a group meeting to discuss the case or in some instances an informal assessment will suffice. This will depend upon the individual case. An informal assessment can be done by telephone or by arrangement with other agencies to provide a report with their concerns/support for the applicant.

If, on initial assessment, the Housing Assessment Advisor makes the decision to award Band 1 or 2, the Special Assessment should be carried out straight away. The applicant's circumstances should be reviewed at offer stage. If the decision is to give Bands 3 to 5, the Special Assessment should be carried out before an offer of accommodation is made.

Applications from the following people must follow the Standard Special Assessment Procedure:-

- Applications from Care Leavers or other young people where Barnsley Council has Corporate Parenting responsibilities.
- Applications from people aged under 18yrs.
- Applications with either a physical or mental health medical need.
- Applications from persons leaving prison, under the supervision of the Probation Service or offenders under the Prolific Offenders' Programme.
- Households including a child in need.

A meeting or informal discussion should be arranged between the core support agencies for example, Social Services, Probation, Children's Services Team and the Housing Assessment Advisor. The assessment includes the completion of the Special Assessment Form for each case and we will consider the applicant's circumstances, support needs and preferences. The assessment process incorporates a comprehensive risk assessment to enable a balance to be drawn up between the need of the applicant for social housing and the needs of a community and any possible risks involved. All information and decisions will be recorded on Allocations' IT system.

The aim of this procedure is to promote the protection of people who are, or maybe, at risk of abuse or are vulnerable by:-

- Defining the role of staff.
- Describing the procedures to be followed.
- Outlining good practice guidelines.

We will also address “set up to fail” re-housing by:-

- Identifying vulnerable applicants at application stage.
- Making a detailed assessment of existing support.
- Making an assessment of risk.
- Building a picture of appropriate accommodation, and considering the range of accommodation available.
- Balancing the applicant's preferences with the above.
- Having a clear record of contacts to transfer with the applicant when they are housed.
- Feeding back information on housing need into the Strategic Development Process.

In some cases that require a Special Assessment, it will be necessary to have a Care Plan in place before an offer of accommodation can be made. Where this is the case we must write to the applicant advising them that we will be unable to make them an offer of accommodation unless an appropriate Care Plan is in place. Until we are satisfied that this is the case, we will not make any offers of accommodation. Any outstanding cases will be highlighted on review of Special Assessment cases and enable effective monitoring.

If we cannot reach a consensus on the approach to take, or priority to give, with the relevant care/support agency, or the case is particularly complex and/or sensitive, the case will be reassessed at the Special Assessment Panel meeting as below:-

Special Assessment Panel

A Senior Housing Officer will chair this Panel. Members of the Panel may include a Senior Manager from Social Services and/or Primary Care Trust, Relevant Care Agency Manager and a Senior Manager from within Berneslai Homes. In certain instances we may need to include the Police and/or Probation.

The Panel should be arranged within 5 working days of the decision being made that a Panel Assessment is needed. Officers (housing and non-housing) involved in the original assessment will attend the Panel and present the case.

The Senior Housing Officer will arrange the meeting and take responsibility for recording the outcome. The panel will be responsible for agreeing action needed in respect of the re-housing application. They will decide whether or not to allow the applicant onto the Housing Register, award priority if applicable and whether the applicant requires support or not.

All Special Assessments will be recorded on Allocations' IT system and monitored closely.

9b Public Protection - High Level Special Assessments

A high-level risk assessment will need to be carried out where applications are received which require a specialised assessment to take place, as per Barnsley Multi Agency Public Protection Arrangement (MAPPA). These will be cases that provide a high level of risk to the community.

A referral may be sent to us from MAPPA, or the Lettings' Manager may decide a referral is required, and will make a referral using the approved form from the Multi Agency Panel (see appendix D). Only cases of very high-level risk will be sent to the Panel for consideration. A request that a case be considered by MAPPA should only be made where Joint Agency working is considered essential to reduce the risk the applicant poses to an individual or the community. Cases may include:-

- Applications from known sex offenders.
- Applications from known violent offenders.
- Applications from families of above offenders suffering harassment.

These arrangements are in place as all Statutory Agencies, and some others, have an implied duty to protect the public from the most acute risks posed by certain individuals in their care or subject to their service.

The high-risk cases should be referred to the Multi Agency Public Protection Arrangements (MAPPA) for a comprehensive risk assessment to be carried out. The member of staff who makes the referral will be expected to attend the MAPPA and to provide a written report.

The role of MAPPA is to:-

- Share information about those offenders referred to it.
- Decide upon the level of risk posed by the offender.
- Decide whether MAPPA registration is required.
- Devise a Risk Management Plan and identify the roles and responsibilities of persons and agencies whose co-operation is required to implement it.
- Determine whether, and how, information should be shared with anyone outside the Panel (including the Offender).
- Ensure a Review Schedule is in place for Registered Cases.

Further information concerning the role of MAPPA can be found in the document Public Protection Protocol for Inter–Agency Information Sharing and Joint Management of Sexual and other Violent Offenders which is available on the Intranet.

9c Protocol on Information Exchange within the Panel

We have a key role to play in the development and delivery of services to protect vulnerable adults from abuse. As a landlord, BMBC has an obligation to the wider community and in some cases a Statutory Responsibility to both the victim and perpetrator of abuse, especially if they are Council Tenants. This may involve moving a victim or perpetrator, providing tenancy support, liaising and sharing information with other agencies. When sharing information we need to consider several things e.g :-

- If there are concerns a vulnerable adult may be at risk of significant harm, the overriding objective must be to safeguard the needs of the individual, without breaching the Human Rights' of that person or anyone else.
- The Risk Assessment Procedure includes part assessment of other individuals, who should be informed, and where the information should be kept. (previous victims etc.)
- Legal Framework – The timely and appropriate exchange of relevant information is essential if professionals and relevant agencies are to protect vulnerable individuals from harm. Any information exchanged should be done within the legal parameters.

Data Protection Act 1998 Requires That Personal Information is:-

- Obtained and processed fairly and lawfully.
- Only disclosed in appropriate circumstances.
- Is accurate.
- Is relevant and is not held for longer than necessary.
- Is kept securely.

Any disclosure of personal information must have regard to both Common and Statute Law. We must also comply with the The Human Rights' Act 1998.

For full details of sharing information protocols see the Barnsley Multi Agency Adult Protection Policy and Procedures' document, which is available on the Intranet.

When dealing with confidential information we must consider:-

- The needs of the Service User.
- The needs for public protection
- Employee protection.

9d Special Assessment Timescales

Where we identify an application needs a Special Assessment, we will aim to carry it out within 10 working days.

9e Monitoring Special Assessments

When we have completed the Special Assessment and the application is in the correct priority Band, the case will be reviewed and monitored on a regular basis (at least every 3 months or immediately prior to any offer). By carrying out this monitoring procedure, any relevant agencies will know who to contact to discuss any changes in circumstances to the case. The review will include:-

- A check to ensure the applicant has not been bypassed for an offer.
- A check to ensure it has not passed a crucial date e.g. A date for leaving care).
- A check for any changes in circumstances that may have occurred.
- A check to see if the applicant is expressing interest in eligible properties.
- A check that the applicant's support needs are still appropriate and that the applicant is still engaging with support agencies.

9f Cases in Need of Special Assessment

The following section lists and details cases in need of a Special Assessment. This list is not exhaustive, as the Housing Assessment Advisor has the discretion to carry out a Special Assessment on any application if they are concerned about the information that has been provided. This may include:-

- Where information has come to light after the application.
- Where there has been a change in circumstances.
- Where a combination of factors makes an applicant a risk or, at risk.
- When an applicant has asked us to take into account their religious or cultural needs.

9f(i) 16 to 18 Year Olds

In considering allocating to anyone under 18, several issues need considering:-

- The suitability of the applicant. If the applicant is under 18, they must demonstrate their ability to manage a tenancy and meet responsibilities.
- The young person's choice, individual needs and the areas where they will receive the most support in managing the tenancy.
- If an applicant under 18 states they are homeless, the Housing Options, Advice and Homelessness Prevention Team should deal with their housing need assessment.
- If the applicant is pregnant/lone parent they will be considered separately as they are covered by the Government's Teenage Pregnancy Strategy.
- Is the applicant leaving care and supported by a Social Worker/Action For Children?
- Is the allocation of a council tenancy the most appropriate option or should we consider nominating to supported Young Person's accommodation?

Note: In some cases our judgement may override the applicant's choice. This may be for the protection of the individual or the community. Where we disagree with the applicant's choice, the applicant will have the right to appeal. (See Section 13, Appeals' process).

(In all cases where someone under 18 applies for re-housing, we will carry out a Special Assessment)

If the applicant is leaving a Care Home, or is supported by other organisations, a joint assessment with Social Services and/or other agencies should take place. We must take into account any relevant responsibilities placed upon us covering young people, including Care Leavers . The joint assessment will consider the applicant's housing, care and support needs. In some cases, a Care Plan may have to be agreed before we can offer re-housing.

If, following a Special Assessment, we decide an under 18 application should not be included on the register (excluding homeless) we must decide whether to exclude or suspend the application. It may be appropriate to suspend an application until the applicant reaches 18yrs or can demonstrate their ability to manage a tenancy. This decision must be agreed by the Lettings' Manager.

A person under 18 may have the statutory right to succeed to a tenancy or have a tenancy assigned to them if they fulfil the relevant statutory criteria. (See appendices C Succession and D Assignment).

9f(ii) Lone Teenage Parents Under 18

Providing suitable accommodation with support, for **lone** parents under 18, is a key part of the Government's Teenage Pregnancy Strategy.

The Government's objective is that all 16 and 17 year old lone parents who cannot live with their parents or partner, and who require Social Housing should be offered semi-independent accommodation with support. We will work with Social Services, Registered Social Landlords (RSLs) and relevant voluntary organisations to ensure that the Government's objectives are met.

The allocation of appropriate housing and support will be based on consideration of the young person's housing and support needs, their individual circumstances and their views and preferences. We must ensure that the accommodation is suitable for babies and young children. Wherever possible, we will take account of education and employment needs and opportunities when identifying suitable accommodation.

Where an application for housing is received from a lone parent aged 16 or 17, a joint Special Assessment of the applicant's housing, care and support will be undertaken with Social Services. We must get the consent of the young parent before involving Social Services, unless child protection concerns are present and to seek consent might endanger the welfare of the child of the young parent.

Where RSLs have vacancies in a suitable supported housing scheme we should nominate cases to secure such accommodation. Support may be provided on site or on a 'floating' basis.

Where there is no suitable RSL accommodation available, we will consider allocating the young parent a place in other similar accommodation where appropriate support is available.

In exceptional cases, we may decide supported housing is not appropriate. We will only make this decision after careful consideration of housing and support needs of the individual and their views and preferences.

If offered a tenancy, we will ensure that the young person is aware of sources of support and advice and how to access them. This may include Social Services, Health Visitors, Connexions service, voluntary agencies and local providers, crèches/nurseries, Sure Start etc.

9f (iii) Care Leavers / Shared Lives

Young people leaving care homes will have transitional support needs and will all be assessed under the Special Assessment Process. When allocating a property to a BMBC Care Leaver/ Shared Lives service user, their ability to manage a tenancy will be proven by the support they receive from other agencies. The Special Assessment should take into account the applicant's housing, care and support needs. The emphasis should be based on how these young people are supported and enabled to meet the responsibilities of managing a tenancy.

All BMBC Care Leavers/ Shared Lives service users will be supported by a Social Worker and have a personal plan. In this plan will be the objective of obtaining a tenancy and the support that will be necessary to maintain it. It is therefore essential that the Special Assessment include the relevant Social Worker. The procedure 7f (i) .

When the Special Assessment is complete, and the Housing Assessment Officer is satisfied that the Care Leaver/ Shared Lives Service user is the responsibility of BMBC and will be able to manage a tenancy, they will be placed in **Band 1**. Band 1 priority will be for bedsit or 1 bedroom accommodation only, unless there is specific need for larger accommodation. However, if the Care Leaver/ Shared Lives service user applies to us after leaving care/ the Shared Lives service, from a Barnsley Council, Assured or Private Tenancy, their application will be assessed on their actual circumstances, not as a Care Leaver/Shared Lives service user.

9f (iv) Young Parent Care Leavers

Again, young parent Care Leavers will require transitional and ongoing support. These cases will be assessed under the Special Assessment Process.

We will also, in consultation with the relevant Registered Providers in the Borough, make provision for appropriate move-on accommodation for the young parents who have been assessed as ready to leave supported accommodation and live independently. In some cases, where the young parent has made good progress, it may be appropriate for them to live independently before the age of 18.

When allocating move-on accommodation to a young parent, we will consider any continuing support needs, in consultation with the young person, Social Services or the housing, care and relevant providers.

If, with the young person's consent, a joint assessment with Social Services of the housing, care and support needs of a lone parent age 16 or 17 takes place, it may be considered more appropriate for them to be accommodated by Social Services e.g. in Foster Care.

9f (v) Children In Need

Households may include a child with a need for settled accommodation on medical or welfare grounds.

Under s.27 of the Children Act 1989, we are required to respond to Social Services Authorities which have duties towards children under the Act (see s.18). Section 17 of the Act imposes a general duty on Social Services Authorities 'to safeguard and promote the welfare of children within their area who are in need'. Consistent with that duty, they must 'promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs'.

A Child in Need is defined in the Children Act 1989 as a person who 'is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision of services by a Local Housing Authority; (a person whose) health or development is likely to be significantly impaired, or further impaired, without the provision of such services; or (a person who) is disabled. A Child in Need may require settled accommodation on medical or welfare grounds.

We will consult with Social Services about the appropriate level of priority for an allocation in such cases, and how support needs will be met through the Special Assessment Procedure.

9f (vi) Prison Leaver and Ex-Offenders

Applicants without accommodation on release from prison need referring to the Housing Options, Advice and Homeless Prevention Team.

It is recognised that access to accommodation, education and employment has a significant impact on the risk of reoffending. Any Special Assessment of a prison leaver or ex offender should take into account the following:-

- The nature and extent of the offences.
- Any identified risks.
- The recent housing history of the applicant.
- Whether the applicant will receive probation supervision.
- If the applicant has been referred by probation to a supported housing scheme and the outcome of this.
- Any support or rehabilitation programmes.
- Any existing support networks including family and friends.
- Any conflict between the applicants and the communities' needs.

Applicant on Probation.

The Probation Service has primary responsibility for ensuring accommodation needs of their clients are met, as it is an essential part of rehabilitation. We must work closely with the Probation Service to identify their clients' housing needs and assess the application and risks in line with the above guidelines. Applicants subject to probation supervision will require a Special Assessment.

9f (vii) Family Intervention Service Procedure

Referrals from Family Intervention Service.

The Family Intervention Service will inform the Assessment Team of the cases which are referred to the monthly panel. They will then provide information to the Assessment Team about the cases that have been accepted for their service. The Assessment Team will then check to see if they are registered.

If they are registered, the Family Intervention Service Key Worker will provide relevant details of the case, together with a risk assessment and what action has been taken to remedy the situation. Following discussions with the relevant Housing Assessment Advisor, a decision will be made on the appropriate action to be taken regarding the housing application.

If all information required has been provided and assessed, a decision can then be taken to award priority if appropriate, within Bands 1 to 3, depending on the severity of the case, risk to applicant and family, impact on surrounding residents etc. If no priority is to be awarded they will remain in Band 4. The applicant will be informed of the decision in writing, within 5 days of the decision date. The Key Worker will also be informed of the decision via email.

If, after discussions, the Housing Assessment Advisor and Key Worker decide that a Case Conference is required with all involved agencies, the Key Worker will arrange for the Case Conference to take place, and invite the relevant parties. At the Case Conference a decision will be made as to whether re-housing is the appropriate course of action, if it is, the area that will be most suitable if they are to be re-housed, what priority, if any, is to be awarded and any restrictions that are to be imposed on the applicant's choices.

In some cases the decision may be taken that the applicants will only be accepted onto the Housing Register if they are willing to accept a Family Intervention Tenancy, and this decision will be made by the Lettings Manager and Family Intervention Service Manager.

If they are not registered, the Key Worker will arrange for the relevant Housing Register forms to be completed. On receipt of the completed form, the Assessment Team will register the application, and make a decision as to their eligibility to join the Housing Register, following the above procedure.

If the decision is made to allow entry to the Housing Register, the procedure above will then be followed to assess priority.

If the decision is made that they are not eligible to join the Housing Register then the application will be excluded from the Housing Register.

The final decision must be approved by the Lettings' Manager in conjunction with either the Group Housing Management Team Manager or Family Intervention Service Manager.

When the applicants are shortlisted for a property, the Housing Assessment Advisor will liaise with the Family Intervention Key Worker to ensure that all the circumstances are still the same. If this is the case we will then liaise with the appropriate Housing Management Team regarding suitability of the property/area and that they are aware that the family are involved with the

Family Intervention Team.

When a case is closed either for disengagement or because the situation has been resolved, the Key Worker will let the Housing Assessment Assistant know

SECTION 10 HOMELESSNESS

10a Assessment Process

All applicants who appear to be homeless or threatened with homelessness and are presenting to Berneslai Homes should be referred to the Housing Options, Advice and Homelessness Prevention Team immediately.

Homeless cases are assessed outside the general assessment process, by the Housing Options, Advice and Homelessness Prevention Team. When a homeless decision is made, the Housing Options Advisor will access the IT system to award priority.

It will be necessary for the Assessment and Lettings' Teams to liaise with the Housing Options, Advice and Homelessness Prevention Team on a regular basis to monitor these cases, identify and communicate suitable offers of accommodation and amend priority following a discharge of duty.

10b Full Duty Homeless Cases

Cases owed a duty under section 193(2) under part V11 of the 1996 Housing Act will be placed in **Band 1**. The Housing Options Advisor will be responsible for awarding priority and from what date on the Allocations IT system. A Full Duty case will have a **live** status.

Where a Full Duty applicant has successfully bid for accommodation Lettings and Allocations must immediately notify the Housing Options Advisor so that appropriate legal notification can be sent to the applicant.

If a Full Duty applicant refuses an offer of accommodation or requests a review of its suitability, the Housing Options, Advice and Homelessness Prevention Team must be notified immediately. The Lettings' Team will send a copy of all documents to the Housing Options Advisor dealing with the case. The Housing Options Advisor will contact the applicant to discuss their reasons for refusal, and then liaise with the Lettings' Team and decide if the offer made was "suitable". If they are satisfied the offer was suitable, the Housing Options Advisor will send a **Discharge of Duty** letter to the applicant.

The Housing Options Advisor, once satisfied the offer refused was suitable and discharged the council's duty, will remove the Band 1 priority and the level of priority will be reduced to Band 4 from the date of the decision. Following this the Lettings Team will determine the level of priority to be awarded in line with the policy based upon an assessment of the general housing application, taking into account the specific circumstances and needs of the household.

Please see guidance on offers to homeless applicants under section 9h.

10b(i) Discharging Duty Towards Full Duty Homeless Cases.

Any offer made to a homeless applicant must tell the applicant it is a final offer under the homeless legislation. In all full duty homeless cases the offer letter **FINALOFF** from the Allocations' Database must be used.

Housing Options Advisors will monitor full duty cases and ensure that the applicant is expressing an interest in available properties every week. Should the applicant not do so, the Housing Options Adviser will place expressions on their behalf ensuring that the property is suitable for them.

If the offer is refused the applicant must be advised of their right to ask for a review by the Housing Options Team. The Lettings' Team will inform Homeless and Housing Advice, and hold the offer for 5 working days. The Housing Options, Advice and Homelessness Prevention Team will prioritise their reviews of suitability in these cases to minimise any impact on void time. If the appeal is dismissed the applicant can either accept the property or have their priority reduced as the council will have discharged our duty towards them.

10c Applicants Who Are owed the Prevention Duty

Applicants Threatened with homelessness and Eligible for assistance under the provisions of the Housing Act 1996, (as amended by Homelessness Act 2002 and Homelessness Reduction Act 2017), but where it has been established they are unable to remain in their current home, will be awarded **Band 2** by the Housing Options, Advice and Homelessness Prevention Team.

This award will be applied on condition that the applicant is cooperating with required actions set out in their personal housing plan to help resolve their housing problem. Where the applicant is not cooperating with the actions set out in their plan Housing Options, Advice and Homelessness Prevention Team will make the decision to remove Band 2.

The Applicants circumstances will be reviewed by the Housing Options officer during the initial 56 day award period to determine whether priority banding should be extended or the application progressed into the relief stage. The Housing Options officer will make this decision and include notes on the Allocations IT system relevant to the reason for the decision made.

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, or
- The applicant becomes homeless and is therefore owed the Homeless Relief Duty

Where an offer of accommodation is identified the Lettings team will send notification of the offer to the Housing Options Advisor and **send the applicant the standard offer letter**. The Housing Options Advisor will determine the suitability of the offer, include notes relevant to the decision on the Allocations IT system and send the appropriate notification letter to the applicant advising the applicant of their right to request a review within 21 days. Any offer of accommodation will not be held pending the outcome of the appeal.

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 the priority will be reduced to Band 3 with the original date of application.

10d Applicants owed the Relief Duty

Applicants, assessed by Housing Options Advice and Homeless Prevention Service as being homeless, eligible for assistance and have a local connection, under the provisions of the Housing Act 1996, (as amended by Homelessness Act 2002 and Homelessness Reduction Act 2017) will be awarded **Band 3** by the Housing Options, Advice and Homelessness Prevention Team.

A Homeless Relief band 3 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, or
- The 56 day period for relief activity has come to an end.

Where an offer of accommodation is identified the Lettings team will send notification of the offer to the Housing Options Advisor and **send the applicant the standard offer letter**. The Housing Options Advisor will determine the suitability of the offer, include notes relevant to the decision on the Allocations IT system and send the appropriate notification letter to the applicant advising the applicant of their right to request a review within 21 days.

Ending a Relief duty priority award may also have the effect of ending any on-going duty that may have been owed to the applicant. Where this is relevant The Housing Options Advisor will ensure the appropriate notification is sent to the applicant, including details of their right to request a review of the decision within 21 days. Any offer of accommodation will not be held pending the outcome of the appeal

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.

Where there are issues, in addition to homelessness affecting the applicant the Lettings Team will complete a further assessment of the general housing application to determine whether any additional priority may be awarded.

10e Notices to Quit

If an applicant receives a Notice to Quit, the Assessment Team will advise the applicant to contact the Housing Options, Advice and Homelessness Prevention Team, who will determine if the notice is valid. There can be other homeless issues linked with notices such as affordability and possible opportunities to prevent homelessness.

Applicants will not receive any additional priority for homelessness where they have received a notice to quit, investigations will be undertaken by Housing Options, Advice and Homelessness Prevention Team who will assess the appropriate priority in accordance with the Lettings Policy and this code of guidance.

10f Excluded Applicants – Full Duty Homeless Cases

Where an application has been excluded, or may be excluded, from the Housing Register and a full duty decision is made by the Housing Options, Advice and Homelessness Prevention Team, a Special Assessment should be carried out involving a Housing Assessment Officer, Housing Options, Advice and Homelessness Prevention Officer, Lettings' Manager, and any other professionals involved, to resolve any concerns and consider available options such as supported housing. This should be arranged as soon as possible.

In cases of tenancy related debt, if an offer is to be made, an agreement must be made with the applicant to repay the debt prior to signing a tenancy agreement. The applicant must sign a standard pro forma and action can be taken against them should they default on their arrangement.

10g Homeless – No Local Connection

All out of district applicants with no local connection but who have emergency, very urgent or urgent re-housing needs that have approached Housing Options, Advice and Homeless Prevention team as homeless or threatened with homelessness, who have no local connection will be placed in Band 4.

10h Offers to Homeless Applicants – Full Duty cases

Offers to Full Duty homeless applicants must be made with extra care and the correct letter used. This is because if a homeless applicant refuses a reasonable offer, Barnsley MBC may have fulfilled its duty to the applicant.

If the applicant refuses a provisional offer, Lettings must contact the Housing Options Officer. They may ask us to keep the property reserved for them and ask us to re-offer when it is ready using the **final offer letter**. Alternatively they may ask us to arrange an accompanied view and send the final offer letter.

If the applicant indicates they are going to refuse a final offer, contact the Homeless Team straight away. We will then hold the property for a maximum of 5 working days while the Homeless Team consults with the applicant.

Offers and refusals to all other applicants with homeless priority will be dealt with in line with our policy. (see sections 11 & 12)

10h(i) What Constitutes A Reasonable Offer?

The suitability of accommodation for an applicant will be primarily a matter of space and arrangement, but there are other factors which must be taken into account. The question of whether accommodation is suitable requires an assessment of all qualities of the accommodation in the light of the needs and requirements of the homeless person and his or her family.

The location of the accommodation will always be a relevant factor, and it must be suitable in relation to the applicant and all family members. When deciding whether an offer is reasonable, all circumstances must be taken into account, including any medical or physical needs and social considerations, and any risk of violence or racial harassment.

The main areas to consider are:

- Was the offer suitable to meet the needs of the family?
- Was the offer affordable? (in all offers of Council accommodation this will have been met)
- Location of the accommodation e.g. was it on a bus route, near to shops and can they, wherever possible, keep established links with schools, doctors, Social Workers and other key services which are essential to the well being of a household? (Obviously this criterion does not apply to cases of Domestic Violence or racial harassment etc, where they may need to move away from the area where they have these links) .
- Was it a full offer and has a final offer letter been sent?

If an offer of accommodation has met all the above criteria, we will deem the offer of accommodation as reasonable. The Housing Options, Advice and Homelessness Prevention Team will make the decision on removing or reducing priority and will deal with appeals resulting from such decisions.

SECTION 11 THE OFFER PROCESS

11a Receipt of Notice/ Receipt of Keys (Without Notice)

When we receive a notice of termination or keys for a property, the notice will be input onto the Allocations' Database by the receiving officer. (**refer to intranet for procedure on giving notice to terminate tenancies)

Within 7 days of receipt of a notice, the Housing Management Officer should visit the property, take a photograph and pass details of the property to the Lettings' Team. They should also raise issues which may affect letting of the property.

To minimise void periods all properties, wherever possible, should be advertised during the notice period unless exceptional circumstances exist e.g. death of tenant or evictions.

11b Offer Process

The Lettings' Officer and Assistants will make the decision on an allocation. Where there are special issues e.g. Anti-Social Behaviour, this may require consultation with the Housing Assessment, Housing Options, Advice and Homelessness Prevention Team and Housing Management Teams. Wherever possible this should be done within 5 working days.

11b (i) Advertising Properties

Unless there are **exceptional** circumstances, for example if a property is fully adapted and fully meets the needs of a vulnerable applicant, or a property is needed to **complete** a re-development scheme, all properties will be advertised on Berneslai Homes' web site, distributed to support agencies, and local Members. Support will be available to customers to enable them to access the internet in Barnsley Connects/ Library Service Centres.

The advertisement should contain the following information:

- The street and location, but not the property number.
- The property type.
- Number of bedrooms.
- Heating type.
- Bathing facilities- whether on first floor/ ground floor.
- Any restrictions that will be placed on the allocation eg age restrictions, disability, Selective Lettings criteria etc.
- The type of tenancy to be offered (for properties with 4 bedrooms or above where for a new tenant a Five year Flexible Tenancy will be offered).

In 10% of cases, in line with the Lettings Policy, the label will also identify that the property will be offered to the applicant from Bands 1 – 4 with the greatest time priority

who meets the eligibility criteria. Properties will be identified on the basis of every 10th property available for letting and will be monitored by the Senior Lettings' Officer.

Also as identified above, some properties will be advertised as only available to applicants with a Special Management Decant Category, to enable completion of a re-development scheme, or for applicants registered with certain support providers, e.g. Keyring

Void properties will be advertised from midnight Thursday on Berneslai Homes Website until Tuesday at noon in the following week. Support Agencies/ individuals (e.g. Council Members, Homeless & Housing Advice, Social Services and various support agencies.) will be forwarded details of the properties available via email each week.

Applicants will be invited to express interest in properties until 12.00 noon on the following Tuesday. The void list will then be closed to any other expressions.

11b(ii) Applying for Properties

The advert will make clear who is eligible to apply for the property and how to apply. Expressions of interest can be made on Berneslai Homes' website, via e-mail or in writing. (where possible, expressions in writing should be discouraged due to the short timescale involved). In the case of previously identified vulnerable applicants, Lettings' staff will contact them regarding available properties and can express interest on their behalf. Applicants will only be entitled to register **3** expressions of interest at any one time and will only be considered for properties for which they are eligible.

When applying via Berneslai Homes website, applicants will be informed whether or not their expression of interest has been accepted, If their expression is refused they will be advised about how to contact us if they have any concerns about their application. If expressions are made by post, e-mail or telephone call to the Lettings' section, the expression should be entered onto the system immediately and the applicant advised whether it has been accepted or not.

11b (iii) Search and Apply Service

Support will be provided to check and, if appropriate, apply for vacancies on an applicants behalf where the applicant is deemed vulnerable and would be prejudiced in having to check and apply for homes via Berneslai Homes website.

In deciding whether someone qualifies for the Search and Apply service we will take the following into consideration:

1. Does the customer already utilise the internet/ email
2. Does the customer need assistance to get online and use the internet? In which case customers should be encouraged to utilise the support services available
3. Will the customer have difficulty searching and applying for vacancies on our website either at home or in a Barnsley Library?
4. If the customer has difficulties, do they have family, friends or a support worker who are willing to search and apply for vacancies on their behalf?

If the customer, due to their vulnerability, is unable to access the vacant property system online and has no family, friends, support agencies able to assist we will consider that customer for our Search and Apply service where we will search and apply for vacancies on a customers behalf. Customers should be made aware of the limitations of this service in that we can only search and apply for properties and in ocations that we have previously been made aware of

If customers apply for assistance under the Search and Apply Scheme we will notify them whether they qualify for the service within 20 working days of receiving the application.

11b(iv) Making the Offer

After the vacant property list closes, a shortlist of applicants who have expressed an interest in a property will be created and the property will be offered to the applicant with the highest position on the shortlist, who meets the eligibility crtieria and property attributes. We will aim to do this within 5 working days of the advert closing.

Before making the offer, Lettings' staff should make reasonable checks to confirm that the applicants' circumstances have not changed. This may include liaising with Assessment and Housing Management Teams, checking Council Tax records for any tenancy details or sending for up to date references.

Where, at assessment stage, a need for a Special Assessment has been identified, Lettings' staff will liaise with the Assessments' Team, to ensure the Special Assessment and/or Case Conference is carried out, within 5 working days if possible, and prior to any offer being made.

Lettings' staff will then liaise with the Housing Management Officer to arrange an accompanied view of the property with the chosen applicant, and will provide them with details of the applicant's circumstances. If, on the accompanied view, the Housing Management Officer discovers information which may affect the offer, they should liaise with Lettings' and Assessment Team staff. In some circumstances this may mean that the Lettings' Team may have to withdraw the offer.

If the offer is withdrawn, the applicant must be informed of the reasons in writing, or by telephone, and informed of the right to appeal. The property will not be held pending any appeal. If the appeal is upheld, consideration must be given regarding another offer of accommodation.

If the offer is refused, a further shortlist will be run and subsequent offers will be made to the other applicants who applied for the vacancy until the short-list is exhausted. When the short list is exhausted, the property will be re-advertised, possibly with different criteria.

11c No Response to an Offer of Accommodation

If an applicant does not respond to a pre-offer or full offer of accommodation within 5 calendar days, the application will be cancelled as 'no response'. They will then be notified in writing that their application has been cancelled and given 7 calendar days to contact the Housing Assessment Team to ask for it to be reinstated. The IT system will be updated accordingly. The property will then be offered to the next applicant on the short list.

11d Withdrawing Offers of Accommodation

If the decision is made to withdraw an offer, we must advise the applicant in writing, or by telephone. The IT system will be undated accordingly. Reasons for withdrawing offers can include:-

- Where we have deemed the offer unreasonable.
- Where we need the property as an emergency for another applicant.
- Where we have inspected the property and extensive work is required. We will discuss this with the successful applicant, who may be prepared to wait
- Where the property was pre-offered in the notice period and the tenant withdraws their notice.
- Where further information has come to light that would make the offer unsuitable.
- Where the applicants' circumstances have changed and they are no longer eligible for the offer.

These are for example only and are not an exhaustive list of reasons why an offer may be withdrawn.

11e, Bypassing Applications.

In certain circumstances we may have to bypass an application for accommodation and make the offer to someone else lower down on the short list. Examples of where any application may be bypassed include:-

- Where the property does not meet the physical needs of the applicant e.g. where there is a clear medical need for a shower and the vacancy has a bath. Lettings' staff will liaise with the Medical Assessment Officer regarding the decision.
- To make best use of the Council's housing stock.
- Where there are particular ASB issues and the applicant at the top of the short list would exacerbate those issues.
- Where the applicant has been asked to provide further information and has failed to do so.

These are for example only and are not an exhaustive list of reasons why an applicant may be bypassed for an offer. All bypasses must be authorised by a Senior Officer and recorded on the IT system.

11f, Offers to Councillors or Staff of BMBC, Board Members or Staff of Berneslai Homes or Their Close Relatives.

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 can be made offers of accommodation, but will require approval by Berneslai Homes, Director of Customer and Estate Services.

When applying they must have declared their position within the Authority or Berneslai Homes or their relationship with the same. We have agreed guidelines, which will ensure equality.

- Staff, Councillors, Board Members and their families, can express interest in a property along with all other applicants. When expressing interest in properties, they should be aware that undue canvassing of a Housing Officer may be considered as improper or harassment and could face disciplinary procedures.
- It is important that any expression of interest in a property received from Councillors, Board Members, staff or their relatives, is neither advantaged nor disadvantaged as a result of their position or relationship.
- Staff, Councillors and Board Members should have no involvement in the selection of potential tenants for available properties where they or their families have expressed any interest.
- If they are selected for a property the Lettings' Officer should complete and sign a pro forma stating that the application has been assessed in line with the Lettings Policy. This must then be sent, with full details of the property to be offered and the applicant's position on the Housing Register, for approval of the allocation to the Director of Customer and Estate Services of Berneslai Homes or, in their absence, another Director of Berneslai Homes. If the applicant is a member of family of any Director, authorisation for the allocation should be sought from the Chief Executive.
- We must not inform the applicant of any possible offer until appropriate approval has been received.
- Any officer who has deliberately and improperly advanced their own or their relatives' application may be considered to have committed gross misconduct.

In view of the above, staff must exercise special concern with regard to applications received in this category. Staff must ensure the applicants receive proper consideration and are not disadvantaged in their search for re-housing. If officers are in any doubt they should seek assistance from the Lettings' Manager.

SECTION 12 THE TYPE OF TENANCY TO BE OFFERED

For the majority of new tenants, the tenancy offer will be a 12 month Introductory Tenancy followed by a secure or Lifetime tenancy.

The exceptions to this are:-

Secure Tenancy: These will be offered to existing social housing tenants who already hold a Secure or Assure Tenancy

Family Intervention Tenancy : These will be offered in conjunction with the Family intervention Service. Any decision to award a Family Intervention Tenancy will be taken jointly by senior managers within the Lettings' and Family Intervention Services

2 year Flexible Tenancies: These will be offered, after an initial 12 month Introductory Tenancy, where the prospective tenant has had great difficulty maintaining a tenancy due to anti-social behaviour, tenancy related debt, support issues etc. (See section 2Bi) where the tenant is making efforts to address those difficulties either alone or with support, and where those efforts have not had time to convince the housing service that they have changed sufficiently to maintain an Introductory followed by a Secure Tenancy. The decision to offer a 2 year Flexible Tenancy should be made by the Lettings' Manager taking into account any information received from support agencies etc.

5 Year Flexible Tenancy: These will be offered in the following circumstances:-

- Where the accommodation on offer has 4 or more bedrooms and where the applicant is not an existing secure/ assured tenant with a social landlord.
- Where the accommodation on offer has been purpose built or significantly adapted for a person with disabilities. Significant adaptations include:-
 - - An extension
 - Through floor lift

In addition, significant adaptations will include any three from the following list of adaptations:-

- Level access shower.
- Ramped access.
- Stair lift.
- Ceiling track hoist.
- Wider doors.
- Low kitchen units.

This list is not exhaustive. Lettings' staff should liaise with Asset Management staff if in doubt in determining whether a property has had significant adaptations.

Licence : Examples of where Licences will be used include: -

- For temporary accommodation following fire, flood etc.
- Temporary accommodation for homeless applicants where agreed with the Council's Homelessness Service
- Allocations to Key Workers
- Allocations made to Support agencies through the Council Supporting People Service.
- Where a resident does not have a right to succeed to a tenancy but alternative accommodation is being sought

SECTION 13 REFUSALS POLICY

We operate a Choice Based Lettings' System under which housing applicants, subject to any eligibility criteria, can apply for accommodation of any type in any locality in Barnsley. Applicants have a duty when applying for vacancies to ensure that the property meets any identified needs. Given this choice the incidence of refusals of offer should be minimised.

13a Applicants in Bands 1 to 3

Applicants in Bands 1 to 3 are entitled to one 'suitable' offer of accommodation. The definition of a 'suitable' offer is the property should meet the following criteria:-

- Be reasonably close to school and work, where transport is regular and direct.
- Be of adequate size for the applicant. The applicant and his /her family must not become Statutorily Overcrowded. Where an applicant has access to children, if the overnight access is for 2 or more nights, they are included as permanent members of the household.
- Be free from fear of violence. If the applicant cites fear of violence as the refusal reason then this must be a specific risk from an individual, or group of individuals, in a location near to the offered property.
- Be suitable for any specific needs. We must check if these needs were recorded on the original application form.
- Be reasonably close to medical or proven support needs. We must check if these needs were recorded on the original application form. Family support is considered in line with location/ transport policy. (an example of medical needs may be a dialysis patient needing to be near a hospital, taking into account location and distance to travel.)

If an applicant in Bands 1 to 3, except Homeless cases, refuses an offer, the Housing Assessment Officer/Medical Assessment Officer will establish if the offer was reasonable. If it is decided that the offer was reasonable then consideration will be given to moving the applicant to a lower priority Band. Applicants in Band 1 refusing a reasonable offer of accommodation will be moved into Band 2, Band 2 applicants to Band 3, and Band 3 applicants to Band 4. If priority is reduced, the applicant will be contacted and advised of this within 5 working days. An applicant can appeal against the decision to reduce priority, in accordance with the standard appeals' process.

13a(i) Homeless Cases

Should an offer be refused by a Homeless applicant, the Lettings' Team should contact the Housing Options, Advice and Homelessness Prevention team immediately to inform them of the refusal, so that they can assess if the offer was reasonable. The property should be held for 5 days while they make their decision. If they decide it was suitable

they will consider that duty has been discharged under the 1996 Housing Act, and priority will be reduced. If it is agreed that the offer was not suitable, the applicant will retain their priority on the Housing Register. Details of 'Suitable Offer' are included above and in the Homeless section of this Code Of Guidance.

Appeals against the reduction of a priority awards for Homelessness should be made via the Council's Housing Options, Advice and Homeless Prevention Service.

13b Applicants in Bands 4 and 5 (Standard And Out Of District With No Local Connection)

Applicants in Band 4 and 5 who apply for properties, only to refuse the offer, will be suspended from the Register for a period of 6 months after refusing 5 reasonable offers. In making a decision on reasonableness of the offer, staff should take into account the following guidelines:-

- Did the applicant apply for the property through the CBL service?
- Does the property meet the applicants' needs in terms of size, type, facilities etc.
- Is the offer in a locality near to the applicants' areas of request.
- Is the locality near to the applicants' place of work, schools, family and/or other support.

These are examples of what might help to determine the reasonableness of the offer and are not an exhaustive list of possible factors.

Out of district applicants with no local connection and with a housing need who currently have Band 4 priority should have their application priority reviewed on refusal of a reasonable offer and if appropriate their priority reduced to Band 5.

In all cases where priority is reduced or removed, the applicant should be sent a letter, within 5 days of making the decision, and informed that they have the right to appeal.

13c Refusal Forms

Wherever possible a Refusal Form should be completed by the applicant. If this is not possible, relevant details of the refusal may be taken over the telephone. The refusal will be recorded on the application and a Refusal Form completed and a copy of the form will be sent to the applicant.

The reasons for refusal will provide valuable information, enabling a decision to be made about the priority of the applicant and appropriate future offers, and to identify if there is a problem with the property that may warrant attention.

If a property has been refused twice due to poor condition, a re-inspection should be carried out by Housing Management/Asset Management staff to identify any further works. After 3 refusals, consideration will be given to following the Multiple Viewing Procedure.

Full details of why an offer has been refused should be logged on the IT system for future use.

13d Refusal of a Property After Tenancy Agreement Signed

If, after signing for a property, the applicant changes their mind, investigation of individual circumstances will take place with regard to whether the tenancy is cancelled or notice requested and whether the application is re-instated or a new application needed. Liaison with the Housing Assessment Team and Housing Management Team may be needed.

Each case should be decided based on their relevant circumstances.

SECTION 14 SPECIAL MANAGEMENT LETTINGS

14a General Information

It is intended that there will only be a small number of applicants will fall into this category and cases will be strictly controlled. **All** cases must be agreed by the Lettings' Manager or, in the case of Council disrepair cases, the appropriate service Director within Berneslai Homes.

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 an allocation would be beneficial to Berneslai Homes and Barnsley MBC. This includes making best use of stock, reducing crime and disorder and freeing up a particular property or property type.

Applicants will be assessed in line with our guidelines and given the relevant priority Band. They will be awarded the category, "Special Management Letting", which does not award overall priority, but ensures we can at any time identify the number, type and priority of applicants in this category.

Direct Offers: Sometimes we may make a direct offer to an applicant, without open advertising. Before we do this, we will consider the need for the specialised letting against the needs of priority cases on the Housing Register. The assessment will include the benefit to BMBC's best use of stock in making the allocation, for example freeing up much needed disabled properties.

All Direct Offer properties not being advertised must be approved by the appropriate Senior Officer within Berneslai Homes.

Restricted Advertising: In some instances we may openly advertise a property, but set restrictions about who can apply, for example, applicants in the 'Decant' category of Special Management Lettings.

All offers in this category, whether a direct offer or an offer through the standard Choice Based Lettings' route **must** be authorised by a Senior Nominated Officer.

14b Incentivised Special Management Transfers

Occasionally we may need to create a vacancy of a particular property type. In these cases we will authorise a Special Management Letting and **may** offer an incentive payment to tenants willing to relocate to free up a property. Incentives will only be offered to people not previously on the transfer register, where relocation is of benefit to the Council/ Company.

14c High Demand Transfers

This is a transfer request which would release a property recognised as high demand. Applicants in a high demand property must be willing to move to a lower demand property, and there must be a waiting list for high demand property. The tenant must have a clear rent account and have no current breaches of their Tenancy Agreement. They must also be eligible for the lower demand property.

Identifying High Demand Transfers

The applicant may complete an application form requesting a move to smaller accommodation. In these circumstances, the Lettings' Officer should be contacted to establish if the above conditions apply, and priority can then be assessed.

Where potentially high demand transfers are identified by the Housing Assessment, Lettings' or Housing Management Teams through contact with a tenant, an application form can be issued, or where there is an existing housing application a re-assessment can be completed.

When the application has been fully assessed and the decision made that priority should be given, the applicant will be placed in priority Band 3. The priority can be increased or reduced as necessary depending on the circumstances presented by the applicant.

14d Property For A Disabled Person And No Longer Needed

This category is for transfer applicants in an adapted or purpose built property for people with disabilities and is no longer required by the tenant and their family. The criteria is that the person for whom the adaptations were carried out, or the letting was originally made, has died or permanently left the property, and there is an identifiable demand for that type of property on the Housing Register. If it is agreed that there is an identifiable need for the property, applicants will be awarded priority **Band 3**.

If there is no identifiable demand on the Housing Register, the Housing Assessment or Lettings' Teams must check with Equipment & Adaptations to see if there are any cases on their register.

Housing Management Officers may have knowledge of properties where someone has left a property and may make a referral.

14e Successions

This category is for applicants who have succeeded to a property that is too large for their needs, has adaptations not required by them, or which they do not qualify to occupy. Applicants will be awarded priority Band 3. If the applicant is freeing up more than 1 bedroom the standard under occupation rules would apply and Band 2 priority awarded.

14f Tenants Willing To Transfer to Free Up A Property

This category is for tenants who are prepared to transfer from a property required for a Tied Tenancy for future employees, or for use as a decant home. Applicants will be awarded priority Band 3.

If the applicant is willing to move into accommodation that would free up 2 or more bedrooms, standard under occupation criteria should be used and Band 2 priority awarded.

14g Non-Incentivised Special Management Lettings

14g (i) Decant or Demolition Properties

These are cases from either Council tenants or other residents of Council Estates, where the property is required to be empty for either demolition, extensive repairs or redevelopment. This includes victims of fire, flood or other emergency in a Council property whose re-housing will be permanent. In some instances there may be an entitlement to disturbance or home loss payments.

Priority will vary between **Bands 1 to 3** taking into account severity of problems, time elements and security issues. Applicants will **initially** be placed in **Band 3** and be re-assessed at regular intervals, and priority amended if required.

Priority will be awarded for Regeneration Applicants from date of decision to demolish. 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 issues which put them at higher risk in their current accommodation.

If we move a Regeneration Applicant to a higher Band we will award them priority from the date we make the decision. Any decision regarding priority for applicants involved in Council Regeneration Schemes should be taken in consultation with the appropriate Project Management Officer for the specific scheme.

14g (ii) Tied Tenancies

These are applicants whose accommodation is dependent on employment with Berneslai Homes or Barnsley MBC, for example wardens/caretakers.

Tied tenancies will end when employment is terminated and employees will have to leave their accommodation.

Assessment criteria:-

Do we need the property for future Berneslai Homes'/ Barnsley MBC employees?

- If we establish that the property is not needed as a Tied Tenancy, the employee may be offered a Secure Tenancy for their current property, subject to receipt of the approval of the appropriate Senior Officer.
- If the property is needed for a future employee, the applicant will be made 3 reasonable offers of accommodation. If they refuse 3 offers, a Notice of Seeking Possession may be served and the applicant referred to the Housing Options, Advice & Homelessness Prevention team.

The application will be reviewed on a monthly basis by Lettings' and Older People Team staff and, if necessary, the applicant will be advised to widen their choice of property type and area. If no expressions of interest are made by the applicant, for advertised properties, within 3 months of entering the Housing Register, they should be encouraged to widen their choices or a Notice of Seeking Possession may be served.

Applicants will be awarded priority in **Band 2**. Any priority must be authorised by the Lettings' Manager.

14g (iii) Key Workers

A Key Worker is:-

- A person taking up employment which could not have been filled locally, that is essential to introduce or maintain other employment in the Barnsley area.
- An incoming member of staff for the Local Authority or Berneslai Homes.

Key Workers will be assessed and given priority based on their circumstances. If priority is to be given it will be in **Band 3**.

Accommodation offered will be for a fixed term of 6 months and will be signed up on a Licence Agreement.

Approval from the appropriate Senior Officer should be obtained before awarding priority to a Key Worker applicant.

14g (iv) Management Ground Transfers

This category can be used where there are long standing management problems. Priority can be awarded where it is assessed that transferring offers the best solution to the management problem. Use of this category is **strictly limited**, and all cases must be agreed by the Lettings' Manager in conjunction with other Senior Managers involved in the case. We must ensure that we have taken all appropriate steps to deal with tenancy breaches and that moving tenants away from a problem, or moving the alleged perpetrator is not the 'easy option'.

Assessment Criteria

Likely cases are listed below, but is not exhaustive list:-

:

- Where we establish that a neighbour dispute is due to a clash of lifestyles and it is not appropriate to take management action. For example, an elderly person experiencing noise nuisance from young people, but it is not excessive. All necessary steps must be taken by the Housing Management Team/ Tenancy Enforcement Team to deal with the complaint
- Where a neighbour dispute has arisen due to mental health problems of a tenant and action is not considered appropriate.
- Where Possession Proceedings have failed and it would be beneficial to remove the alleged perpetrator or neighbour to another area.
- Where a neighbour dispute is beyond resolve due to personal dislike of one another and Housing Management Officers are spending an excessive amount of time dealing with minor complaints between neighbours.

Identifying Management Cases

The Housing Management Team Manager or Tenancy Enforcement Team will make all referrals for this category. They will provide details of the case and what action has been taken to remedy the situation. They will arrange a Case Conference with the Housing Management Team, the Housing Assessment Officer and relevant agencies to discuss the case and establish if re-housing is the most suitable option, and that all steps have been taken to resolve the problem.

The area that the applicant is requesting and the impact on surrounding residents must be carefully considered.

If the decision is taken to award priority, it can be within **Bands 1, 2, 3 or 4** depending on the severity of the problem, risk to applicant and family and/or the impact on surrounding residents etc. The final decision must be approved by the Lettings' Manager and Group Housing Management Team Manager.

The following table sets out qualifying Bands. Depending on individual circumstances, priority can be increased or decreased. This Band assessment only applies for offers made through the Choice Based open advertised route, which compares the applicant's position against others in the priority Band. We reserve the right to make direct offers to these applicants outside the scope of the Banding system.

Category	Band
Transfers giving up High Demand property for a lower demand property. Additional priority could be awarded for under-occupation.	Band 3
Transfers with Need for Adaptations to current property, where agreed option is 'recommend re-housing'	Band 1, 2 or 3 depending on medical need and risk factors in current property. .
Transfers from people in Adapted Property which is no longer needed and where another applicant has a need for that property.	Band 3
Transfers from Successors where they do not qualify for the property, it is too large, or has no need for adaptations.	Band 3
People willing to transfer from a property needed as Tied Accommodation for future employees or other future use.	Band 3
People prepared to transfer to Free Up property for use as Decant Home .	Band 3
Category	Band
Applications from Council Tenants or	Initially Band 3 , increasing to

residents on Council Estates, earmarked for Demolition, Extensive Repair or Redevelopment.	higher Bands if necessary Decision based on: <ul style="list-style-type: none"> • Severity of problem • Time needed to clear site • Security issues on site Regular review will take place and applicants can move up priority Bands if need to move increases or if they are at risk as redevelopment progresses. Possibility of advert for vacant property restricted to this category
People Leaving Berneslai Homes'/BMBC Tied Accommodation , needed for future employees, or other use, where re-housing is in line with BMBC/Berneslai Homes, Human Resources procedures.	Band 2
Key Workers	Band 3 - Licence Agreements will be fixed term for 6 months
Transfers on Management Grounds where it is assessed that transferring offers best solution to problems	Band 1, 2 or 3. Priority will be approved by the Lettings' Manager on Social and Welfare grounds, on the recommendation of Housing Management Team Leader after investigations and consultation with the Assessment Team.

All of the above are recommended minimum priorities. Each case must be assessed on its merits and a composite assessment could result in additional priority being awarded, for example where a warden needs to leave Tied Accommodation but also has medical needs and/or is currently under occupying their home etc.

Staff who are unsure of the priority to be awarded where multiple reasons for re-housing exist, should seek guidance from the appropriate Senior Officer.

SECTION 15 LETTINGS' APPEALS' PROCESS

The Lettings Policy Appeals' Process operates outside the scope of Berneslai Homes' Complaints Procedure. It covers the "decision making" aspect of the Lettings Policy and how it has affected the person applying for consideration. This process includes:- awarding of priority, removing priority for refusal of offers, exclusion, suspension and offers of accommodation.

Any complaints received about the Policy, or the way procedures have been followed, should be dealt with via Berneslai Homes' Complaint Procedure. All complaints and decisions should be recorded on the computer system.

Stage 1 Appeals

The applicant, or their nominated representative, must register an appeal within 6 weeks of being informed of a decision about their application. The appeal can be made in a format suitable to the applicant e.g:-

- Verbally
- By telephone
- By letter
- By email.

A Nominated Officer in Berneslai Homes will consider the appeal. If all Nominated Officers were involved in the original decision, the Customer Services' Team will conduct the review. The appeal will be registered and an acknowledgement sent advising that a decision will be made within 20 working days.

Where a decision cannot be reached within 20 working days e.g. where the case is particularly complicated and it needs input from other agencies etc. the applicant should be advised of the delay and given an indication on when a reply is likely.

When a decision has been made regarding the Stage 1 appeal, the applicant is advised, in writing, of the reasons for the decision and of their right of appeal to Stage 2 of the Appeals' Process. The applicant will be advised that they have 6 weeks, from the date they received the letter regarding their Stage 1 appeal, to lodge a formal appeal with Berneslai Homes. Berneslai Homes Customer Services' Section will arrange Stage 2 appeals.

Stage 2 Appeals

If, following the Stage 1 appeal, the applicant remains dissatisfied, they can request that the appeal be heard at Stage 2 of the Housing Register Appeals' Process.

Any applicant who appeals at Stage 2 will have their case reviewed by a Panel. The Panel will normally consist of 2 Berneslai Homes' Board Members and one representative from Barnsley Federation of Tenants' & Residents' Association.

A Senior Designated Officer, not from the allocation service, will attend at the appeal hearing 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.

Appeal Panel Members must declare an interest if they have had any involvement in the case or if they know the applicant.

Information to the Panel

At least 7 working days prior to the Panel Hearing, Members of the Panel and the appellant will receive notification of the Appeal Hearing time, date and venue and 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. Obviously, the identity of the appellant will be made known at the Panel Hearing.

The appellant will be invited to attend at the Panel Hearing and present their evidence as appropriate. The appellant will be able to bring a 'friend' along to offer support and/or present additional evidence.

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 the officer who has made the decision to attend the hearing to answer any questions; this could be any officer from Berneslai Homes' and/or other organisation.

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

- The Chair of the Panel will introduce the appellant to the Panel and ask for declarations of interest from Panel Members.
- The Chair of the Panel will ask the officers to present their appeal.
- The Panel and the appellant will be given the opportunity to question the evidence provided by the officer.
- The Chair of the Panel will ask the appellant to present their case.
- The Chair of the Panel will give the officer an opportunity to ask questions of the appellant.
- The Chair of the Panel will give the appellant an opportunity to ask the officers any questions
- The Panel will ask any further questions of the officer and appellant.
- The officer will be asked to summarise.
- The appellant 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 Support 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 Specialist Advisory Officers attend 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 and it is preferable that they leave, to be recalled only to clarify points of issues. The Support Officer should be the only officer remaining during the decision making process.

At the Hearing, Panel Members can ask questions of these officers at any point. 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 applicant may still exercise their right to approach the Local Government Ombudsman.

SECTION 16- THE RIGHT TO MOVE

The Right to Move- We will endeavour to allocate 1% of available homes in any financial year to applicants moving into the Borough under The Right to Move as per: The Allocation of Housing (Qualifications Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)

In deciding whether someone qualifies for The Right to Move we will take the following information into account when deciding on qualification and/ or priority:

The regulations provide that local authorities must not disqualify certain persons from the waiting list on the grounds that they do not have a local connection with the authority's district. Specifically, a local connection may not be applied to existing social tenants seeking to transfer from one local authority area in England, to another who:

- Have reasonable preference under existing legislation because of a need to move to the local authority's district to avoid hardship, and:
- Need to move because the tenant works in the district, or
- Need to move to take up an offer of work

By introducing these regulations the government are seeking to ensure that existing tenants who are seeking to move between local authority areas in England in order to be closer to their work, or to take up an offer of work will not be disadvantaged.

The qualification regulations apply to transferring tenants who have reasonable preference under existing housing legislation where the local authority is satisfied that they need to move to a particular locality and where failure to meet that need would cause hardship to themselves or others.

Under The Right to Move the local authority must ensure that not only does the tenant need to move for work, but that, if they were unable to do so, it would cause them hardship.

In deciding whether someone is entitled to assistance under The Right to Move, we take the following factors into account in determining whether a tenant needs to move to be closer to work or take up a job offer:

- The distance and/or time taken to travel between work and home
The availability and affordability of transport, taking into account the level of earnings
- The nature of the work and whether similar opportunities are available closer to home
- Other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- The length of the work contract
- Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects.

The regulations only apply if work is not short-term (employment less than 12 months, marginal (fewer than 16 hours per week could be deemed marginal) or seasonal.

The regulations exclude voluntary work.

Should the decision be made that the applicant qualifies under The Right to Move we will award Band 3 priority and accept that the applicant has a local connection with Barnsley.

Section 17 - Exclusion and Suspension

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.

Section 6e, sets out the main reasons why an applicant can be **suspended** from the register for a temporary period. The decision to suspend an application requires a judgement to be made and it is possible 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.

All decisions on an applicant's qualification to join the Housing Register will be based on individual circumstance, objective criteria, proven evidence and will comply with the guidelines set out below.

17a.Exclusion - General principles

We can still treat applicants who fulfil the residency criteria, as persons who do not qualify to be allocated housing on the basis of unacceptable behaviour. This is covered by s.160A (7) of the Homelessness Act 2002.

We may consider 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, or not, 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.
- 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
- Tenancy related debt including:
 - Current or former rent or mortgage arrears (where the rent or mortgage is deemed affordable)
 - Housing benefit overpayment
 - Rechargeable repairs owed to Local Authority, Hosuing Association or private landlord

The above list identifies only some of the key behaviours that could result in a decision being made to exclude an applicant and there are other issues that could also result in a decision to exclude.

To determine which applicants qualify to join the housing register we will: -

- Make sure the application form is fully completed.
- Carry out checks with previous/current landlords.
- Carry out previous/current BMBC tenancy checks.
- Obtain information from Police Authorities/Probation Services if appropriate.
- Carry out checks on the Housing Benefit/Council Tax system.
- Contact relevant support agencies as necessary
- Complete an assessment of current housing need/priority.

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.

Where there is an indication that the application may be excluded we must follow the 3 stage approach.

Stage 1

First, we must be satisfied there has been unacceptable behaviour, which falls within the definition in s160A (8) of the Housing Act. In considering whether a Possession Order would be granted in the circumstances of a particular case, we have to consider whether, having established the grounds, the court would decide that it was reasonable to grant a Possession Order.

To make a decision we must obtain all relevant information and discuss the case with a specialist officer. (Rent arrears with a Senior Rents' Officer and tenancy infringements and Anti-Social Behaviour problems, with Housing Management staff). All decisions regarding eligibility to join the register will therefore be made on an individual basis.

- **Advice for Assessment**

It has been established in Case Law that, when the court is deliberating, “reasonable” means having regard to the interests of the parties involved and also having regard to the interests of the public.

So, in deciding whether we would be entitled to an order, we must consider these interests. This will include all the circumstances of the applicant and his or her household.

In practice, Courts are unlikely to grant Possession Orders in cases which have not been properly considered, and are not supported by convincing evidence.

It is acknowledged, in cases involving noise problems, domestic violence, racial harassment, intimidation and drug dealing, that courts are likely to grant an order.

Rent arrears would probably lead to a Possession Order, although in many cases it may be suspended, giving tenant the opportunity to pay the arrears.

In taking a view on whether we would be entitled to a Possession Order, we need to consider all the factors that a court would take into account in determining whether it was reasonable for an order to be granted.

The fact that an applicant has either debts and/or antisocial behaviour alone, would not make them ineligible.

We need to be satisfied that the behaviour is serious enough to make the person unsuitable to be a tenant.

Behaviour such as rent or mortgage arrears, which have resulted from factors outside the applicant's control – for example, delays in Benefit payments; or liability for a partner's debts, where the applicant was not in control of the household's finances or was unaware that arrears were accruing – should not be considered serious enough to make the person unsuitable to be a tenant. Welfare Reform under occupancy rent arrears should also be deemed not serious enough to make a person unsuitable as a tenant.

Assessing officers will liaise with specialist staff to obtain a balanced and reasonable view in respect of these matters. If the outcome is the behaviour, either rent arrears or Anti-Social Behaviour, or would not deem the applicant ineligible, then the application must be placed on the Housing Register and assessed accordingly. All details must be recorded on the Allocations' Database.

Stage 2

Having assessed that the applicant may not qualify on the grounds of debt and/or unreasonable behaviour, we must be satisfied that the applicant is still unsuitable to be a tenant because of the behaviour in question. In simple terms, what time has passed and has the behaviour improved?

Previous unacceptable behaviour may not justify a decision to treat the applicant as ineligible where behaviour is shown to have improved. Assessing Officers will look at recent housing history to see if exclusion applies.

For example, if an applicant has previous rent arrears with us, or mortgage arrears, but has held a private tenancy for 2 years or more with no history of rent arrears, it may not be reasonable to deem the application ineligible. In such cases we would consider whether the applicant has demonstrated a commitment to reduce the debt by reasonable and affordable regular instalments.

If the outcome is that the behaviour, either rent or mortgage arrears or Anti-Social Behaviour, would not deem the applicant ineligible, then the application must be placed on the Housing Register and assessed accordingly. All details must be recorded on the application notes on Allocations' IT system.

When making the decision that the behaviour is not serious enough to exclude them from the housing register, we then must determine whether the behaviour is/ was such that the risk of granting an Introductory Tenancy followed by a Secure Tenancy is such that a Flexible Tenancy for 2 years is appropriate after the initial 12 month Introductory Tenancy period. Where there is a sufficient risk of tenancy failure but not sufficient grounds to exclude, a Flexible Tenancy will be offered.

The reaching a decision the assessment 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.

Stage 3

An application which, after stage 1 and 2, is still considered ineligible must now be fully assessed to ensure the decision on eligibility takes into account the wellbeing of the applicant and/or their family at the time of their application.

If the outcome is that the behaviour would not deem the applicant ineligible, the application must be placed on the Housing Register and assessed accordingly. All details must be recorded in notes on the Allocations' IT system.

Where the behaviour would not necessarily result in exclusion from the Housing Register but is considered a significant risk in assessing the applicant's ability to maintain a sustainable tenancy, the decision will be to allow the applicant on to the Housing Register for a Flexible, rather than Secure, Tenancy.

If the application is deemed ineligible, we must confirm the decision to exclude them from the Housing Register and of the reasons for this decision in writing. 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 demonstrate that they are suitable prospective tenants.

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.

- **Reapplying after being excluded from the Housing Register**

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

An applicant, who has in the past been considered ineligible, can reapply if they consider their unacceptable behaviour should no longer be held against them as a result of changed circumstances. Unless there has been a considerable lapse of time, it will be for the applicant to show that their circumstances or behaviour have changed.

- **Ineligibility And Joint Tenancies**

We will not grant a joint application, and therefore a Joint Tenancy, to two or more people if any of them is a person from abroad who is ineligible, or a person who is being treated

as ineligible because of unacceptable behaviour. This is compliant with s.160A (1)(c) of the Homelessness Act 2002.

Where we receive a joint application and one of the joint applicants is deemed ineligible on the grounds of non-UK resident or citizenship, we will offer a sole tenancy if one of the joint applicants fulfils the necessary criteria.

If any of the joint applicants or household members would be excluded due to tenancy related debt /mortgage arrears or Anti-Social Behaviour, (assessed under 3 stage approach), the whole application will be refused.

If any of the joint applicants or household members would be offered a Flexible Tenancy due to tenancy related debt /mortgage arrears or Anti-Social Behaviour, (assessed under 3 stage approach), the whole application will be offered a Flexible Tenancy.

- **Outstanding Debts with Barnsley Council**

Whatever the decision on eligibility or the offer of a Flexible Tenancy, if there are outstanding tenancy related debts to us, either rent arrears or rechargeable repairs, they must be discussed with the applicant. The Assessing Officer will liaise with the Rent Section to ensure that arrangements are made to recover the debts.

Details of any debt should be noted on the application and, if the debt has not been cleared by the time an offer of accommodation is made, then Lettings' staff will ensure that this debt is included in any new Tenancy Agreement.

It should be noted that if an applicant is re-housed after an agreement has been reached to pay off a debt, and they fail to keep to the agreement, possession proceedings could commence.

- **Removing People From The Housing Register**

We can remove applicants from the register who have previously qualified, either permanently or temporarily, if:-

- They fail to provide 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),
- They appear to no longer be an eligible person
- New information comes to light which affects the original application, or the applicant has given fraudulent information to gain access to the Housing Register.

Should we remove any applicant from the register for any of the above reasons we must confirm this in writing to the applicant within 5 working days. Use Standard letter REMOVAPP or FAILRES.

17b. 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 of the decision, the reasons and inform the applicant 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 believe 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.

17b(i) 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.

We Should Not Place an Application in the Suspended Status for longer than 6 months except in exceptional circumstances to be agreed by The Lettings Manager.

We must review all suspended applications when the review date is reached. A report is available on the Standard Report System. This is a PDF report accessible through the directory of links file. This report will list all applications requiring a review.

The Housing Assessment Officer will re-assess the application, taking into account the reasons for the suspension, and make checks to ensure any agreements made have been fulfilled. This may involve contacting the applicant to provide proof that a debt has been cleared. The Housing Assessment Officer may also need to liaise with the Senior Rents' Officer and/or Housing Management Team Leader, Tenancy Enforcement team etc.

If the outcome is the behaviour, either rent arrears or Anti-Social Behaviour, and would not deem the applicant ineligible, then the Housing Assessment Officer can make a recommendation, to the Lettings' Manager or Senior Assessment Officer, to lift the suspension and place the application on the Housing Register. It will then be re-assessed in line with the current Lettings Policy. All details must be placed on the application notes.

The date the decision is made to allow the applicant to re-join the register will be the original application date or Banding date if in priority Bands 1 – 3.

17c 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 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.

Reviewed by Council 30th October 2018.