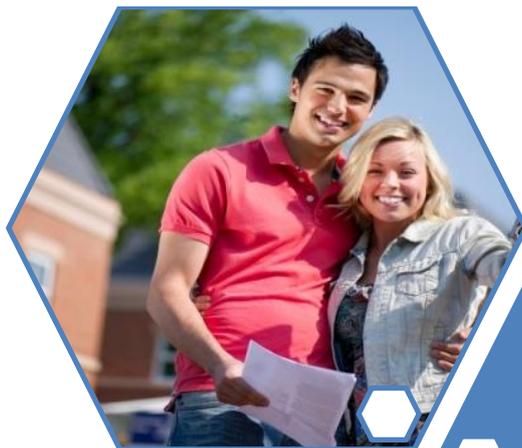


HOMESearch



Bath and North East Somerset Council's Housing Allocation Scheme

2016



This document explains how social housing within Bath and North East Somerset will be allocated and determines priorities for applicants registered with the scheme

This document can be made available in a range
of languages, large print and Braille.

Tenancy Fraud

Tenancy Fraud is unlawful and in some cases is also a criminal offence. Under section 171 of part 6 of the Housing Act 1996 it is an offence to provide false information or withhold information relevant to a housing application; this could result in a fine of up to £5,000. In partnership with local registered housing providers, we are committed to identifying and dealing with Tenancy Fraud. Fraud may include giving false information or withholding information to obtain housing as well as sub-letting of properties.

If you have information about social housing within Bath and North East Somerset that you believe is unlawfully occupied please let us know by contacting us below, or your own Social landlord.

By phone: 01225 396118 or by email: Homesearch@Bathnes.gov.uk or writing to us at:

Housing Services, Bath and North East Somerset Council

PO Box 3343, BATH BA1 2ZH



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INTRODUCTION TO HOMESearch

Homesearch is the name of Bath and North East Somerset Council's Housing Allocation Scheme. It sets out the way that social housing is allocated within the district and how priorities for those registered with the scheme are determined.

Homesearch is based upon the principles of Choice Based Lettings. The scheme offers people a choice about where they would like to live and gives priority to those people with the most housing need.

Those who wish to be considered for social housing will be required to apply to join the scheme. Once registered, applicants can be considered for properties advertised through Homesearch. Applicants can decide whether they wish to formally express an interest in available properties (a process which is referred to as 'bidding'). After the bidding process has closed, a shortlist of applicants is shared with the Registered Provider or other providers of affordable housing.

Tenants who would like to transfer from their existing social tenancies can also apply to join the scheme.

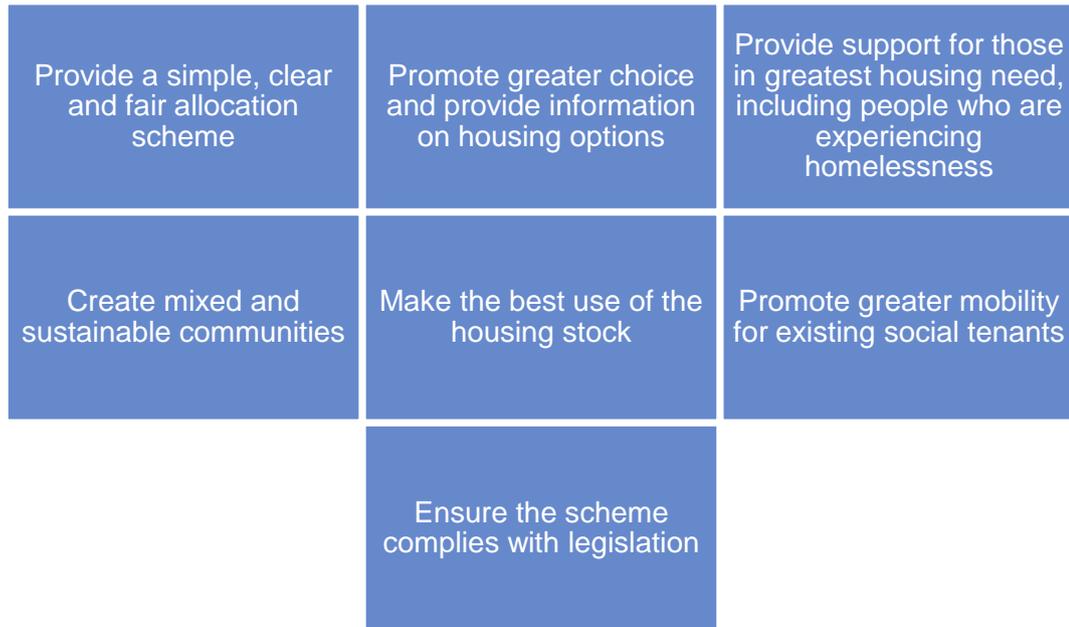
Homesearch is administered by Bath and North East Somerset Council's Housing Services, which also offer a range of housing options and advice services to the public, such as access to private rented housing, shared ownership, mutual exchanges and extra care.

To apply for supported housing, please visit www.housingsupportgatewaybathnes.org.uk

To apply for private renting, mutual exchanges or transfers for existing social tenants, please visit www.Homesearchbathnes.org.uk

All teams within Housing Services can be contacted by telephone through the Council's switchboard on 01225 477000.

Homesearch aims



Homesearch partnerships

Bath and North East Somerset Council transferred its housing stock to Somer Community Housing Trust now known as Curo Places, in 1999. Homesearch is a partnership between Bath and North East Somerset Council and Registered Providers (also known as Registered Social Landlords or Housing Associations), and non-registered affordable housing providers, who offer social housing tenancies in the area. In 1999, Homesearch allows applicants to access social housing offered by the providers named below:

Alliance Homes	Anchor	Aster Group	Bristol and Bath YMCA	Curo Places
English Rural Housing Association	Elim Housing Association	Flower and Hayes Development Ltd	German Lutheran Housing Association	Hanover Housing
Hastoe Housing	Knightstone	Merlin Housing Society	Methodist Homes Housing Association Ltd	Riverside
Sanctuary Housing Association	Selwood Housing	Sovereign	St Johns Hospital	United Housing Association
	The Guinness Partnership	Spectrum Western Challenge	Wiltshire Rural Housing	

Statement on choice

Homesearch is committed to Choice Based Lettings. CBL allows applicants to have a degree of choice on the property they wish to be housed in. There are however, occasions when it is not advisable or practicable to offer a choice of housing to a particular applicant or category of applicants. The conditions can include:

- Applicants who are owed a homeless duty under section 193 and 195 of the Housing Act 1996, Part 7
- Applicants who require a large property, where simply no housing stock of that size becomes available
- Allocations which would result in the poor use of housing stock. For example, a property could be statutorily overcrowded or under occupied
- Applicants who are sexual or violent offenders where the need to manage the risk which they pose to other individuals or the community in general.

These conditions do not necessarily mean that applicants will be excluded from having choice through the scheme. It may in some cases be sufficient to: restrict the properties they can apply for; impose a time limit for bidding; reject their bid or only allow a professional, such as a Probation Officer to bid on an applicant's behalf.

Fairness

In order to allocate properties fairly, Homesearch have engaged fully with the wider community in the development of this allocation scheme. It will continue to provide regular, accurate and generalised information about how social housing is being allocated. This information will be published on the Homesearch website www.homesearchbathnes.org.uk and made available for inspection in Council offices.

Tenancy types

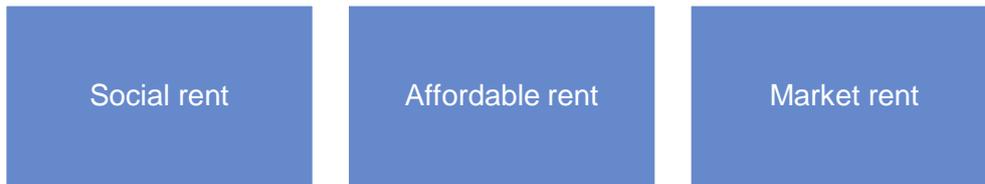


Introductory (Starter Tenancies) are granted for a trial period, usually a year. Introductory tenancies give similar rights as an assured shorthold tenancy, which affords the tenant less protection against eviction. At the end of the trial period, if a tenant has adhered to the terms of their tenancy agreement their trial period will end.

Lifetime tenancies remain available to a tenant for as long as the terms of the tenancy agreement are upheld. These are offered on an Assured Tenancy basis.

Flexible tenancies are offered for a fixed period of time, the tenancy ends on the last day of that period or term. Registered Providers will decide their own typical length to offer a tenancy but the recommendation from the Council's Tenancy Strategy is a minimum of 5 years.

Rent Levels



Social housing will be let at either a Social rent, or an Affordable rent or up to market rents for Pay to Stay. Social Rent is based on a rent formula set by the Government and is usually less than a market or affordable rent. Affordable rent will be set at up to 80% of the local market rent.

Voluntary Social Housing 'Pay to Stay'

It is acknowledged that the Government is encouraging housing associations to adopt 'pay to stay' measures for high earning tenants whereby the rent charged on a property will be set on a sliding scale between its affordable rent and market rent. At the time of adoption of this Homesearch Policy the government defines "high income" as over £30,000, with rents increasing on a sliding scale to the full market level at £60,000. However, Housing Associations may choose to adopt different trigger points which more appropriately reflect local conditions. Tenants earning over £60,000 may be charged a full market rent. The flexibility to do this will be given to housing associations as part of the Housing and Planning Act 2016.

Housing associations proposing to charge variable rents under this new freedom will be expected to ensure all Homesearch adverts show the affordable rent for the property but will also that ensure clear details are given on how a tenant's rent level will be established, including assumptions on the definition of income, if a pay to stay rent is to be imposed. Homesearch partners will be expected to have clear statements on the working of their pay to stay model and to have made these available to Homesearch applicants to support decision making on bidding for a property with a particular landlord.

Many affordable rented homes secured through the planning system will have had rents restricted through the s106 planning agreement for example 100% target rent, Affordable Rent Tenure limited to LHA. It is acknowledged that the adoption of a voluntary 'pay to stay' scheme means that rents will be charged above the limit set by the planning agreement. It will be required that at each re-let or reassessment of the rent for that property, the s106 restriction will remain the baseline for rent determination.

It is expected that any s106 restrictions on service charge levels will be respected.

It is expected that the usual Homesearch allocations policies will apply to allocation of homes and that the rent chargeable to any individual tenant will not influence allocations decisions.

APPLYING TO HOMESearch

Eligibility and qualification criteria

Every application to join Homesearch will be considered. Homesearch will establish whether the applicant and their household are eligible and will qualify to join the scheme. It will comply with the eligibility criteria set out in the Housing Act 1996, Part 6 section 160ZA.

Eligibility criteria

There are some people who will not be eligible to join Homesearch. They include:

- People from abroad who are subject to immigration control under the Asylum and Immigration Act 1996 and are ineligible for an allocation of housing accommodation
- People who are not habitually resident in the Common Travel Area
- People whose only right to reside in the UK is derived from their status as a jobseeker
- People whose only right to reside in the UK is an initial right to reside for a period not exceeding three months
- People whose only right to reside in the Common Travel Area is a right equivalent to one of the rights mentioned above.

Common Travel Area is England, Wales, Scotland, Northern Ireland, Republic of Ireland, Isle of Man, and the Channel Islands.

The eligibility criterion does not apply to people who are already a secure or introductory tenant of a housing authority or an assured tenant of a Registered Provider.

Qualification criteria

There are some people who will not qualify to join Homesearch. They include:

- People who are guilty of unacceptable behaviour serious enough to make them unsuitable as a prospective tenant or to be part of the household
- People who have assets or income above the financial resource limit
- People who own their own home and have no housing need
- People who do not have a local connection to Bath and North East Somerset
- People who are serving a prison sentence of longer than 6 months.

Homesearch will accept applications over the age of 16. Applicants aged 16 or 17 will need a guarantor and, where successful, accommodation will be provided to them on terms which reflect their inability to hold a legal tenancy.

In exceptional circumstances, Homesearch may accept people who do not meet the qualification criteria. The decision will be made by the Senior Housing Practitioner – Homesearch.

Guarantors

A guarantor will be required to sign a form of guarantee stating that s/he will be liable for the tenancy, such as rent payments in the event of the tenant defaulting.

A Registered Provider will consider whether the proposed guarantor is a suitable person. In considering suitability a Registered Provider may consider the guarantor's ability to meet rent payments and understanding and acceptance of the terms of the tenancy agreement.

The decision will be made by the Registered Provider.

Local connection to Bath and North East Somerset

Homesearch aims to help people who have a connection to Bath and North East Somerset. This is in order to ensure that wherever possible, social housing goes to local people. If an applicant does not have a local connection to Bath and North East Somerset they will not qualify for Homesearch.

Homesearch will consider the applicant's individual circumstances when deciding if a person has a local connection to Bath and North East Somerset, or, where they do not, whether their circumstances are such that it would be right, in the view of the Senior Housing Practitioner – Homesearch, for them to qualify for Homesearch. It will also comply with the statutory guidance. Homesearch will ensure that those in the Armed Forces will not be disadvantaged when Homesearch applies this criteria. A local connection to Bath and North East Somerset is defined as:

Residency	Person who has lived in the district for 6 out of the last 12 months or 3 out of the last 5 years. The residency will need to be permanent and of their own choice
Employment	Person who is in permanent paid employment or substantial voluntary work in the district
Support	Person who needs to move to the area to receive or provide support to/from a close relative
Special circumstance	Person who has a connection with the district through special circumstances, such as they need to receive specialist medical or support services within the district which cannot be provided elsewhere
Asylum	Person who was provided with accommodation in the district under section 95 of the Immigration and Asylum Act 1999
Homeless	Person accepted by Bath and North East Somerset as owed a duty under s 195 (2) or 193 (2) of the Housing Act 1996, Part 7, and are not subject to a referral to another local housing authority under s 198

Members of the Armed Forces and the Reserve Forces

A local connection to Bath and North East Somerset does not apply to the following:

- A person who is serving in the regular forces or who has served in the regular forces within five years of the date of their application for an allocation of housing under Part 6 of the 1996 Act;
- A person is serving or has served in the reserve forces and who is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to that service.
- A person who has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner where—
- The spouse or civil partner has served in the regular forces; and
- Their death was attributable (wholly or partly) to that service.

Social tenants with a right to move

A local connection to Bath and North East Somerset does not apply to social housing tenants from another local authority that meets the following criteria:

They have a reasonable preference (Group A or B) because of a need to move to the 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

Most social tenants working in the district will meet the local connection criteria but for those that do not the following factors are relevant:

- The distance and time taken to travel between home and work
- The availability of transport and the person's ability to afford travelling costs
- The nature of the work and if similar opportunities are available closer to home
- Personal factors, such as medical conditions and child care relevant to their need to move
- The length of the work contract
- The impact on their employment or prospects if they did not move

Work must not be voluntary, short-term (intermittent and for less than 12 months), marginal in nature (less than 16 hours per week), ancillary to work in another district.

The Senior Housing Practitioner will consider each case on its merits and have regard to the guidance issued by the Secretary of State.

Financial resource limit

£60,000

The financial resource limit is £60,000. Applicants with sufficient financial resources available to meet their housing needs will not qualify to join Homesearch. Homesearch will take into account any income, savings and investments when calculating the financial resources available. Capital money raised as a result of a previous disposal of assets

such as property will be considered when calculating the financial resources available. All information provided by an applicant will be treated in confidence. This can include disposals for nil (for example, transfer of ownership) or below market rate value. Homesearch considers a combined income, savings, investments or capital of £60,000 or more is sufficient to buy a home or pay market rent in the district.

The following exceptions apply:

- Applicants in receipt of an income based benefit
- Existing social tenants with the right to transfer may be excluded from the financial resource limit subject to the Transfer Agreement between Homesearch and the Registered Provider
- Lump sum payments received by a member of the Armed Forces (including former Service personnel) as compensation for an injury or disability sustained on active services, or similar awards made to civilian e.g. for industrial injury or redundancy.
- People who need supported housing, (including sheltered housing) because of their age, disability or medical condition.

In exceptional circumstances, the Senior Housing Practitioner – Homesearch can agree an increase or removal of the financial resource limit.

Property ownership

People who own a property will not qualify to join Homesearch

The following exceptions apply:

- People in financial difficulty, such as their home is being repossessed or they are in significant and long standing mortgage arrears, subject to the financial resource limit
- People who need supported housing, (including sheltered housing) because of their age, disability or medical condition.

Some Registered Providers will expect home owners to have their property marketed for sale.

The decision to accept applications by a home owner will be made by the Senior Housing Practitioner – Homesearch.

Applications from family members and friends

Joint applications

Homesearch will accept joint applications where household members have long term commitments to the home. This can include people who are married, in a civil partnership or cohabitating couples. People who are in a same sex relationship and brothers and sisters who wish to live together can also make a joint application. In exceptional circumstances, and subject to the criteria below, friends can have a joint application.

Inclusion of family members and friends

Family members and friends can be included as part of a household if they meet the following criteria:

- They normally reside with the applicant as a member of the family and
- Might otherwise reasonably be expected to reside with the applicant.

Dependent children

A child can be added to an application if they meet the above criteria and are:

- Substantially dependent on the applicant, including financially dependent, and
- There is or will be a degree of permanence or regularity in that residency, a temporary arrangement will be insufficient.

Substantially dependant will normally require an applicant to have 50% or more of the custody of the child.

Each case will be given individual consideration by the Senior Housing Practitioner (SHP).

Homesearch may request evidence that the child lives or intends to live with the applicant. This can include (but is not limited to) a signed statement of fact, a child benefit letter, a court order or confirmation of the child's address from the child's GP, nursery or school. Where a child is returning to the family from the care of social services, confirmation will be sought from the Council's Children Services Department. The decision will be made by the Senior Housing Practitioner – Homesearch. The Senior Housing Practitioner may seek advice from the Wellbeing and Hardship Panel. The Wellbeing and Hardship Panel is explained on page - 23 -.

Sharing a home to provide mutual support

Friends and extended family members will not normally be included on the application. In exceptional circumstances, Homesearch may agree to include a friend or extended family member on a single person's application subject to the following conditions:

- The applicant and friend (or extended family member) would provide mutual support to create a sustainable tenancy
- The applicant and friend (or extended family member) has a significant medical condition.

This could apply when an applicant has learning difficulties or a mental health issue. Homesearch may request evidence that members of the household currently live or intend to live with the applicant. This can include (but is not limited to) a signed statement of fact, adequate evidence of residence or confirmation from social services.

The decision will be made by the Senior Housing Practitioner – Homesearch. The Senior Housing Practitioner may seek advice from the Wellbeing and Hardship Panel. See page - 23 -.

Ineligible family members

Homesearch will not grant a joint application if any one of the applicants is a person from abroad who is ineligible. However, Homesearch can grant a tenancy to the applicant who is eligible as long as they do not fail the qualification criteria. Consideration will be given to the family members when determining the size of accommodation which is to be allocated.

The decision will be made by the Senior Housing Practitioner – Homesearch who will have regard to the Human Rights Act 1998.

Reduced priority

There may be circumstances when it is appropriate to reduce the Group which an applicant and their household would otherwise fall within. This may be as a result of a person’s behaviour or that they are not yet ready to live independently.

An application will have an effective date of the date they were given reduced priority. An example of an applicant’s effective date changing is on page - 17 -.

An application may also be moved into a lower Group. For example, an application in Group A can be downgraded to Group B.

For an applicant who falls within a reasonable preference category, the intention of reduced priority is not to eliminate priority altogether.

Behaviour of the household

A person’s conduct may not be severe enough to fail the qualification criteria or cancel their application but reducing their priority could be appropriate. Behaviour that could result in reduced priority includes (but is not limited to):

Reason for reduced priority			
People who are guilty of unacceptable behaviour	People in rent arrears	People whose application needs further investigation as there is reasonable suspicion that the application is fraudulent	People who have refused two reasonable property offers

Period application will have reduced priority			
Decided on a case by case basis. Normally 12 months unless there are exceptional reasons	Reduced priority until the rent arrears are clear or an agreed repayment plan has been satisfactorily maintained. This is usually 6 regular payments being made and will continue to be made	Reduced priority until the outcome of the investigation. 24 months reduced priority if convincing evidence of fraudulent activity	Reduced priority for 12 months

Following the period of reduced priority, an application will be reassessed and the effective date will be reinstated.

The decision will be made by the Senior Housing Practitioner – Homesearch.

Households not ready to move

A person who is not considered able to live independently or who does not wish to move until a future date will be given reduced priority.

When an applicant is ready to move their Group and effective date will be reinstated.

Fresh applications

Homesearch will consider an application afresh, where it has been decided that the applicant did not qualify in the past. This includes people whose financial situation has changed. An applicant will need to provide evidence about how their circumstances have changed.

Eligibility and qualification considerations

The Senior Housing Practitioner will ensure in making these decisions that there will be no adverse implications for the good use of the housing stock (and for the ability to continue to provide for housing need.)

The final decision on whether to grant a tenancy will however rest with the Registered Provider at the time of nomination.

There are legal and financial implications to a joint tenancy which includes liability and succession rights. These can be discussed with the Homesearch Team or the Registered Provider at the time of nomination.

THE GROUP STRUCTURE

The Grouping structure sets out how the Homeseach allocation scheme will be framed. It will prioritise social housing to those in greatest housing need. There are three Groups, A, B, and C. Applicants who are placed in Group A hold the greatest priority. Priority decreases from Group B to C. The Group Structure Chart is on page - 16 -.

The Grouping structure will take into account legal requirements and the Council’s local strategic priorities.

By law, Homeseach are required to give ‘reasonable preference’ to certain categories of people as outlined in Part 6 of the Housing Act 1996. They are:

- People who are ‘homeless’ within the meaning of the Housing Act 1996, Part 7
- People who are owed a particularly statutory duty by any local housing authority under certain provisions of the homeless legislation or who are occupying accommodation secured by any housing authority under s.192(3)
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical, welfare, or disability grounds, and,
- People who need to move to a particular locality within Bath and North East Somerset, where failure to meet that need would cause hardship to themselves or to others.

Examples of circumstances which may result in an applicant being placed in all Groups are provided below.

Grouping Structure		
Group A For applicants who need to be housed urgently. For example, there is a serious risk to health, safety, wellbeing or a specific statutory requirement.	Group B For applicants who have a high or medium level housing need.	Group C For people who have a low housing need or simple wish to move.

Applicants should tell Homeseach about any change in their circumstances which would affect their application. Homeseach will routinely review applications in Groups A and B to ensure their priority remains valid. Frequency of reviews will depend on the needs of the service.

A chart of the group structure

A summary of the Grouping Structure is set out below. The Group an applicant will be placed in depends on their current circumstances. The assessment criteria are explained in more detail from page - 21 - onwards.

Group A is for an applicant who is:						
Statutory homeless and owed the full housing duty by Bath and North East Somerset Council under s.193 (3) (65(2))	Under occupying social housing by two or more bedrooms	Statutorily overcrowded	In urgent medical, welfare or hardship need	Living in dangerous housing	A social housing tenants needing sheltered housing	Granted discretionary housing priority

Group B is for an applicants who is:						
Statutorily homeless, but not owed the full housing duty by Bath and North East Somerset Council under s.193 (3) (65(2))	Under occupying social housing by one bedroom	Over crowded (2 or more bedrooms short)	In high medical, welfare or hardship need	Needing to move from supported housing	Given prevention of homeless priority	Given discretionary housing priority

Group C is for an applicant who is:	
Does not qualify for Groups A or B	Wants to move

ASSESSMENT OF APPLICATIONS

Homesearch will assess all applications and will inform the applicant of their:



Homesearch will tell applicants how to register their interest in advertised properties. Information about how long they are likely to wait before being successful will be available.

If an application does not meet the eligibility and qualification criteria Homesearch will provide the reasons for this. If an applicant is given reduced priority, Homesearch will also provide reasons.

Homesearch may ask applicants to provide further information to complete the assessment. This information should be provided as soon as possible as any delay may result in a longer wait for an assessment. In addition Homesearch may make necessary inquiries in order to assess the application adequately. For example, an applicant's doctor or social worker, the UK Border Agency or Immigration Enquiry Bureau may be contacted. Homesearch will ensure that the applicants consent is obtained prior to third party contact.

An application will not be made active until the assessment is complete. Information which may be requested from an applicant includes (but is not limited to):

- Identification, such as a birth certificate or photographic ID
- Passport or information from the Home Office
- Financial information
- Medical information
- Social information

An officer from the team may need to visit an applicant at home in order to complete an assessment.

Effective date

Homesearch takes into account how long an applicant has been waiting for housing when calculating their housing priority. This is known as the effective date. The effective date is when Homesearch receives a complete application. Once registered, if the applicant moves to a higher Group the effective date will change to the date they changed Groups. This is so that people in the higher Groups have an effective date that

is relevant to their situation and grouping at that time. If an applicant moves down a Group the original effective date will be used.

The following are examples of when an effective date will change	
If an application was originally received on the 10 th January 2008 this would be the effective date. If, however, the applicant moved to Group B from Group C on the 21 st June 2010, their effective date would become the 21 st June 2010.	If the same applicant's situation changes once more and they went from Group B to Group C their effective date would revert to the 10 th January 2008.

The Housing Services Manager may award additional priority for housing by granting an applicant additional waiting time. Please see Discretionary Housing Preference on page - 29 -.

Bedroom entitlement

This table shows the size of property a household will be considered for:

Household circumstances	Studio	1 bed	2 bed	3 bed	4 bed	5 or more bed
Single applicant	✓	✓				
Couple		✓				
Two people not in a relationship			✓			
Parent/couple with 1 child or pregnant			✓			
Parent/couple with 1 child under 10 and pregnant			✓			
Parent/ couple with 2 children (eldest under 10 years)			✓			
Parent/couple with 2 children same sex (eldest 10 years or over)			✓	✓		
Parent/couple with 2 children of different sex (eldest 10 year or over)				✓		
Parent/couple with 2 children and pregnant with 3 rd child				✓		
Parent/couple with 3 or more children				✓	✓	
Household circumstance are at the discretion of the Senior Housing Practitioner – Homeseach						✓

Additional bedrooms

If an applicant requires an additional bedroom for medical reasons, confirmation will be required from a suitable professional, such as a GP or Occupational Therapist.

An additional bedroom can be agreed in exceptional circumstances, such as where failure to meet this need will significantly affect the health or wellbeing of the applicant.

The following are examples of cases that could qualify for an extra bedroom:		
Applicant assessed by social services as needing 24 hour care	Applicant requires large and essential medical equipment which cannot be stored elsewhere in a property	Applicant will be adopting or fostering a child

The decision will be made by the Senior Housing Practitioner - Homesearch. In making a decision, the Senior Housing Practitioner will consider

- The risk that the extra bedroom will not be used, leading to a property being under occupied
- The wider benefits which would be realised by an applicant or child
- An applicant's ability to afford a larger property

Assessment of support or care needs

When assessing applications and allocating accommodation to people with support and care needs, Homesearch will liaise with statutory and voluntary agencies as necessary. These can include (but are not limited to) Social Services, the Supporting People Team and Registered Providers.

An applicant's housing and support needs will be assessed before allocating appropriate accommodation. This is to ensure that the property meets their needs and is delivered at the right time for the tenancy to be successful and sustainable. Consideration can be given to the applicant's individual circumstance; their views and preferences and any educational, employment opportunities or needs.

Support and care needs can include (but are not limited to) the following factors:

- Age
- Drug or alcohol abuse
- Rough sleeping
- Physical disability
- Mental illness
- Learning difficulties.

Support Plan

A Support Plan is person centred and aims to identify areas where an applicant needs support with their life. It will put in place strategies to provide that support.

Support needs can have an impact on the lives of the community. In the interests of everyone details of the support which will be made available to an applicant will be sought.

Statutory and voluntary agencies who are working with an applicant are able to provide a support plan.

An applicant who does not have a support plan or their support plan is not adequate will be given reduced priority.

Applicants aged 16 or 17

A homeless young person or a lone parent of this age is likely to benefit from a period in supported accommodation before moving on to a tenancy of their own.

Homesearch will ensure that an appropriate support plan is in place before the applicant is considered for a tenancy. If the applicant is not ready for independent accommodation they will be given reduced priority.

Any applicant under the age of 18 will require a guarantor (please see eligibility and qualification criteria).

Separated families

A separated family is a household who is forced to live in separate properties.

All properties occupied by the family can be considered when assessing the application. Subject to the following factors:

- Members of the households must meet the eligibility and qualification criteria
- Members of the households intend to live together as a single family unit
- Members of the households are not currently able to live together as a single family unit
- There is a good reason why the family must currently live in separate properties.

People who fail the eligibility and qualification criteria or do not intend to live as a single family unit will not be considered as part of the application.

In severe cases, a separated family can be considered by the Welfare and Hardship Panel.

ASSESSMENT OF HOUSING NEED

As previously mentioned, Homesearch would like to support people who are in the greatest housing need. This is achieved by awarding priority to those in the greatest need. This section will lay out how priority is awarded and reflected in the Grouping structure.

Applicants who need to move on medical or disability grounds

If an applicant or a member of their household has a medical condition or disability which is affected by their current housing, they can ask to be considered for medical priority. A Medical Assessment form will need to be completed. If an applicant requires help to complete this form, a member of staff at Council Connect offices can be asked to assist.

Homesearch can award priority for housing if a member of the household needs to move home on grounds of a medical condition or disability. Medical priority will only be given in cases where a move to alternative accommodation would significantly improve or alleviate the problems the applicant is experiencing.

Homesearch may seek advice from a medical professional as this may help give an understanding of an applicant's medical condition or disability. Homesearch may also contact the applicant's doctor or other professionals working with them, who may have direct knowledge of their condition. Homesearch will take into account any relevant medical advice and use this information to help decide whether to award the applicant priority.

In determining whether to give an application medical priority the decision will be made by a Homesearch Advisor, the following factors will be relevant, (but are not limited to):

- An applicant's diagnosis, prognosis and the severity of their medical condition
- The type of medication or support an applicant is receiving
- If an applicant's housing affects their ability to carry out normal activities of daily living
- If an applicant's housing significantly affects their quality of life
- An applicant's current position on Homesearch and whether the applicant has been bidding for properties
- An applicant's ability to access alternative accommodation in the private sector
- An applicant's ability to use transport, including public transport.
- An applicant's ability to stay in their current accommodation with the installation of appropriate aids or adaptations
- An applicant's ability to remedy their housing difficulties such as disrepair, neighbourhood dispute and housing advice, (through other avenues).

An application with an agreed medical priority can qualify for Groups A or B. This reflects either an urgent or high need.

Group A medical priority is when:

<p>An applicant's health is so severely affected by their accommodation that it is likely to become life threatening</p>	<p>An applicant's accommodation is directly contributing to the deterioration of their health and there is no method of improving their accommodation or their medical condition whilst in the accommodation</p>	<p>An applicant is unable to move about within their accommodation and use any facilities and requires a property which is suitable for their use</p>	<p>Example: An applicant is both housebound and cannot assess any facilities within their home, including their kitchen, bathroom, toilet or lounge, and a move to alternative accommodation will alleviate these problems</p>
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Group B medical priority is when:

<p>An applicant's accommodation has a significant negative affect on their health and activities of daily living and there is no method of improving their accommodation or their medical condition whilst in the accommodation</p>	<p>Example: An applicant is living in a 3rd floor flat (no lift) and has significant medical problems which affects their mobility, and a move to alternative accommodation will alleviate these problems</p>
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Applicants who need to move on welfare or hardship grounds

If an applicant or a member of their household is experiencing problems relating to welfare or hardship issues as a result of their current housing circumstances, they can ask to be considered for welfare and hardship priority. Circumstances can include issues relating to social problems such as racial or domestic violence, harassment, financial difficulties, care and support needs. It can also include a person who needs to move to the district in order to give or receive care, or to access specialised medical treatment.

A Homesearch Advisor will compile a report. The report will provide information about the applicant's circumstances and the problems with their current housing. A report can also be produced by a professional working with the applicant in a social care, housing or support environment.

Welfare and hardship priority will only be given in cases where a move to alternative accommodation would significantly improve or alleviate the problems the applicant is experiencing.

Homesearch may contact the applicant’s doctor or other professionals working with them, who may have direct knowledge of their housing problems. Homesearch will take into account any relevant advice and use this information to help decide whether to award the applicant priority.

An applicant with an agreed welfare and hardship priority can qualify for Groups A or B. This reflects either an urgent or high need.

Group A welfare and hardship priority is when:	
An applicant’s safety is seriously affected by their social circumstances and moving home is vital and the only way to resolve the problem.	<p>Examples:</p> <p>If an applicant is prevented from adopting or fostering a child because their housing circumstances are unsafe for the child.</p> <p>If an applicant needs urgent housing to escape serious anti-social behaviour and violence.</p>

Group B welfare and hardship priority is when:	
An applicant's independence and quality of life is seriously affected by their social circumstances and moving home is vital and the only way to resolve the problem.	<p>Example:</p> <p>If an applicant is in financial difficulties through no fault of their own and their home is at imminent risk of repossession. Financial difficulties are such that an applicant is able to provide only the basic provisions, such as food, shelter and heating.</p>

The decision to award priority will be made by the Senior Housing Practitioner – Homesearch in partnership with the Welfare and Hardship Panel.

Welfare and Hardship Panel

The Welfare and Hardship Panel is a group of people who work for Adult Health, Social Care and Housing and Sirona Care and Health. The panel can also include people from internal and external agencies, such as the NHS and Registered Providers. An up to date list of panel members is available from the Senior Housing Practitioner - Homesearch. The panel aim to meet monthly.

The Welfare and Hardship Panel will take into account the report, any relevant advice provided and use this information to help them decide whether to recommend the welfare and hardship priority.

In determining whether to give an applicant welfare and hardship priority the following factors will be relevant (but are not limited to):

- The severity of an applicant's circumstances and prospects of the situation improving
- In the case of harassment and violence the scale of the problem, including the number of incidents, the frequency and nature of those incidents
- An applicant's ability to manage their social circumstances and medical or supports needs
- The effect an applicant's housing has on their quality of life
- An applicant's ability to stay in their current accommodation with the provision of other services, such as a referral to the Environmental Health Department, Police or legal advice
- An applicant's behaviour or that of a member of their household which may be considered to affect their suitability for social housing
- The welfare of the children in the household or children looked after by the local authority who will be living with the applicant
- An applicant's current position on Homesearch and if their circumstances have been given the correct priority
- If an applicant has been bidding for properties
- An applicant's ability to access alternative accommodation in the private sector
- An applicant's financial circumstances, including the need to move because of employment, education or training opportunities
- An applicant's ability to use transport, including public transport.

Applicants needing to move on from supported accommodation for welfare reasons

Applicants who are leaving care

An applicant can be awarded priority if they are in the care of Bath and North East Somerset Council - Children Services and they are ready to live independently.

An applicant who is a 'former relevant child' as defined by the Children (Leaving Care) Act 2000 and needs to move from foster accommodation can be given priority in Group B. This could also include an applicant living in a children's home but does not apply to any other housing tenure unless there are exceptional circumstances.

The following criteria will apply:

- An applicant is ready and prepared to move to independent settled accommodation
- An applicant has the life skills to manage a tenancy
- An applicant has a support package and appropriate Pathways Plan
- An applicant is not or has not previously been a tenant of a Registered Provider as a result of being granted this priority.

In exceptional circumstances priority may be given to:

- A 'former relevant child' who is owed a duty by another Council
- A 'former relevant child' (up to the age of 25) who has completed higher education funded by Bath and North East Somerset Council.

Applicants living in a supported housing project

Supported accommodation provides a home for people who need support; this includes people who have drugs and alcohol problems, mental health or learning difficulties. An applicant living in supported housing can be awarded priority if their housing provider is part of the Council's Assisted Move on Scheme (AMOS).

An applicant living in supported accommodation which is part of the AMOS scheme can be given Group B. There are a limited number of spaces on the AMOS scheme which means that not all applicants in supported accommodation can be awarded priority. Each Supported Housing Provider is able to nominate a given number of residents to the scheme. A list of organisations participating in AMOS is available from the Senior Housing Practitioner – Homesearch. The AMOS scheme will be reviewed on a regular basis.

The following criteria will apply:

- An applicant has been resident in the housing project for a minimum of six months
- An applicant wishes to build a stable life and is ready and prepared to move to independent settled accommodation
- An applicant has the life skills to manage a tenancy, such as paying rent
- An applicant has an appropriate support package.
- An applicant has a clear rent account.

The Senior Housing Practitioner - Homesearch may agree under exceptional circumstances that an applicant in rent arrears can qualify under this scheme if a repayment plan is in place. Exceptional circumstances can include rent arrears accrued through no fault of the applicant.

Applicants living in dangerous (insanitary or unsatisfactory) housing conditions

An applicant can qualify for priority if it can be shown that they need to move because their home is insanitary or in an unsatisfactory condition. This is determined by the Council's Housing Standards and Improvement Team including using the Housing Health and Safety Rating system (HHSRS). For an applicant to qualify for priority, the following factors will be relevant:

- The property is assessed to have a category 1 hazard or equivalent for 'non bricks and mortar' accommodation (this excludes category 1 hazard for overcrowding) and
- The Housing Standard and Improvement Team are satisfied that the problem cannot be resolved within a reasonable period. A reasonable period is normally 6 months or

- By continuing to live in the accommodation it will pose a considerable risk to the applicant's or a member of their household's health and safety. Homesearch will have regard to whether there is an imminent risk as set out in the Housing Act 2004.

An applicant who lives in dangerous housing conditions can qualify for Group A.

Applicants living in social housing and need to move to a smaller property

If an applicant is a tenant of social rented accommodation within Bath and North East Somerset and would like to move because their home is too large for their needs, they can be given Group A or B. To qualify, the applicant's landlord will need to be a member of the Homesearch Partnership. The Senior Housing Practitioner - Homesearch will agree with the applicant's landlord whether their existing property is to be let through Homesearch. This can be a condition of the Group A or B priority. The following criteria will apply:

Group A priority is when:

An applicant is under occupying their property by two or more bedrooms.

Group B priority is when:

An applicant is under occupying their property by one bedroom.

The size of the property the applicant will be considered for is set out in the table on page - 18 - Where there is good reason an applicant may be considered for a larger property than would normally be the case. For example, an applicant is a single person who is the tenant of a four bedroom property.

There are circumstances when an applicant is given reduced priority; for example, an applicant has minor rent arrears. These are set out on page - 13 - . If there is a good management reason, such as their existing home is in high demand, an applicant will not be given reduced priority.

Properties which are classified as 'hard to let' may not qualify for this priority.

The decision will be made by the Senior Housing Practitioner - Homesearch.

In addition, an applicant who is a tenant of social rented accommodation within Bath and North East Somerset and would like to move because their home is unaffordable can be considered by the Welfare and Hardship panel.

Applicants needing to transfer to sheltered accommodation

If an applicant is a tenant of a general needs social rented property within Bath and North East Somerset and would like to move because they need support provided by sheltered housing they can be awarded Group A.

To qualify, the applicant's landlord will need to be a member of the Homesearch Partnership. The Senior Housing Practitioner will agree with the applicant's landlord whether their existing property is to be re-let through Homesearch.

An applicant will not be given this priority if they bid or intend to bid for general needs properties. Any bid made will be withdrawn by Homesearch.

Applicants living in an overcrowded property

If an applicant's property is deemed to be overcrowded by Homesearch, they may qualify for a Group A or B priority. This will be determined by Homesearch in partnership with the Housing Standards and Improvement Team. The following criteria will apply:

Group A overcrowding priority is when:

An applicant is statutorily overcrowded as defined by the Housing Act 1985, Part 10

Group B overcrowding priority is when:

An applicant is two or more bedrooms short in relation to bedroom entitlement as set on page 18

Additional reception rooms, such as a dining room or study can be used as a bedroom when calculating overcrowding.

Applicants who are homeless or threatened with homelessness

Homesearch will work in partnership with the Housing Options and Homelessness Team in order to assess whether an applicant is entitled to homelessness priority. Homesearch will comply with the Housing Act 1996 Part 7 (as amended).

An application with an agreed homelessness priority can qualify for Groups A or B.

The following criteria will apply:

Group A homeless priority is when:		
An applicant is statutorily homeless and owed the full housing duty by B&NES under s.193 (2) (65(2))	This means that an applicant is eligible for assistance, homeless, has a priority need, is not homeless intentionally and has a local connection to B&NES	Duty as set out in section 193 (2) and section 65 (2)

Group B homeless priority is when:	
An applicant is statutorily homeless but not owed the full housing duty under s.193 (3) (65(2)) by B&NES.	Duties as set out in sections 190 (2), 193 (2), 195 (2) or 192 (3) of the Housing Act 1996 and sections 65 (2), 68 (2) of the Housing Act 1985. Sections 175 – 177

Homesearch may request an up to date homelessness decision, this is referred to as a section 184 decision.

A homeless applicant will not be given priority if they would only qualify by taking into account a 'restricted person'. A restricted person is defined by s 184 (7) of the Housing Act 1996.

Please refer to section titled, Homeless duty reassessment on page - 46 - for information for further information about homeless preference.

Applicants who require homeless prevention advice

An applicant can be awarded this priority if they are:

- Considered to be at risk of homelessness, and
- Have a priority need for accommodation under the Housing Act 1996 Part 7, and
- Homelessness can be prevented by this priority, and

- Advice is being provided by the Housing Options and Homelessness Team.

Circumstance which will effect whether an applicant will be given this priority includes (but is not limited to):

- If an applicant is at risk of homelessness as a result of a deliberate act or omission

The decision will be made by a Housing Advisor, in conjunction with the Senior Housing Practitioner – Housing Options and Homelessness.

Discretionary housing preference

An applicant can be awarded Discretionary Housing Priority if Housing Services have a strategic, management or legal reason for an applicant to move. Applicants can qualify for Groups A, B or C. This reflects their degree of urgency. Group C is the lowest group and priority is awarded by granting additional waiting time through an applicant's effective date. Priority can be awarded in exceptional circumstances, this includes (but is not limited to) the circumstances below.

Group A discretionary housing priority is when:

An applicant has been identified as requiring accommodation and is being assisted through the Multi-Agency Public Protection Arrangements (MAPPA).

An applicant is being assisted through the National Witness Protection Scheme.

Group B discretionary housing preference can be given when:

An applicant is living in a property within Bath and North East Somerset which is owned by a Registered Provider and the property is being redeveloped. The Registered Provider must be a member of the Homesearch Partnership.

An applicant is a tenant of a Registered Provider within Bath and North East Somerset and there is a management reason for them to move. The Registered Provider would normally be a member of the Homesearch Partnership.

An applicant has been given a 'legitimate expectation' by B&NES that they will be nominated to a Registered Provider. An expectation is legitimate if it is made in accordance with the allocation scheme.

Discretionary waiting time can be given when:

The following categories of people will receive discretionary housing priority if they are in Groups A or B.

- Serving in the regular forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- Formerly served in the regular forces
- Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that person's service
- Serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- 6 months additional waiting time will be granted.

The decision will be made by the Housing Services Manager.

APPLYING FOR A PROPERTY ‘BIDDING’

Advertising available properties

Homesearch is an open advertising scheme. Vacant properties will be advertised on the Homesearch website weekly and will include as much information as possible, such as:

- Type of property
- Number of bedrooms
- Location
- Floor level and whether the property has a lift
- Whether the property is adapted for an applicant with disabilities
- Type and length of tenancy
- Type and amount of rent or other applicable charges
- Photographs of properties, buildings or areas if available.

In some circumstances it will be appropriate to attach more restrictive lettings criteria to individual properties. For example, where there are restrictive covenants arising from planning conditions. Letting criteria will help an applicant to decide whether they are entitled and wish to ‘bid’ for a property. Properties will be advertised in key locations across the district, so information can be widely accessible.

Homesearch website

The Homesearch website www.homesearchbathnes.org.uk allows an applicant to view the availability of affordable housing across Bath and North East Somerset. It also provides a function to bid for CBL properties. Applicants that do not have access to a computer at home can use one at any Council Connect reception or library.

CBL property adverts

Property adverts will be available in Council Connect receptions, some Registered Providers’ reception areas or from local parish councils. A list of locations is available from Homesearch.

Letting criteria

Lettings criteria, in relation to individual properties, is attached to an advert where necessary. Letting criteria can be used to:

- Make the best use of housing stock
- Give effect to a Local Lettings Policy or allocate to a new housing development
- Meet targets and quotas (see appendix 2 on page - 57 -)
- Match applicants with access needs to appropriate accommodation
- Assist Registered Providers when operating alternative eligibility criteria
- Promote mobility for existing social tenants.

The adverts will clearly set out the letting criteria which apply to each property. This can include, but not restricted to:

- Size of family
- Age of applicants' dependants
- Age of applicants
- The support needs of the applicant which will or will not be considered
- The percentage of applicants in work
- Applicants requiring adaptations
- Applicants who have a connection to a parish
- Whether pets are prohibited
- Applicants who are tenants of a partner Registered Provider
- Social housing tenants who have a clear rent account and their property has been inspected by the Registered Provider as in reasonable condition.

Homesearch and Registered Providers will comply with the Equality Act 2010 and will not directly or indirectly discriminate against an applicant or a member of their household. Registered Providers will evidence the reasons for applying the lettings criteria, such as criminal activity by the previous tenant, in order to minimise future housing management issues.

The decision to apply letting criteria will be made by the Senior Housing Practitioner - Homesearch.

Bidding for a property

An applicant can bid for advertised properties online or by phone. The time frame to bid is five days, currently Friday to midnight Tuesday. The time frame can be shorter or longer for exceptional circumstances or as a result of bank holidays. To register a bid, applicants can apply:

Online:	www.homesearchbathnes.org.uk
By phone:	0845 270 1239 07781484692
By SMS Text:	Use this format: Homesearch Ref (space) Memorable date usually a date of birth (space) Property Ref. For example: 99999 (space) 14011976 (space) 643
By visiting Council Connect:	One Stop Shop, Lewis House, 3 – 4 Manvers Street, Bath, BA1 1JQ The Guildhall, High Street, Bath, BA1 5AW The Hollies, High Street, Midsomer Norton, BA3 2DP Riverside, Temple Street, Keynsham, BS31 1LA

The number of bids per (weekly) cycle is restricted to a maximum of 3 per application.

Assisted bidding

If an applicant is vulnerable or has specific needs, Homesearch will provide support with bidding for a property. An applicant may need support if the following circumstances apply:

- English is not a first language
- Have literacy problems
- Have learning difficulties
- Diagnosed with a mental health problem
- Diagnosed with a long-term disability
- Live a chaotic lifestyle, such as misuse of drugs or alcohol
- Is undergoing a crisis, such as a victim of domestic violence
- Is social exclusion, such as rough sleepers.

Help is available by visiting Council Connect or in some Registered Providers offices. Additionally, an applicant can nominate a helper to bid on their behalf, such as a friend, relative or support worker. The helper can also deal with the applicant's Homesearch correspondence, subject to the applicant's written permission.

Alternatively, an applicant can have a personal Homesearch Advisor to bid on their behalf. An applicant will need to make a request to the Senior Practitioner – Homesearch.

Reassessing applications and removing bids

After close of bidding, an applicant's circumstances will be reassessed. Either a Registered Provider or Homesearch will verify an applicant's situation this can include:

- The size of the applicant's household matches the property advertised
- An applicant meets the letting criteria as set out in the advert
- An applicant has the appropriate priority under the Grouping structure
- An applicant meets the eligibility or qualification criteria
- An applicant's effective date is correct
- The property is affordable.

If an applicant does not meet these requirements or has failed to keep their application up to date, a Registered Provider or Homesearch may remove their bid. If a bid is removed they will not be offered the tenancy.

An applicant's bid can also be removed in the following situation:

- An applicant fails to co-operate with a Registered Provider
- An applicant fails to reply to telephone calls or a letter about the property
- An applicant does not make a decision on whether to accept a tenancy within a reasonable timescale
- An applicant is suspected of making a fraudulent or misleading application.

If an applicant's Group, effective date, eligibility or qualification is changed as a result of reassessing their application, Homesearch will write to explain the reasons.

Assessment of bids

Properties can be advertised to one or a combination of Groups. More properties will be allocated to people in the higher priority Groups to recognise those applicants in the greatest housing need.

As a general rule, properties which have been advertised will be allocated to the applicant with the earliest effective date within the highest Group.

The following are examples of a nomination.

If applicant 1 was in Group A with an effective date of 15/01/2001 and applicant 2 was in Group B with an effective date of 20/06/2000. Applicant 1 would be offered the property.

If there is more than one application with the same effective date and Group, the applicant with the earliest Homeseach reference would be selected for the property.

The following are examples of when a Homeseach reference would apply.

If applicant 3 was in Group B with an effective date 20/11/2006 and Homeseach ref.123. And applicant 4 with an effective date 20/11/2006 and Homeseach ref. 415. Applicant 3 would be offered the property.

If following an assessment an applicant is unsuccessful, they will not normally be contacted, however information about lettings is available on-line at www.Homeseachbathnes.org.uk or by contacting Homeseach.

Offering a property

A Registered Provider may contact an applicant who meets the criteria in the previous sections to arrange an interview. To decide whether an applicant will be a suitable tenant in addition to the interview a Registered Provider may contact professionals involved with an applicant. This could include an applicant's current landlord or support worker. If a Registered Provider refuses to offer a property to an applicant, they must write to an applicant to explain their reasons.

Viewing a property

A Registered Provider will contact an applicant to arrange to view a property. Reasonable notice will be given to allow an applicant to view the property and to make a decision whether to accept a tenancy. An applicant does not have to sign the tenancy agreement until they have viewed the property.

The time frame for offering a property is at the discretion of a Registered Provider.

A Registered Provider may decide to arrange a group viewing whereby a number of applicants will be invited to attend the property. An applicant's chance of being successful is determined by their position on the register in relation to other applicants who have bid on a particular property. This information is available on-line at www.homesearchbathnes.org.uk, from the Registered Provider and Homesearch.

In some instances longer periods can be granted for an applicant to view or decide whether to accept a tenancy. For example, if an applicant is in hospital, needs to travel a long distance or is a vulnerable person in some form of temporary accommodation. Registered Providers will make reasonable adjustments for disabled applicants.

Applicant property refusal

If an applicant bids for a property, but after viewing decides it is not suitable, the applicant and the Registered Provider will need to contact Homesearch.

An offer is defined as when an applicant has viewed a property.

If an applicant refuses two reasonable offers of accommodation, their application may be given reduced priority for a period of 12 months.

This is in order to ensure that applicants only bid on properties they are willing to consider, thus preventing unnecessary delay which may negatively impact on other applicants.

If an applicant refuses a property, Homesearch will consider the applicant's reason for refusing. An applicant can appeal to the Senior Housing Practitioner – Homesearch within 21 days if they disagree with the decision to count a property as an offer for the purposes of reduced priority.

Registered Providers refusal of an applicant

A Registered Provider can refuse to offer a property to the first bidder in line for nomination. A Registered Provider must tell Homesearch if they wish to reject an applicant.

There may be circumstances when a Registered Provider feels that an applicant or a member of their household is considered unsuitable for a property or area. If an applicant is refused for a property the next person in line for nomination will be considered. A list of acceptable reasons a Registered Provider may refuse an applicant at nomination can be found in appendix 1 on page - 56 -.

If an applicant is refused for a property, the Registered Provider will write to the applicant to:

Explain their reasons for refusing an applicant

Inform an applicant of the properties they can be considered for

Include information on how to appeal to a senior manager about any refusal made

Properties will not normally be kept available during an appeal period.

If an applicant's appeal is successful the Registered Provider and Homesearch will work in partnership to directly allocate the applicant the next suitable property. In selecting the next suitable property, Homesearch will consider the size and general area of the property the applicant was originally refused for. If an applicant refuses the property no further allocation will be made. However, an applicant can continue to participate in the bidding system during and after this process, subject to normal Homesearch Allocation Scheme rules¹.

¹ Amended wording 21.10.2015

SPECIFIC PROPERTY LETTING CRITERIA

Some properties allocated through CBL will have special conditions imposed. The conditions are set out in the letting criteria on page - 31 - and will be displayed in the property advert. Some properties which are subject to special condition are detailed below.

Properties reserved for existing social housing tenants – Transfers

Registered Providers are required to meet the housing needs of their tenants. Circumstances include helping a tenant move because their home is overcrowded. This process is referred to as a transfer. Some Registered Provider's will advertise their transfer properties through Homesearch. Transfer properties will have letting criteria which gives priority to existing social housing tenants. However, other Registered Providers will operate a waiting list outside the Homesearch scheme, and these tenants can either apply to their landlord, to Homesearch or both. Registered Providers who advertise their transfer through Homesearch are set out in appendix 2 on page - 57 -.

High demand rural properties will be considered for general advertising through Homesearch, with rural connection criteria applying rather than being used for a transfer property. This will be agreed between the Registered Provider and Homesearch.

Transfers will fall within Part 6 of the Housing Act if a tenant requests a transfer and they have a reasonable preference under the Housing Act. Allocating some properties to transfer tenants will ensure Homesearch and the Registered Provider can make the best use of housing stock. Transfer tenants who do not have a reasonable preference will not be permitted to dominate the overall letting scheme.

Transfer agreement between Bath and North East Somerset Council and a Registered Provider

Registered Providers who advertise their transfer properties through Homesearch are set out in appendix 2 on page - 57 -. If a Registered Provider decides to allocate their transfer property via Homesearch this will be subject to a transfer agreement. A copy of a transfer agreement can be obtained from the Senior Housing Practitioner – Homesearch.

The transfer agreement may include a decision on:

- An applicant's effective date
- Percentage of properties which will be designated for transfer tenants
- The properties to be put forward for transfer in terms of location and size
- Any housing management issues which the tenant must comply with before being considered for nomination, such as repairing their property and clearing rent arrears.

Adapted and accessible properties

Some properties are adapted for people with disabilities, such as, wheelchair accessible, have a low level kitchen or a walk in shower. Properties with significant adaptations may be matched to applicants who require these facilities.

Disabled applicants can also bid for property adverts where the property has not been adapted for their need. Homesearch will work in partnership with other services, such as Occupational Therapy when allocating the property. Homesearch and the Registered Provider will consider whether it is reasonable and practical to adapt the property for an applicant's needs. In some circumstance adapting the property will not be possible. Disabled applicants will be considered on the same basis as other applicants who have submitted a bid for the property.

Sheltered or older person properties

Sheltered properties are for older or disabled applicants who have support needs and wish to live independently. Properties are typically one bedroom bungalows or flats. Tenants live independently with support provided by a Sheltered Housing Officer. The Sheltered Housing Officer visits the tenant regularly and can help with many tasks, such as helping to complete paperwork. Properties are usually within a housing development with a number of other sheltered properties.

Sheltered properties can be subject to letting criteria. An applicant may need to be of a certain age to qualify. This is typically 50+, 55+ or 60+ but will vary depending on the Registered Provider.

Applicants in receipt of middle or high rate care or mobility component of the benefit Disability Living Allowance (DLA) may also qualify, subject to the criteria of the Registered Provider.

Under occupation of a property

Under-occupying is when a property is allocated to a person who does not meet the bedroom eligible criteria. This criterion is set out on page - 18 -.

Circumstances when a property could be under-occupied include:

A property is subject to the rural connection provision

A property is on a rural exception site

A property is hard to let

The decision to allow under occupation of a property will be made by the Housing Services Manager, Senior Housing Practitioner – Homesearch and the Registered Provider.

Local lettings policies

A Local Lettings Policy (LLP) is an agreement between the local authority and a registered provider to allocate properties in response to specific local circumstances. LLP may be used to address a wide range of issues, including particular housing management and wider public policy concerns. LLP may include further letting criteria than stated on page - 31 - and will not be permitted to dominate the overall letting scheme.

LLP will be time limited and will be monitored and reviewed regularly to ensure they are effective. When a LLP is no longer effective it will be revised or revoked by agreement between the registered provider and the Housing Services Manager.

LLP can be agreed in these circumstances:



LLP will be evidence based and set out in a report which will include the following considerations for agreement of the Housing Services Manager in consultation with the Cabinet Member and the registered provider:

- Objective
- Evidence e.g. neighbourhood profile and supporting information
- Review of potential equalities considerations
- Timescale
- Review date and monitoring arrangements

LLP will be published on the Homesearch website.

New housing developments

Homesearch aims to create balanced and sustainable communities. Therefore on new developments comprising of nine or more units of affordable rented housing, additional lettings criteria may be used to achieve the following for the initial allocation:

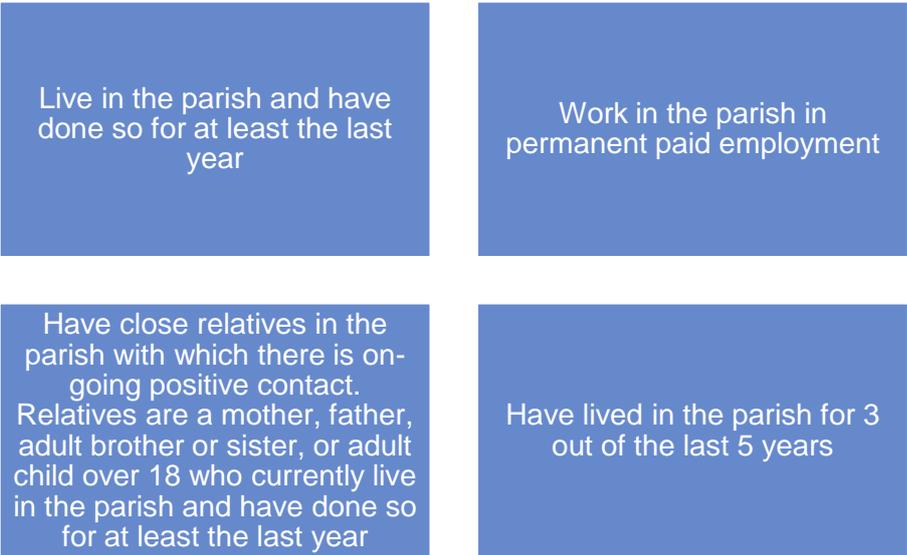
- a balance of people with different housing and support needs
- a balance of people in employment
- a balance of households with children of differing ages
- a diverse community

To use this flexibility the Registered Provider will need to draft a LLP which will need the agreement of the Council’s Team Manager (Housing Options & Homelessness) prior to implementation. When using this flexibility the registered provider must have due regard to current Equalities legislation and any additional criteria used must be stated on Homesearch marketing.

Rural connection

In rural communities where there is a population of less than 3000, people with a connection to the parish will be given priority when a property becomes vacant. To have a priority an applicant will need to meet the rural connection criteria.

Applicants must meet one or more of the following criteria to have a rural connection:



Homesearch will allocate properties in rural communities in the following priority order:



The following is an example of a rural connection nomination for a 3 bedroom property

If Applicant 1 had a rural connection to the parish and needed a 3 bed property and Applicant 2 had a rural connection to the parish and needed a 2 bed property. Applicant 1 would be offered the property regardless of Group and effective date.

Under occupation of rural properties

To help local residents and recognise the shortage of properties in rural communities, Homesearch will consider under-occupation of a rural property by up to 1 bedroom. The decision to allow under occupation of a property will be made by the Senior Housing Practitioner – Homesearch in agreement with the Registered Provider.

The following is an example of a nomination for a 3 bedroom property which can be under-occupied

If Applicant 3 had a rural connection to the parish and had a 2 bedroom need and there were no applicants with a rural connection and 3 bed need they would be offered the property.

If Applicant 4 had a rural connection to the parish and a 1 bedroom need they would not be offered the property.

No bids from applicants with a rural connection

If there is no demand from applicants with a rural connection to the parish, Homesearch will consider applicants who have a connection to a surrounding parish.

Rural exception sites

Some new build affordable housing has been developed on land outside of the parish development boundary, where normally housing is not allowed to be developed. This is known as a rural exception site and this housing is primarily for people with a connection to the parish.

First priority will be applicants that meet one or more of the following local connection criteria which is taken from the Rural Exception Site Legal Agreement.

The Rural Exception Site Legal Agreement says:

4.2 The Developer covenants with the Council at all times not to occupy or allow or cause to be occupied any Affordable Housing Unit other than by anyone in need of Affordable Housing and who in priority order (with the greatest priority being given to the occupant described in 4.2.1:-

4.2.1 Has immediately prior to occupation of the Affordable Housing Unit been resident in the Parish for five years or

4.2.2 Has a strong local connection with the Parish based upon any one or more of the following criteria (with the greatest priority being given to the occupant described in (i)):

- (i) Prior to the time of commencement of occupation of the Affordable Housing Unit has lived in the Parish for three years
- (ii) Has family associates in the Parish who are currently resident and have lived

- continuously within the parish for at least five years, or
- (iii) Has been permanently employed in the Parish for a minimum of one year.
- (iv) Prior to the time of commencement of occupation of the Affordable Housing Unit has lived in the Parish

4.2.3 Has immediately prior to occupation of the Affordable Housing Unit been resident in the adjoining parishes for a period of five years or

4.2.4 Has a strong local connection with a parish in paragraph 4.2.3 above based upon the factors set out in paragraph 4.2.2.

As with rural connections, in certain circumstances, applicants may be able to under-occupy in areas where there is a shortage of a particular bedroom need.

ALLOCATIONS OUTSIDE PART 6 OF THE HOUSING ACT 1996

Most social housing will be allocated in accordance with Part 6 of the Housing Act 1996. This section lists circumstances when Part 6 and hence some sections of this document do not apply. This can include the Group Structure, Assessment of Housing Need, and Applying for Property 'Bidding'. Each section explains in more detail the process and if these sections apply.

Part 6 does not apply to the allocation of the following properties:

Private rented properties

Private rented properties are advertised on Homesearch. A private landlord can advertise a private rented property subject to fulfilling the following property criteria:

- In a reasonable condition
- Has satisfactory management arrangements
- Is an affordable rent.

Selection of an applicant is based on the landlord's own criteria. If an applicant is successful for a private rented property they will be offered an Assured Shorthold Tenancy (AST). AST's have more limited tenancy rights in comparison to a tenancy offered by a Registered Provider.

In exceptional circumstances, Homesearch may decide not to advertise a property or to exclude advertising all properties of a private landlord for a specified period of time. Circumstances when this could apply include (but not limited to):

- A failure to comply with the Equality Act 2011
- A breach of the tenant's legal rights

Mutual exchange properties

Mutual exchange properties within Bath and North East Somerset are currently advertised on Homesearch. A mutual exchange occurs when an existing social housing tenant decides to 'exchange' their property with another social housing tenant.

A tenant can select another tenant to exchange their home with, based on their own criteria. Logically, this will be whether they would like to live in the other tenant's home. Whether an applicant is successful in exchanging their home will be decided between the tenants and their Registered Providers. Terms and conditions which apply to mutual exchanges are available by contacting Registered Providers.

Shared ownership properties

Shared ownership properties are not advertised on Homesearch. Guidance for Registered Providers and potential purchasers of shared ownership units delivered through s106

without government subsidy is set out in Appendix 3 Shared Ownership Eligibility, Qualification and Priority Criteria.

An applicant who is also interested in exploring shared ownership opportunities needs to be registered with Help to Buy South and can contact them on <https://www.helptobuysouth.co.uk> , info@helptobuysouth.co.uk or 08004561188

Supported housing ‘Gateway’

Supported housing is available to people with housing support needs. This includes people with:

- A mental illness or disability
- A drug or alcohol problem or
- Fleeing domestic violence

These properties offer housing and support to help people who struggle to live independently. To apply for supported housing, view available properties and the eligibility criteria please visit:

www.housingsupportgatewaybathnes.org.uk.

Properties allocated for transfer tenants

As already mentioned some allocations to existing social tenants (known as a transfer) do not fall within Part 6 of the Housing Act. For Part 6 to apply to an allocation special conditions must be met. These are:

- The allocation involves a transfer
- The transfer is made at the tenant’s request, and
- The housing authority is satisfied that the tenant has reasonable preference for an allocation.

Additionally, transfers initiated by a Registered Provider for management purposes do not fall within Part 6.

In practice, this means that a transfer applicant in Group C would not fall within Part 6.

Direct property allocation ‘Selecting a property directly for an applicant’

A direct allocation happens when Homeseach selects a suitable property on behalf of an applicant. A direct allocation will provide an applicant with limited or in some circumstances no choice over the property they will be allocated. As a result direct allocations are rarely used. Circumstances when an applicant may be directly selected a property are:

- An adapted property is required for an applicant in Group A
- Compliance with a legal requirements, such as a judicial instructions
- A property is required for an applicant to discharge Bath and North East Somerset Council housing duty under section 193 (2)

- A large property is required for a homeless family who are owed a housing duty by Bath and North East Somerset Council under section 193 (2) or 195 (2) of Part 7 of the Housing Act 1996. A failure to directly offer a property to the family will result in a significant financial burden for Bath and North East Somerset Council or severe hardship for the family.
- An applicant assisted through the Multi Agency Public Protection Agreement (MAPPA) Scheme, the National Witness Protection Scheme or through other National Government Initiatives.
- If property is hard to let

Before directly selecting a property, the housing need of an applicant will be assessed to ensure the property would be suitable. The wishes and feelings of an applicant will be relevant but not decisive in concluding whether the property is suitable.

The decision will be made by the Senior Housing Practitioners. In making a decision the Senior Housing Practitioner will have regard to the Equality Act 2010 and the view of the Registered Provider.

Hard to let properties

A property can be classified as hard to let if it has been advertised by Homesearch and the Registered Provider has been unable to offer the property to an applicant. The Homesearch Senior Housing Practitioner in partnership with the Registered Provider may allocate a hard to let property to an applicant on the basis of 'first-come, first-served'.

Hard to let sheltered housing for applicants aged 55 or over who do not have a relevant local connection

Homesearch may each year make a small number of direct offers of hard to let sheltered accommodation in its area to persons aged 55 or over who do not have a relevant local connection with its district; who request sheltered housing and who, in the council's view, should receive such an offer. Relevant non qualifying applicant data (person aged 55 or over without a relevant local connection) will be retained and shared with registered providers when needed. Bath and North East Somerset Council will ensure that the overall number of such offers is low compared with those provided for under the main provisions of Homesearch.

HOMESearch ADMINISTRATION

An applicants' circumstance will change during the life of their Homesearch application. This can include an applicant moving home, a member of their family leaving home or a new addition to the family. Changes like these will affect an application. An applicant must update their Homesearch application if their circumstances change as this could affect:

- Their eligibility or qualification
- Their Group and effective date
- Their bedroom entitlement.

Homesearch will not remove an adult from the application at the request of another household member without the consent of the person being removed. If an adult no longer wishes to be party to an application they can ask for their name to be removed and make a fresh application.

Homesearch will change their effective date to the date they joined the scheme. The application must be made on the same day as removing their name from their previous application. We will not backdate the effective date for people who are residing with the applicant or will be residing with the applicant as a dependant who decides on reaching adulthood to leave the family home.

Group reassessment

An applicant placed in Group A or B will have their application reassessed regularly. Our aim is to reassess an application every 6 months. Reassessing will ensure an applicant remains in high or urgent housing need. Applicants in Groups A and B will be expected to bid for properties. An applicant who fails to bid or is unreasonable in restricting the properties they are willing to consider could have their Group changed.

Applicants in Group C will not be reassessed routinely, unless Homesearch identifies a fault in how their circumstances have been assessed. The decision will be made by the Senior Practitioner – Homesearch.

Homeless duty reassessment

Some people can resolve their housing problems quickly and homelessness for those people maybe brief, whereas others end up rough sleeping without feeling able to find suitable housing. Homesearch gives all homeless people priority in either Group A or B. Homeless people's circumstances are liable to change and as a result Homesearch together with the Housing Options and Homelessness Team will review their circumstance regularly to ensure that information is up to date.

Reviewing Group B homeless preference

An applicant in Group B will have their circumstances reviewed after three months. If the homeless duty or situation is no longer current and appropriate the priority will be removed. For example, an applicant has found accommodation.

Reviewing Group A homeless preference

A statutorily homeless applicant who is owed a full housing duty by Bath and North East Somerset Council under s.193 (2) (65(2)) has three months to bid for a property. Three months reflects the amount of time it is likely to take for a property to become available and gives an applicant an opportunity to express choice about the property they would like.

An applicant who has bid for properties unsuccessfully can be assisted through a direct property allocation or a private rented sector offer.

If an applicant is selected and refuses a direct property allocation their homeless duty may be discharged. Discharging homeless duty is likely to result in an applicant being placed in a lower Group. This is because their Group A homeless preference will be removed.

Before making a direct property allocation, the Senior Housing Practitioner – Housing Options and Homelessness will review an applicant's circumstance. Circumstances to be reviewed include:

- If any properties have become available within this time frame and are considered suitable for an applicant
- If an applicant was informed and understood the time frame to bid for a property
- If an applicant was capable of using Homesearch and if advice and assistance was provided.

If an applicant has a good reason why they did not participate or has failed to be offered a tenancy an extension to the three month time frame can be agreed by the Senior Housing Practitioner – Housing Options and Homelessness. Good reasons can include (but are not limited to):

- An applicant needs a specific property which is in short supply
- An applicant has learning difficulties and was unable to participate in bidding.

Private rented sector offer - Statutorily homeless applicants owed a homelessness duty under s.193 (2) (65(2))

The Housing Options and Homelessness Team may decide to assist an applicant by making a private rented sector offer. If an applicant is housed in private rented accommodation their application will be update to reflect the change. The decision will be made by the Senior Housing Practitioner – Housing Options and Homelessness.

Periodic review

Homesearch recognises the need to check periodically whether there are any changes in the circumstances of an applicant. A periodic review also gives Homesearch the chance of discussing other housing options with an applicant. This is especially relevant if an applicant is unlikely to be allocated a property through Homesearch. This will normally be every twelve months.

An applicant who unreasonably fails to respond to the review will have their application cancelled.

Cancelling an application

There are circumstances when it is appropriate to cancel an application. If an application is cancelled an applicant's effective date will no longer be valid. An application can be cancelled for the following reasons:



Cancellation letter

In some circumstances it is appropriate to write to an applicant to explain why their application has been cancelled. Examples of circumstances which may result in a cancellation letter are:

- An applicant does not responded to Homesearch correspondence
- An applicant does not bid for a property within four years
- An application is deemed by Homesearch to be fraudulent
- An applicant no longer meets the Homesearch eligibility or qualification criteria
- An applicant has not responded to the periodic review

In some circumstances an applicant who responds to the letter within 30 days will not have their application cancelled but any change in circumstances including a new contact address should be provided.

An applicant has a right to request a review if their application is cancelled (see table).

Decisions which can be subject to review

There will be circumstances when an applicant is unhappy with the way their Homesearch application has been dealt with. An unhappy applicant can ask Homesearch to conduct a review of a decision made on their application. This is referred to as an applicant appealing a decision. Decision which are subject to review fall into two categories, these are:

- The facts of an applicant's case which are likely to be, or have been, taken into account in considering whether to allocate accommodation, and
- Whether the applicant is eligible or qualifies to join Homesearch.

Homesearch aims to have a review process which is fair and transparent. The review procedure is:

- An applicant should write to Homesearch giving their reasons for their appeal and enclose any documents supporting their claim
- An applicant can appoint a representative, such as a solicitor to act on their behalf
- An applicant will be told the timescale to request a review of a decision. Only in exceptional circumstances will Homesearch extend the timescale for an applicant to appeal.
- The review will be carried out by an officer senior to the original decision maker
- The review will have regard to the housing allocation scheme, legal requirements and all other relevant information
- An applicant can make verbal representation in support of their appeal
- A review will be completed within 56 days unless an extension to the review period is agreed.
- An applicant who has difficulties understanding the implications of a decision will be seen by Homesearch face to face. Where this is not feasible, arrangements will be made for the reasons to be explained face to face with the applicant by another person or professional involved with the applicant
- An applicant will be informed of the outcome and reasons for the review decision in writing. Any decision will be based on the relevant facts of an applicant's case.
- If a contact address is not available, the decision will be made available for collection by an applicant at a Council Office for a period of 30 days
- An applicant who is unhappy with the outcome of a review may wish to seek a judicial review or contact the Housing Ombudsman.

The table shows the decisions which can be reviewed:

Types of review	Timescale for an applicant to appeal (calendar days)	Responsible officer
Whether the applicant is eligible or qualifies to join Homesearch		
If an applicant meets the eligibility and qualification criteria	Within 21 days of being notified of the decision	Senior Housing Practitioner – Homesearch
The facts of an applicant’s case which are likely to be, or have been, taken into account in considering whether to allocate accommodation		
An applicant’s effective date	Within 21 days of being notified of the decision	Senior Housing Practitioner – Homesearch
Type of property an applicant will be considered for	Within 21 days of being notified of the decision	Senior Housing Practitioner – Homesearch
If an application is cancelled	Within 21 days of their application being cancelled.	Senior Housing Practitioner – Homesearch
If an applicant is given reduced priority	Within 21 days of being notified of the decision	Senior Housing Practitioner – Homesearch
The extent of the applicant’s household to be considered for housing	Within 21 days of being notified of the decision	Senior Housing Practitioner – Homesearch
If an applicant is entitled to a reasonable or additional preference based on the facts of their case	Within 21 days of being notified of the decision	Senior Housing Practitioner – Homesearch or Housing Options & Homelessness

Fraudulent applications

The Council and our partners undertake random sampling of Homesearch applications to ensure the information supplied is correct.

It is a criminal offence, when making a Homesearch application, or when giving us further information to:

- Knowingly or recklessly to make a statement which is false in a material particular or
- Knowingly withhold information which we reasonably require an applicant to give.

An applicant who deliberately provides false or misleading information may be given reduced priority or their Homesearch application could be cancelled. Furthermore, giving fraudulent information may lead to a summary conviction and a fine not exceeding level 5 on the standard scale and eviction from any housing accommodation offered.

If there is reasonable suspicion of fraudulent activity, Homesearch will investigate the applicant's circumstances, this can include (but is not limited to):

- Obtaining further documents to confirm identity, such as passport, birth certificate and driving licence
- Obtaining further documents to confirm residency, such as, utility bills, bank statements and tenancy agreement.
- Obtaining further documents to clarify a child's residency, such as court order, letter from government agencies, schools and doctors.
- Visiting an applicant's home announced or unannounced.

Homesearch may contact other professionals working with an applicant; this includes (but is not limited to):

- An employer
- A school, college or university
- A medical professional
- Another government department.

A decision to prosecute an applicant will be made by Homesearch in partnership with the Council's Legal Services Department.

Fraudulent Employees

The Council and partners will monitor the Homesearch Allocation Scheme to detect any fraud committed by employees of any organisation involved in the administration of the scheme. Monitoring can be carried out through a random audit by a senior officer.

Employees found to be fraudulently benefitting from the scheme for themselves or on behalf of others will be dealt with through the organisation's disciplinary proceedings.

Deliberately worsening circumstances

If an applicant has deliberately worsened their circumstances in order to qualify for reasonable or additional priority, their application will be assessed on their housing need before the change in circumstances.

Circumstances could include (but are not limited to):

- An applicant sells a property that is affordable and suitable for the applicant's needs
- An applicant moves from a secure property to an insecure or overcrowded property
- An applicant increases the number of people in their household for no good reason.

Homesearch will also consider whether an applicant has made a fraudulent application.

IMPORTANT INFORMATION

Equalities

On 5 April 2011 the public sector equality duty (the equality duty) came into force in England, Scotland and Wales. This duty replaces the existing race, disability and gender equality duties.

Housing Services and Partnership Registered Providers will comply with the new duties by committing to ensure that every application to Homesearch is assessed equitably and in a lawful and non-discriminatory manner.

Through this Allocations Scheme, Housing Services seeks to

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who don't
- Foster good relations between people who share a protected characteristic and those who don't.

Regular monitoring of Homesearch, including applications and nominations to Registered Providers will be undertaken and the evaluation of this fed into Homesearch service development.

Monitoring

Homesearch will monitor the Homesearch Allocation Scheme to ensure:

- The aims set out on page - 5 - are being achieved
- Overall reasonable preference for allocations is given to applicants in the reasonable preference categories
- All legal requirements have been met
- The quotas set out in appendix 2 on page - 57 - are being achieved.

Homesearch will comply with any monitoring requirements set out in the Code of Guidance.

Legal considerations

Homesearch has been informed by the documents listed on page - 62 - of the Table of Authorities.

Homesearch will also keep up to date with any developments in the law in this area.

Homesearch also has regard to the Council's Housing, Homelessness and Tenancy Strategies.

Information sharing

Homesearch will process personal data which we hold about applicants consistently with the Data Protection Act 1998.

Information contained in the Homesearch application may be shared with other agencies including registered providers, private landlords, local authorities, the Home Office, Immigration and Nationality Directorate and other government departments and agencies.

Letting outcomes

Homesearch will publish information on letting outcomes, including the effective date and Group the property was allocated to. Letting outcomes provides valuable information to help other applicants understand how long they are likely to wait for a property. Where providing information might put the successful applicant at risk of violence or intimidation by other individuals or a member of the public, Homesearch may not publish the letting outcome.

An applicant's personal information will not be published without his consent.

Anonymous applications

Homesearch may restrict access to the personal details of an applicant from employees of Homesearch or Registered Providers. An applicant's personal details will be anonymous and a false name and address will be used.

Circumstances which may require an anonymous application are:

- An applicant is being assisted through the Multi-Agency Public Protection Arrangements (MAPPA)
- An applicant is being assisted through the National Witness Protection Scheme.

Security procedure

Homesearch recognises the importance of data protection and will ensure that confidential information is not discussed with third parties. An applicant who wishes to discuss their Homesearch application will be asked to comply with the following procedure.

- Confirm their name, address and date of birth and
- Confirm their mother's maiden name, first school or password.

Complaints, comments and compliments

Homesearch aims to provide the best possible service but sometimes things can and do go wrong. We are committed to putting these situations right and preventing them from happening again.

An unhappy applicant may speak to the Senior Housing Practitioner – Homesearch who will try and resolve their concerns. Alternatively or if the applicant is not satisfied with the response, the Council's complaints procedure is available on line at www.bathnes.gov.uk.

An applicant who would like to make a comment or compliment can also speak to the Senior Housing Practitioner – Homesearch or visit www.bathnes.gov.uk.

Registered Providers complaints procedures

Registered Providers complaints procedures are published on the Homesearch website www.Homesearchbathnes.org.uk or available from the Senior Housing Practitioner – Homesearch.

Health and safety

Bath & North East Somerset Council believes that violence, aggression, threatening or abusive behaviour or harassment towards its employees is unacceptable and that no employee should be required to accept it as a part of their job.

Homesearch will comply with the Council's policies and procedures in this regard. Remedial action could include (but not limited to) an applicant's name being added to a database as a potentially aggressive person, advising an applicant that they cannot attend Council offices or only dealing with an applicant by telephone or in a structured interview.

Homesearch may also consider if an applicant's behaviour has resulted in them failing the qualification criteria.

Information about an applicant who presents health and safety concerns can be shared with other agencies in the interest of the safety of the applicant, the public and members of staff.

People who present a risk of harm

To protect the communities, information will be sought from agencies such as the Police and Probation Service where an applicant is considered to pose a serious risk of harm to the public. Circumstances include people convicted of sexual and violent offences.

Gathering information from agencies will form part of the assessment process, as such an application will not be made active until the assessment is completed.

APPENDIX 1

Acceptable reasons for a Registered Provider to refuse to offer a property to an applicant

Registered Providers may refuse to accept an applicant nominated by Homesearch. This can occur when an applicant has been nominated for a property.

The circumstances when this could apply are:

- An applicant has a history of anti-social behaviour and housing the applicant is likely to have a significant effect on neighbouring tenants
- An applicant has support needs and does not have a support plan in place
- An applicant is unsuitable for the property because of a recent tenancy management issue in the property
- An applicant has unmanaged rent arrears relating to a current or former tenancy
- An applicant was previously evicted for breach of tenancy conditions in the last 2 years
- An applicant has displayed threatening, violent or otherwise unreasonable behaviour, such as towards a member of staff or neighbouring tenant in the last 12 months
- An applicant is a tenant of the Registered Provider and has rent arrears or management issues with the tenancy
- An applicant has bid for another property and accepted that property
- An application appears to be false or misleading and further investigation is required
- An applicant is unable to afford the rent for the property
- An applicant has been found guilty of tenancy or benefit fraud relevant to their suitability to be a tenant.

All applicants will be considered individually. A registered provider will comply with the Equality Act 2010 and evidence their reason for refusing an applicant for a property.

A registered provider's decision to refuse an applicant for a property should be made in partnership with the Senior Housing Practitioner – Homesearch.

APPENDIX 2

Quotas and targets

Homesearch recognises the importance of giving priority for social housing to those in the greatest housing need; this does not mean that every property which is advertised will be allocated in this way.

The Senior Housing Practitioner - Homesearch will set broad targets on an annual basis which will be monitored throughout the year. These targets will reflect the aims of the Homesearch Allocation Scheme. These targets are subject to change in agreement with the Housing Services Manager.

The Senior Housing Practitioner - Homesearch will ensure that people who do not have a reasonable preference do not dominate the scheme or undermine the Council's ability to ensure that reasonable preference is given to those prescribed by law in the reasonable preference categories.

Quotas for groups

This table shows the percentage of properties which will be allocated to each Group.

Group	Proportion of Available Properties
A	50%
B	30%
C	20%

Quota for transfer applications

This table shows the percentage of properties which will be allocated to transfer tenants.

Register Provider	Proportion of the Registered Providers Properties
Curo Places	25%

Quota for right to move²

This table shows the percentage of properties which will be allocated to social tenants who need to move to the district for employment opportunities.

	Proportion of properties
Social housing tenant with a right to move	1%

² Added to scheme in line with the Right to Move (Statutory Guidance on social housing allocations for local housing authorities in England 2015)

APPENDIX 3

Shared Ownership Eligibility, Qualification and Priority Criteria

Guidance for Registered Providers and potential purchasers of shared ownership units delivered through s106 without government subsidy.

This Addendum sets out the eligibility, qualification and priority criteria for Registered Providers when approving an applicant for a shared ownership property in B&NES that has been secured as part of planning gain and which has not received government subsidy or is not part of contracted provision with the HCA.

Providers must undertake appropriate checks on the applicant to ensure that they are eligible to purchase a shared ownership property in B&NES.

All applicants are required to have a local connection to B&NES with exception of Members of the Armed Forces and the Reserved Forces and an upper income limit of £80,000. See below for further clarification:

Local Connection to B&NES

Applicants either for an initial or subsequent sale will need to have a local connection to B&NES. Where the property is in a village with a population of under 3,000 or has been built outside of the parish boundary usually known as a rural exception site there is further eligibility criteria. The only exception is for Members of the Armed Forces and the Reserved Forces. Details of eligibility and qualification criteria can be found in the main body of the Homesearch Allocations Policy (in section Applying to Homesearch).

Income and Assets

In line with the Homes and Communities Agency Capital Funding Guidance the threshold on maximum household income per application is £80,000 and applicants must be otherwise unable to purchase a property suitable to meet their housing needs on the open market. Applicants will be expected to liquidate any capital assets which may include savings, bonds, shares, land and any other financial investments.

All applicants need to satisfy the following criteria to proceed with the purchase of a shared ownership property. The Provider selling the share of the property may have further qualification conditions.

- Local connection to B&NES with exception of Members of the Armed Forces and Reserved Forces
- Rural Connection or Rural Exception Site local connection (when applicable)
- Qualifying income and assets. Applicants must be able to afford their purchase, and sustain their housing costs
- Registered with Help to Buy South (or subsequent organisation)
www.helptobuysouth.co.uk

Priority will be given to:

- Household size meeting number of bedrooms cascading to 1 then 2 spare bedrooms. Providers may require documentary evidence to confirm applicant is principle carer for dependent child(ren)
- Households who can demonstrate that they are less able to buy an appropriate property locally on the open market
- Households with income less that £60,000

In the event that after the Provider has marketed the shared ownership property for four months prior to it being ready for occupation and is unable to identify an applicant with a local connection to B&NES the shared ownership property can be offered to an applicant without a local connection. All other criteria and priority order will remain the same as for an applicant with a local connection.

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Housing Act 1996
Housing Act 2004, Part 1
Housing and Planning Act 2016
Human Rights Act 1998
Localism Act 2011
Welfare Reform Act 2012

Other Authorities

Homelessness Strategy
Housing Strategy
Tenancy Strategy

Regulations

Allocation of Housing and Homelessness (Eligibility) (England) Regulation 2006 SI 2006/1294
Allocation of Housing (Procedure) Regulation 1997 SI 1997/483
Allocation of Housing (England) Regulation 1997 SI 2002/3264
Allocation of Housing (Qualification for Armed Forces) (England) Regulation 2012 SI 2012/1869
Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulation 2012 SI 2006/2989
Allocation of housing (Qualification criteria for Right to Move) SI 2015/967

Guidance

Allocation for Accommodation: Guidance for Local Housing Authorities in England June 2012
Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England Oct 2013
Right to move: Statutory guidance on social housing allocations for local housing authorities in England March 2015

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