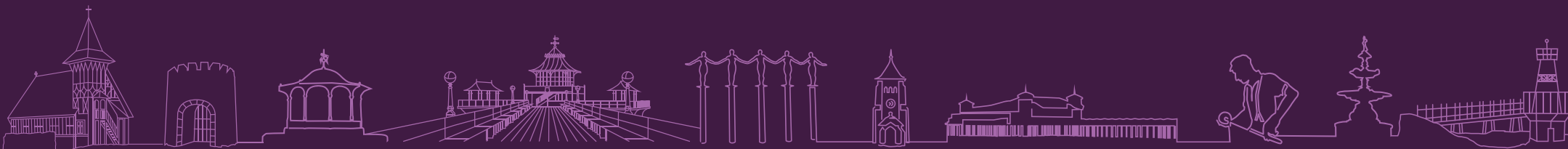


Home Choice North Somerset

Home Choice Policy

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Contents

1. Introduction	3
1.1 Introducing Home Choice	3
1.2 What is an allocation?	3
1.3 Statement on choice	3
1.4 Overview of the policy and process	3
1.5 Exceptional circumstances	4
1.6 Tenancy Types	4
1.7 Rent Levels	4
2. Eligibility and qualification	5
2.1 Eligibility	5
2.2 Qualifying Groups	5
2.3 Excluded Groups	7
2.4 Processes	9
3. Assessment of housing need	10
3.1 Policy	10
3.2 Assessment	11
3.3 Band A	11
3.4 Band B	13
3.5 Band C	15
3.6 Band D	16
3.7 Emergency Priority Band	16
3.8 Effective and Application Dates	16

3.9 Notification	17
3.10 Application Renewals	17
3.11 Cancelling Applications	17
3.12 Review Procedure	18
4. Bedroom entitlement	18
4.1 Policy	18
5. Allocations and lettings	19
5.1 Advertising of properties	19
5.2 Property descriptions	19
5.3 Labelling of properties	20
5.4 Bidding for Properties	21
5.5 Selection Procedure	21
5.6 Refusals	22
5.7 Contrived circumstances/intentional homelessness	23
5.8 Direct Lets	24
6. Gypsy and traveller pitches	25
6.1 Policy	25
6.2 Eligibility and Assessment	26
6.3 Allocation	26
7. Monitoring and review	27
7.1 Monitoring	27

7.2 Equal Opportunities	27
7.3 Social Inclusion	28
7.4 False Information	28
7.5 Access to Personal Information	29
7.6 Policy Review	29
7.7 Complaints	29

Appendices

A. Home choice North Somerset scheme landlords	30
B. Medical assessments	31
C. Welfare assessments	33
D. Rough sleeper and other homeless assessments	34
E. Provision of Evidence	35
F. Hardship	35
G. DWP bedroom standard	36
H. Protocol for housing dangerous offenders and potentially dangerous offenders	36

1. Introduction

1.1 Introducing Home Choice

1.1.1 This document describes the Home Choice Scheme ('Home Choice') run by North Somerset Council ('the Council') in partnership with the majority of registered providers of social housing ('scheme landlords') operating within North Somerset. It also sets out the procedures that the Council follows in the allocation of affordable housing in its district.

1.1.2 The registered providers that are part of the scheme are known throughout this document as the scheme landlords. These are listed at Appendix A. A copy of the Home Choice Policy will be available free from the council or one of the scheme landlords and is also available on the Council's website at www.n-somerset.gov.uk.

1.2 What is an allocation?

1.2.1 The allocation of housing by a housing authority is defined in s.159 of the 1996 Housing Act as:

- Selecting a person to be a secure or introductory tenant of housing accommodation held by them (i.e., by that housing authority).
- Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e., another housing authority).

- Nominating a person to be an assured tenant of housing accommodation held by a private registered provider (housing association).

1.3 Statement on choice

1.3.1 In 2009 Home Choice, a Choice-Based Lettings (CBL) scheme was introduced. It involves a partnership between of the housing authority (North Somerset Council) and registered providers (social landlords).

1.4 Overview of the policy and process

1.4.1 The Council assesses applications from applicants those who would like to rent affordable homes in order to determine:

- Whether they are eligible for an allocation.
- Whether they qualify for an allocation.
- The level of their housing need, assessed against four bands.

1.4.2 The Council stores the information about eligible and qualifying applicants on an electronic data base known as its Housing Register. This information is shared with the scheme landlords.

1.4.3 Scheme landlords advertise their vacant properties in North Somerset to those on the Housing Register, including photographs and a description, on a weekly basis. Applicants may apply ('bid') for their choice of properties as long as they meet the qualifying criteria for a particular property.

1.4.4 The successful applicant will be the person in the highest band, with the greatest number of higher band Reasonable Preference Housing Needs, with the earliest effective date, as set out in more detail in paragraphs 3.2.3 – 3.2.6. An offer will then be made subject to a visit and subsequent acceptance by the potential landlord to confirm the details on the original application form. Incorrect information may result in the offer being withdrawn and the band re-assessed.

1.4.5 Feedback is provided to applicants on the level of demand for vacant properties previously advertised. This helps applicants to make more informed choices, including looking at the other housing options promoted through the scheme.

1.5 Exceptional circumstances

1.5.1 The policy may be departed from where the Home Choice Manager considers that an individual's exceptional circumstances warrant a departure from any part of this policy and has recorded reasons for that decision and the written/ emailed agreement of another senior housing manager within North Somerset Council. See Appendix I for Exceptional Circumstances relating to Home Choice qualification.

1.5.2 North Somerset Council has a limited supply of homes to allocate to, and we are therefore unable to support large volumes of applications from people without a connection to the area, or a compelling need to live here.

1.6 Tenancy Types

1.6.1 An applicant can be offered the following types of tenancies:

- Lifetime Tenancies; or
- Flexible Tenancies.

Both tenancies can be offered on either a Social Rent or an Affordable Rent basis. These terms are explained below.

1.6.2 Lifetime Tenancies

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.

1.6.3 Flexible Tenancies

Flexible tenancies are offered for a fixed period of time and the tenancy ends on the last day of that period or term unless extended by a scheme landlord. The scheme landlords will decide their own typical length to offer a tenancy, but the recommendation from the council's tenancy strategy is 5 years.

1.7 Rent Levels

1.7.1 Both lifetime and flexible tenancies can be offered on a Social Rent or Affordable Rent basis.

1.7.2 Social Rent

Social rent is based on a formula set by government. It is usually less than an affordable rent.

1.7.3 **Affordable Rent**

Affordable rents are set at 80% of the market rent in the private sector.

2. Eligibility and qualification

2.1 Eligibility

- 2.1.1 Certain people from abroad, including some who are subject to immigration control, are not eligible for an allocation of affordable housing. The regulations setting out which people from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulation 2006. These regulations are set by Government and updated regularly. The Council follows these regulations, that are available on request.
- 2.1.2 Applicants who are eligible for allocation as per the paragraph above must be over 16 years of age and meet one or more of the criteria defined in section 2.2, to qualify for an allocation and join the housing register.
- 2.1.3 There are also a number of excluded groups, defined in section 2.3, that may disqualify an applicant from joining the housing register.

2.2 Qualifying Groups

An applicant qualifies to join the housing register if they meet one or more of the following categories:

2.2.1 **Local Connection**

- Have, by choice, lived in North Somerset for the two consecutive years preceding the date the application is made or reviewed; or

- Have, by choice, previously lived in North Somerset for ten consecutive years no more than five years prior to the date the application is made or reviewed; or
- Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed; or
- Family connections – applicant's immediate family member (parents/caregivers, siblings, non-dependent adult children) have lived in North Somerset for the last two consecutive years and applicant has a need to live near this person to give or receive significant care or support.

2.2.2 **Armed Forces personnel**

- Are a member of the Armed Forces or former Service personnel, where the application is made within five years of discharge; or
- Are a bereaved spouse or civil partner of a member of the Armed Forces leaving Services Family Accommodation following the death (as a result of service) of their spouse or partner; or
- Are a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service; or
- Are a divorced or separated spouse/civil partner of a serving member of the Armed Forces and need to move out of accommodation as a direct result of the relationship breakdown and where no settled

accommodation has been obtained since that breakdown.

2.2.3 **Homelessness**

- Have had a main homelessness duty accepted by North Somerset Council under Part 7 of the Housing Act 1996; or
- Is homeless or threatened with homelessness and North Somerset Council has accepted either a prevention or relief duty.

2.2.4 **Social Housing tenants living outside North Somerset**

- Social Housing Tenants who have a need to move to North Somerset to avoid hardship and need to move because the tenant works or has been offered work in North Somerset and has a genuine intention to take up the offer. In determining this, regard will be had to paragraphs 16-34 of the DCLG (now known as DLUHC) Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015).

2.2.5 **Domestic Abuse**

- Have experienced domestic abuse and are occupying a refuge or other form of temporary accommodation, in North Somerset.

2.2.6 For the purposes of this section, residence in the district is not of a person's choice if it is a consequence of serving in the Armed Forces or being detained under the authority of an Act of Parliament or by being placed in the area to receive treatment or rehabilitation of any kind for any kind of dependency.

2.3 Excluded Groups

An applicant is excluded from the housing register in the follow circumstances:

2.3.1 Owner-Occupiers

For the purposes of this section, owners of mobile homes are not considered to be owner-occupiers

Applicants who are owner-occupiers will be excluded from joining the Housing Register unless:

- they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3; or
- their accommodation is unsuitable for their needs due to their age or medical condition, and they do not have the resources available to improve their situation; or
- they are unable to afford to live in current home

2.3.2 Sufficient Financial Resources

- Single person households with combined savings and annual income of more than £30,000, households without dependents with combined savings and annual income of more than £35,000; or households with dependents with combined savings and annual income of more than £40,000 will be excluded from joining the Housing Register unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3 or are in receipt of income related benefits. For the purposes of this section, this exclusion will not apply to those applicants wishing to apply for a Gypsy and Traveller Pitch. Current or former Armed Forces members, or

their families, who have in the last five years received a lump monetary sum as a direct result of having sustained serious injury/illness/ disability or having been bereaved as a direct result of service, will have this sum disregarded from any income assessment for these purposes. These figures are subject to annual review;

2.3.3 Perpetrators of Anti-Social Behaviour

- Applications containing an individual who has been found to be guilty of antisocial behaviour will be excluded from joining the Housing Register for a period of 3 years unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.
- The Crime and Disorder Act 1998 defines anti-social behaviour as 'Acting in a manner that caused or was likely to cause, harassment, alarm or distress to one or more persons not of the same household (as the perpetrator)'. Evidence of this type of behaviour may include but is not limited to:
- Recorded anti-social behaviour in the last 3 years where the applicant (or other person included on their application) was issued (or will be issued) with a formal warning or an acceptable behaviour contract.
- Any other behaviour, in the last 3 years that has resulted in (or will result in) Possession proceedings or other legal action being taken by an agency or landlord (legal action includes, but is not limited to, formal action under the anti-social behaviour legislation, service of notice of seeking possession/ notice to quit on the grounds

of anti-social behaviour, convictions and cautions for offences related to antisocial behaviour).

- Where an applicant can demonstrate that they (or the member of their application to which this exclusion refers) have taken substantive steps to address their behaviour and there is clear professional evidence to support this, their suitability to be a tenant/their exclusion from the register will be reconsidered

2.3.4 **Perpetrators of Hate Crime/Incidents**

- Applications containing an individual who has been found guilty of perpetrating a hate crime/incident will be excluded from joining the Housing Register for a period of 3 years unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.
- The term 'hate crime/incident' is used to describe a range of criminal behaviour where the perpetrator is motivated by hostility or demonstrates hostility towards the victim's disability, race, religion, sex, age, sexual orientation or gender identity.
- Evidence of hate crime/incident perpetrated includes but is not limited to:
 - Information within the last 3 years, from a multi-Agency panel where the applicant (or other person included on their application) was deemed to be a perpetrator of a hate crime/incident.
 - Any behaviour, in the last 3 years that has resulted in (or will result in) any legal action relating to a hate crime/incident

- Evidence of a hate crime/incident provided by a relevant agency, including police, community safety team, registered social landlord, children's or adults' social services; or

2.3.5 **Perpetrators of Domestic Abuse**

- Applications containing an individual who has been found to be guilty of perpetrating domestic abuse will be excluded from joining the Housing Register for a period of 3 years unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.
- Domestic abuse is defined as 'any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender.'
- Evidence of domestic abuse perpetrated includes but is not limited to:
 - A discussion, within the last 3 years, at a Multi-Agency Risk Assessment Conference (MARAC) where the applicant (or other person included on their application) was deemed to be a perpetrator of domestic abuse.
 - Any behaviour, in the last 3 years that has resulted in (or will result in) legal action relating to domestic abuse.
 - Evidence of domestic abuse being perpetrated within the last 3 years provided by a relevant agency,

including police, domestic abuse specialist provider, children's or adults' social services

2.3.6 **Arrears/Council Debts**

Applicants who owe any scheme landlord or private landlord more than £500 in rent arrears or other rechargeable debts or owe North Somerset Council more than £500 in Council Tax, will be excluded from the Housing Register until they have made six successive monthly repayments as part of an agreed payment plan or they have reduced their outstanding balance to below £500, at which time they may reapply. If NSC have had to pay a bond to a previous landlord due to rent arrears owed by, or damage caused by the applicant and/or their current partner, they will be excluded from the register until at least 6 months payments have been made under an agreed payment plan. This will not apply if the landlord is working with the applicant to alleviate their under-occupation, they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3, or if financial abuse has taken place.

2.3.7 Applicants who have received loans to secure accommodation from the Council's lettings service and who do not regularly maintain their agreed repayments will be suspended from bidding on the Housing Register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.

2.3.8 **Penalty Clause**

Applicants who are found to have knowingly omitted information that would disqualify them or have given false

information to gain eligibility or improve their priority on the register, will be excluded from the Housing Register for 3 years from the date they become eligible for the register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.

For example, an applicant who states that they have lived in North Somerset for two years when in fact they have only lived in the district for one, will have their application cancelled. Once they meet the local connection criteria, they will be excluded for an additional three years before they are able to qualify.

2.4 **Processes**

2.4.1 Applications are completed online using the Housing Jigsaw website. Application completion is the applicant's responsibility, however applicants who are not able to complete the form for age and/or capacity related reasons can request assistance from the Home Choice Team.

2.4.2 Where the council decides that an applicant is ineligible or does not qualify for an allocation to join the Housing Register, it will notify the applicant of that decision and the grounds for it via the Housing Jigsaw website.

2.4.3 A request for a review of a decision should preferably be made in writing and can be made by an applicant or a representative on behalf of the applicant within 21 days of the decision. The appeal should include information that the applicant believes had not already been taken into account or new information that will support application.

- 2.4.4 In order to be reassessed, applicants will be required to show how they now may qualify. This must relate to the reasons for non-qualification to do this each applicant will be told their criteria for reassessment and possible qualification.
- 2.4.5 Applicants are responsible for notifying the Home Choice Team of any change of circumstances or address that occur, as they may have an impact on their application. Any bids placed between the change of circumstances occurring and the application being re-assessed may be invalid and can be withdrawn by a Home Choice Officer.
- 2.4.6 Should an applicant's circumstances change resulting in them no longer being eligible, then their application will be closed. They may choose to re-apply should they become eligible again at a future date.
- 2.4.7 When an excluded applicant's exclusion expires, they may choose to re-apply to join the register, but will be required to demonstrate that the cause of their exclusion no longer applies. For example, with regards to anti-social behaviour, the applicant will have to provide evidence that they have maintained a tenancy with references.

3. Assessment of housing need

3.1 Policy

- 3.1.1 All applicants who are eligible and qualify to join the Housing Register will be assessed and placed in the appropriate priority band that represents their household's needs.
- 3.1.2 The law requires that reasonable preference for an allocation must be made in the following cases:
 - (a) people who are homeless (within the meaning of Part 7 of the Housing Act 1996),
 - (b) people who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985, or who are occupying accommodation secured by any such authority under section 192(3).
 - (c) people occupying unsanitary (unhealthy) or overcrowded housing or otherwise living in unsatisfactory housing conditions.
 - (d) people who need to move on medical or welfare grounds, including grounds relating to a disability.
 - (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).
- 3.1.3 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 requires that 'additional preference' must be given to applicants who fall within

the above reasonable preference categories, have urgent housing needs and who meet one or more of the following criteria:

- The person is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partially) to the person's service.
- The person formerly served in the regular forces.
- The person 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 service.
- The person is serving or has served in the reserve forces and suffering from a serious injury, illness or disability which is (wholly or partially) attributable to the person's service.

3.1.4 Preference can also be given to other categories of applications to meet local priorities.

3.2 Assessment

3.2.1 Based on housing need, all applications will be placed into one of four bands – A, B, C or D (see paragraphs 3.3–3.6) – or in exceptional circumstances placed into Emergency Priority Band (see paragraph 3.7). Each of these bands contains definitions of different housing needs, some of which are the needs that require the reasonable or additional preference referred to in paragraphs 3.1.2 and 3.1.3 be given. These are called Reasonable Preference Housing Needs (RPHN).

3.2.2 Where an application has more than one housing need or Reasonable Preference Housing Needs (RPHN) which appear in different bands, it will always be placed in the higher band.

3.2.3 If an application is in the same band as another, the applicant with the greatest number of higher band Reasonable Preference housing needs will have greater priority than those with less

3.2.4 If an application has the same number of higher band Reasonable Preference Housing Needs as another, priority will be given to the application who has been waiting in that band for the longest period of time.

3.2.5 If an application has the same number of higher band Reasonable Preference Housing Needs as another and has been in that band for the same period of time, the date of application will be used to decide the order of the shortlist.

3.2.6 If two or more applicants are still assessed as equal on number of higher band Reasonable Preference Housing Needs, period of time in that band and period of time on the shortlist, then any offer of property will be at the scheme landlord's discretion.

3.3 Band A

3.3.1 Approved Homeless (RPHN)

Except where paragraph 3.6.1 applies, applicants to whom North Somerset Council has accepted a main homeless duty under Part 7 of the Housing Act 1996 (as amended by the Homeless Reduction Act 2017).

3.3.2 Urgent Medical Need (RPHN)

The applicants, or someone in their household, have an urgent and potentially life-threatening need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).

3.3.3 Urgent Welfare Need (RPHN)

Applicants who have an urgent need to move on welfare grounds, where their welfare is aggravated by housing conditions and would improve if other accommodation were offered (see Appendix C).

3.3.4 Lacking 3 Bedrooms/Statutory Overcrowding (RPHN)

Applicants who have access to three less bedrooms than their bedroom need as calculated using the DWP bedroom standard or are statutorily overcrowded as defined in Part 10 Housing Act 1985, unless evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.3.5 Under-occupying 2+ bedrooms

Applicants who are a tenant of a scheme landlord, resident within North Somerset, who are under-occupying their property by two or more bedrooms.

3.3.6 Care Leavers

Where North Somerset Council is the corporate parent and the Care Leaver is ready to live independently, or with floating support. The Homelessness Prevention

Officer for Care Leavers must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy, and this must be agreed by the Home Choice Team Manager

Young people qualifying for Band A must be a North Somerset Care Leaver. The only other young people qualifying for Band A would be those who were adopted through North Somerset Council and this arrangement has broken down after their 16th Birthday and as a result the young person has had the option of being re-accommodated by the local authority and reunification has been unsuccessful; or where the young person is subject to a Special Guardianship Order and a full Leaving Care Duty is part of the Support Plan identified as a contingency by the Court that granted the Order.

This is intended as a one-time award only. The Home Choice Manager will have the discretion to reinstate this award following the failure of a tenancy in exceptional circumstances only. This award will not be made in conjunction with 3.4.8 Band B Supported Housing Move-On award.

3.3.7 Foster Carers or Adopters

- Applicants who need to be rehoused or housed by a scheme landlord because they are either a foster carer who needs larger accommodation to foster more children or intend promptly to become a foster carer and require larger accommodation in order to perform this role. Applicants must have approved Foster Carer status by North Somerset Council's fostering service.

- Applicants who need to be rehoused or housed by a scheme landlord because they intend promptly to adopt a child via North Somerset Council's adoption service and require accommodation in order to perform this role.
- Applicants who need to be rehoused or housed by a scheme landlord because they have taken a special guardianship order (SGO) and need larger accommodation to perform this role.

3.3.8 Disabled Adaptations

Applicants requiring an adapted property where their current property cannot easily be adapted practically and/or economically, and a move has been agreed as a preferred option by the Housing Adaptation Service in lieu of a Disabled Facilities Grant.

3.4 Band B

3.4.1 Homelessness Relief Duty (RPHN)

Except where paragraph 3.6.1 applies, Applicants to whom North Somerset Council has accepted a relief duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).

3.4.2 Homelessness Prevention Duty (RPHN)

Except where paragraph 3.6.1 applies, Applicants where North Somerset Council has accepted a prevention duty under Part 7 Housing Act 1996 (as amended by the Homelessness Reduction Act 2017).

3.4.3 Significant Medical Need (RPHN)

The applicants, or someone in their household, have an urgent but not life – threatening need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).

3.4.4 Lacking 2 Bedrooms (RPHN)

Applicants who have access to two less bedrooms than their bedroom need as calculated using the DWP bedroom standard unless evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.4.5 Under-occupying 1 bedroom

Applicants who are a tenant of a scheme landlord, resident within North Somerset, who are under-occupying their property by one bedroom.

3.4.6 Rough Sleepers

Applicants assessed as sleeping rough (street homeless, in a tent or in a vehicle) by the Home Choice Manager, Home Choice Officer or Homelessness Prevention Officer and who are engaging with relevant support services (see Appendix D).

3.4.7 Category 1 Hazard (RPHN)

The applicant's home is dangerous due to a Housing Act 2004 Category 1 Hazard existing, and where there is no prospect of the Hazard being remedied. The Council's

Private Housing Team must confirm the presence of a Category 1 Hazard and that it would be more appropriate for the applicant to be re-housed. This includes verification from the Council's Private Housing Team that a gypsy and traveller pitch is overcrowded and that the applicants require a move to a larger pitch.

3.4.8 Supported Housing 'Move-On'

- (vi) Applicants who live within a Supported Housing project in North Somerset and are seeking to 'move-on' into independent accommodation. This does not apply to applicants whose placement is to receive treatment or rehabilitation of any kind for any kind of dependency. This only applies to applicants who met the local connection criteria in paragraph 2.2.1 at the time of the original referral and acceptance into the supported housing project. The Project Manager must confirm in writing that the applicant is ready for such a move and has acquired reasonable skills to sustain a tenancy or has the necessary support in place to do so. The case will then be considered by the Home Choice Manager as to whether the applicant meets all the criteria to move into Band B.

or

- (vii) Applicants who live in residential or nursing care settings and are seeking to 'move-on' into independent accommodation. This does not apply to applicants whose placement is to receive treatment or rehabilitation of any kind

for any kind of dependency. This only applies to applicants who met the local connection criteria as set out in paragraph 2.2.1 at the time of their move into their current accommodation. The Adults' Support and Safeguarding team leader responsible for that service user must confirm in writing that the applicant is ready to live independently and has the necessary care and support in place to do so. The case will then be considered by the Home Choice Manager as to whether the applicant meets all the criteria to move into Band B.

or

- (viii) Applicants who are victims of domestic abuse who have been provided with temporary protection in a refuge or other form of temporary accommodation in North Somerset, who are looking to move into settled accommodation and appropriate support will be put in place following an assessment of the household's particular needs.

3.4.9 Gypsies and Travellers

Gypsy and Traveller applicants who are living in bricks and mortar to which they have a cultural aversion and wish to move to a gypsy and traveller pitch.

3.4.10 Significant Welfare (RPHN)

Applicants who have a significant need to move on welfare grounds, where a move to more suitable accommodation would alleviate significant social or welfare issues (see Appendix C).

3.5 Band C

3.5.1 Minor Medical Need (RPHN)

The applicants, or someone in their household, have a clear but not urgent need to move on medical grounds, where their health is directly and adversely affected by their current accommodation, and where a move would see a clear improvement in their health (see Appendix B).

3.5.2 Sharing Basic Facilities (RPHN)

Applicants sharing basic facilities such as toilets, bathrooms, and kitchens with people unrelated to everyone in their household.

3.5.3 Lacking 1 Bedroom (RPHN)

Applicants who have access to one less bedroom than their bedroom need as calculated using the DWP bedroom standard unless evidence proves that the overcrowding is deliberate. For the purposes of this calculation, unborn children do not count towards the entitlement.

3.5.4 Other Homeless Applicants (RPHN)

Except where paragraph 3.6.1 applies, Applicants who North Somerset Council has accepted a prevention or relief duty to under Part 7 of the Housing Act 1996 (as amended by the Homeless Reduction Act 2017) and who do not meet any of the qualifying homeless bands.

3.5.5 Former armed forces member (RPHN)

Applicants who are either

- (a) former members of the Armed Forces

- (b) serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- (c) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
- (d) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.

3.5.6 Employed Applicants

Applicants whose principal home is in North Somerset and are employed for a minimum of 16 hours per week.

3.5.7 Unable to Work

Applicants in receipt of New Style Employment Support Allowance or Pension Credit.

3.5.8 Mobility/ Hardship (RPHN)

Applicants who are social housing tenants who have a need to move to a particular locality in North Somerset to avoid hardship, and need to move because the tenant works or has been offered work in North Somerset and has a genuine intention to take up the offer (see appendix F); or applicants who have a need to a move to a particular locality within North Somerset and that need to move is to avoid hardship (see appendix F).

3.6 Band D

3.6.1 Homeless Applicants

Applicants who would ordinarily be excluded or suspended from the register under paragraphs 2.3.3, 2.3.4, 2.3.5, 2.3.6 or 2.3.7, but fall into one of the homelessness qualifying groups defined in paragraph 2.2.3. These applicants will be offered support to assist in addressing any issues and will have regular reviews. Following reviews applications may be reinstated to the assessed level.

Applicants where the Council has accepted a prevention or relief duty and who do not have a local connection as defined in Part 7 of the Housing Act 1996.

Applicants where the Council has accepted a homeless duty whose household has a combined annual income and savings in excess of that set out in paragraph 2.3.2 (excluding those in receipt of income related benefits).

3.6.2 No other housing needs

Applicants who do not meet any of the criteria for Bands A to C will be placed in Band D.

3.7 Emergency Priority Band

3.7.1 Awarding of Emergency Priority Band can only be made with the written/ emailed agreement of two members of a group including senior housing manager(s) within North Somerset Council, and senior manager(s) of the scheme landlords.

3.7.2 Emergency Priority Band will only be issued to any applicant who requires an 'exceptionally urgent' move

to ensure the applicants safety and welfare for whatever reason. Substantial evidence must exist before such a priority is awarded.

3.7.3 Emergency Priority Band is time limited and will last for 28 days. If the applicant has not applied for a property suitable for their needs (size, type, adaptations etc.) within that time their Emergency Priority Band will be reviewed by the Assessment Panel and if not renewed the applicant will be placed in the appropriate band for their needs. If no suitable vacancy has arisen within this time, then the Emergency Priority Band will be renewed automatically.

3.8 Effective and Application Dates

3.8.1 All applications will be given an 'effective date'. This will be used when allocating properties, to determine how long an applicant has been in their current banding.

3.8.2 An application's effective date is determined by the date of the decision to award the highest band.

3.8.3 Applications will also have a 'registration date', which is the date the applicant first applied to join the housing register.

3.8.4 Where an applicant whose application has previously been closed wishes to re – join the Home Choice register at a later date, their new registration date will be the date they re-apply.

3.8.5 Prospective tenants may be eligible for their application effective date to be backdated by 3 months upon recent

completion of a North Somerset Council approved tenancy-ready course, where available.

3.9 Notification

3.9.1 Once an application has been assessed and entered onto the Home Choice Register, the applicant will receive a letter within 21 days confirming their application details. This notification will include:

- (a) The band in which the applicant has been placed (A, B, C or D),
- (b) The size property the applicant is eligible for (see section 4),
- (c) A reminder about informing us of any change in circumstances, and
- (d) The Home Choice review procedure (see paragraph 3.10).

3.9.2 Once applicants have been entered on the Home Choice Register and notified of banding and bedroom entitlement, they can start to look for a property of their choice (see section 5).

3.10 Application Renewals

3.10.1 Annual Renewals

Every 12 months from the date of their application or their last renewal, all applicants will be sent a renewal email or letter advising them to complete an online renewal. If the renewal is not completed within 28 days their application will be cancelled, as set out below.

3.10.2 No-Bid Renewals

Periodically where an applicant has not bid for any available properties for the previous year, they will be contacted to see if they still wish to remain on the Home Choice Register. If there is no response within 28 days, their application will be cancelled, as set out below.

3.11 Cancelling Applications

3.11.1 An application will be cancelled from the Home Choice Register in the following circumstances:

- At the request of an applicant.
- Where an applicant ceases to qualify or becomes excluded.
- Where an applicant does not maintain their application through the renewals process or no-bid renewals process.
- Where the applicant moves and does not provide a contact address.
- When a tenant completes a mutual exchange.
- Where the applicant has died.

3.11.2 Any applicant whose application has been cancelled has the right to ask for a review of the decision.

3.11.3 If the applicant contacts the council within 28 days of their application being cancelled and indicates that they still wish to be considered for housing, the application will be reinstated from their last applicable date in band, if the applicant remains eligible and qualifying.

3.11.4 Applications may be suspended for reasons other than those mentioned elsewhere in this Policy, in order to

prevent bidding in cases where information has been received that may affect eligibility, qualification, bedroom entitlement or banding priority.

3.12 Review Procedure

- 3.12.1 Once an applicant has been notified via email or letter of the band in which they have been placed or their ineligibility, they will have a right to request a review against the assessment. The request must be submitted made in writing and sent to the council within 21 days of the date on the notification letter and include the reason(s) why the applicant believes their banding or ineligibility is wrong together with any additional information that the applicant believes is relevant.
- 3.12.2 The request for a review will be acknowledged by the council within 7 days.

The Home Choice Manager or a senior Officer who played no part in the original assessment will carry out the review and respond via email or letter, to the applicant within 28 days of the receipt of the review letter. Following the review, the applicant will be informed in writing of the outcome and the reasons for it.

4. Bedroom entitlement

4.1 Policy

- 4.1.1 Applicants will be able to bid for selected properties, which match the needs of their household in line with the Housing Benefit Regulations , namely one bedroom for:
- each adult couple.
 - each other person over 16.
 - two resident children of the same sex under 16.
 - two resident children under 10, regardless of their sex.
 - a disabled child who cannot share a bedroom with another child because of their disability.
 - any other single resident child left.
 - an overnight carer for a disabled person.
- 4.1.2 Applicants calculated as needing more than 4 bedrooms will be entitled to bid for 4-bedroom or 5-bedroom properties.
- 4.1.3 Children are considered to be resident where they stay with the applicant for more than four nights per week or seven nights each fortnight. This is subject to satisfactory evidence being submitted to support access/residency right. Where parents/guardians are separated and a child is co-resident with both parents on a 50/50 basis, if the child is already adequately housed with one parent, they cannot be included on the housing application of the other parent.

- 4.1.4 Non-dependent visiting children will not be considered part of the household for bedroom entitlement calculations.
- 4.1.5 For applicants who are pregnant, the unborn child will be classed as a child for the purposes of property size eligibility only, from the 20th week of pregnancy. Where a household already has another child (other children), the unborn child will be classed as the same sex as the youngest child. Unborn children do not count towards whether an applicant is lacking in bedrooms.
- 4.1.6 Houses with their own gardens will be restricted to applicants with resident children under 16, and some upper floor properties will be restricted to applicants without children under 10. This decision will be made by the landlord at the point of advertising the property.
- 4.1.7 Scheme landlords may, at their discretion, advertise properties outside of these criteria and permit under occupation where necessary (for example, to allow applicants with a 1-bedroom need to bid for a harder-to-let 2-bedroom flat or sheltered housing). This decision will be made by the landlord at the point of advertising the property.
- 4.1.8 Where applicants are allowed to bid for a property that is larger than their minimum bedroom entitlement, scheme landlords may prioritise applicants with a larger minimum bedroom entitlement within the same band. This decision will be made by the landlord at the point of advertising the property.

5. Allocations and lettings

5.1 Advertising of properties

- 5.1.1 Affordable properties for rent are advertised for a 7-day period from Thursday to Wednesday.
- 5.1.2 Properties are advertised on the Home Choice – Housing Jigsaw website.
- 5.1.3 Vulnerable applicants who are unable to access the website will be offered a service appropriate to them to ensure that they are aware of relevant properties.

5.2 Property descriptions

- 5.2.1 Property adverts carry a photograph of the property or similar and always have a full description of the property. This description usually includes the following information:
- Type (House, Flat etc)
 - Number and max occupancy of bedrooms
 - Location
 - Level of accessibility for those with mobility issues/ wheelchair users
 - Services provided (sheltered housing scheme manager, caretaker etc)
 - Heating type
 - Age restrictions
 - Whether pets are allowed
 - Availability of outside space (garden etc) and parking

- Rent and service charges (split weekly/monthly)
- Special information (location of bus routes/ other amenities etc)
- Whether customers with a 'local connection' get priority.

5.3 Labelling of properties

Advertisements will also give information on who will be eligible to apply for the property. An adapted property suitable for someone in a wheelchair may be labelled to say that applicants must require such a property.

5.3.1 Sheltered/Age-restricted Properties

Scheme landlords may impose restrictions on the allocation of sheltered accommodation. Details can be obtained directly from the landlord. Advertised properties will also be labelled with information regarding the age/ disability of an applicant who will be permitted to bid.

5.3.2 Homeless Case Properties

In order to fulfil its statutory duties towards the homeless and to create a through flow of temporary accommodation the Council may label properties giving preference to households to whom the Council has accepted a main or relief homelessness duty. The Council reserves the right to respond to unusually high pressure on temporary accommodation resources, through the increased use of direct lets, or considering backdating application effective dates for those currently resident in temporary accommodation placements.

5.3.3 Transfer Properties

All the scheme landlords are keen to ensure that they make the best use of their own stock. To achieve this, up to 25% of properties advertised will be labelled giving preference to existing tenants of that scheme landlord. The number of properties labelled as such will be monitored on a regular basis.

To create a sustainable community, the following properties may be let to transfer tenants:

- A property which needs to be let sensitively because of previous tenancy management problems in the property
- An estate where there are higher than average level of tenancy management issues.

Any properties will be let subject to the transfer quotas agreed in the Partnership Agreement. To assist in meeting their statutory responsibilities, the following properties will be advertised as available to all applicants on the Home Choice Register:

- New build properties
- Adapted or accessible properties
- Large properties of 4 or more bedrooms

5.3.4 Local Lettings Policies

A property may be labelled in accordance with an agreed local lettings policy which may include rural exception sites and some new build sites which may be restricted to local residents through section 106 planning agreements.

5.3.5 Sensitive Lets

Sometimes scheme landlords will request that the advertising of a vacant property is treated as a sensitive let. An example of this would be where the previous tenant has caused anti-social behaviour and it is important to get the right mix of tenants in the area. The landlord and the local authority may agree that the applicant at the top of the shortlist is not suitable to be offered the property and agree to offer it to a more suitable applicant

5.4 Bidding for Properties

- 5.4.1 Where an applicant meets the eligibility criteria, they may bid for that property within the deadline given. Applicants will be able to make three bids per weekly cycle.
- 5.4.2 5.4.2 Applicants may bid for properties using the following methods:
- Online at <https://northsomerset.housingjigsaw.co.uk>
 - Via the Home Choice call centre
- 5.4.3 Applicants will not be permitted to bid for other properties if they have an outstanding offer in place.
- 5.4.4 At the close of the bidding cycle and where an applicant appears at the top of more than one shortlist, the applicant will be contacted by a scheme landlord and will be expected to select their preferred property and their details will be made available to the appropriate landlord. The other properties will be offered to the next suitable applicant on that shortlist.

5.5 Selection Procedure

- 5.5.1 Once the advertisement deadline has passed, a shortlist will be generated by the system. This will list all the advertised properties and all the applicants who have applied for each of them. For each property advertised the successful applicant will usually be the one who is in the highest band, with the greatest number of higher band Reasonable Preference Housing Needs, with the earliest effective date, as set out in more detail in paragraphs 3.2.3 – 3.2.6.
- 5.5.2 Prior to any offer, each successful applicant's details will be checked to ensure they are eligible for the property. In addition, the scheme landlord may carry out an individual risk assessment which may affect an offer being made. Only those applicants who meet the stated criteria and have a satisfactory risk assessment will be offered the property.
- 5.5.3 The name of the successful applicant will be forwarded to the agreed officer within each scheme landlord. Each individual landlord is responsible for the verification of the successful applicant (for example proof of ID and other relevant documentation). The Council will be responsible for checking that the applicant is in the right band. Each applicant will be given the opportunity to view the property before making a final decision on whether to accept or refuse. Assistance with viewing will be available if required.
- 5.5.4 If a scheme landlord cannot accept an applicant as a tenant for a property they have successfully bid upon in

line with the landlord's own lettings policy, this must first be agreed with the Council. The scheme landlord will contact the applicant to inform them they have not been considered for the property. In these circumstances, the scheme landlord will write to the applicant to:

- Explain their reasons for refusing the applicant, including their right to request a review of the decision in writing within 21 days of being informed of the decision not to accept.
- Inform the applicant of any properties they can be considered for
- Include information on how to request a review by a scheme landlord senior manager.

5.5.5 If an applicant is refused for a property, it will be offered to the next viable applicant in shortlist order. Properties will not normally be kept available during a review appeal period.

5.5.6 If an applicant's appeal is successful, the scheme landlord and the Council will work in partnership to directly offer the applicant the next suitable property. In selecting the next suitable property, the Home Choice Team will consider the size and general area of the property the applicant was originally refused for. If the applicant refuses the directly offered property no further offer will be made, however the applicant can continue to bid for homes during and after this process, subject to the normal Home Choice Policy.

5.5.7 If a property is subsequently withdrawn after an applicant has successfully bid, because for example the tenant of

that particular property has failed to vacate the property or the property has been incorrectly labelled, the scheme landlord will inform the successful applicant that the property is no longer available. If the property is not ready for occupation following a successful bid and the applicant is likely to wait some considerable time before moving in, the scheme landlord will inform the applicant and give them the option to bid for any other suitable properties or accept the offered property.

5.5.8 It should be noted that all scheme landlords operate their own lettings policies and criteria independently of Home Choice North Somerset. The Council works closely with them to foster consistency in the discharging of our statutory duties via the allocation of social housing units.

5.6 Refusals

5.6.1 If an applicant decides to refuse an offer of accommodation, either at the accompanied viewing, or when an initial verbal offer is made, the property will be offered to the next eligible applicant.

5.6.2 Applicants who have refused 1 offer of suitable accommodation will have their banding reduced by one band for 6 months. Applicants in band D who have refused 1 offer of suitable accommodation will no longer qualify to be registered for a period of 6 months. Applicants who have refused 2 offers of suitable accommodation will no longer qualify to be registered for a period of 12 months. The decision on the suitability

of a property under offer will be for the Home Choice Team to make. This is a reviewable decision.

- 5.6.3 Those households 1) accepted as statutory homeless and owed a duty to be housed; or 2) who have been granted homeless status under section 166A (3) (a) (people who are homeless within the meaning of part VII of the Housing Act 1996) will lose their priority status banding homeless award if they refuse a suitable offer of accommodation unless they have another reason to be awarded priority banding. The offer of suitable accommodation made will also bring to an end any statutory homeless duty to any of these applicants under section 193(2) or 195(2) of the Housing Act 1996 and they will be warned of this consequence at the point the property is formally offered to them.

Note: if an applicant does not reply to an offer within 2 working days of receiving the offer it will be deemed to have been refused and the property will be offered to the next applicant on the register who qualifies for that offer.

- 5.6.4 If the Council makes what it considers to be a suitable offer of private rented sector accommodation and the applicant refuses it, the Council will review the level of priority awarded under the Home Choice Policy and will normally withdraw the Band B priority for homelessness prevention unless it determines that exceptional circumstances exist.

- 5.6.5 Records will be maintained on the number of refusals for each property and the reason why the applicant decided to refuse.

5.7 Contrived circumstances/intentional homelessness

- 5.7.1 Where an applicant has been adjudged to be intentionally homeless under part 7 of the Housing Act 1996 (not due to anti-social behaviour or rent arrears) or has deliberately worsened their circumstances in order to qualify for additional priority on the register, their application will be assessed on their housing need at their last settled accommodation before the intentional homeless decision was made or the change in their circumstances occurred.
- 5.7.2 Circumstances could include (but 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 moves a family member(s) or friend(s) and / or any other household into their current home, within the last 12 months where there is no need.
- 5.7.3 The Home Choice Team will also consider whether an applicant has made a fraudulent application.
- 5.7.4 Where an applicant's circumstances subsequently change their priority will be reviewed.

5.7.5 **Feedback**

An important part of the scheme is giving applicants feedback on who has recently been allocated properties. Accompanying each advertisement will be a feedback section giving details of the properties allocated, including:

- (a) Property size and type
- (b) Property location
- (c) Number of applicants who applied for each property
- (d) Band of successful applicant.

5.7.6 Using this information, applicants will be able to see where properties are more likely to become available and where they may have the best chances of making a successful 'bid'.

5.8 **Direct Lets**

5.8.1 **Homelessness Duty**

To discharge its statutory Homelessness Duty under s193(2) of the 1996 Act, the council may make a direct offer or automatically place bids for any applicant assessed as homeless under Part 7 of the Housing Act 1996 (as amended by the Homeless Reduction Act 2017) who has not secured accommodation under Part 6 of the Act within one month of being placed in Band A. The period of time may be extended where no suitable properties have become available.

5.8.2 **Dangerous or Potentially Dangerous Offenders**

Upon a referral from the Police, Probation Service or

Home Office under the North Somerset Multi-Agency Protocol an offender may be made a direct offer of a property, regardless of their eligibility under chapter 2 of this policy.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long-term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending, and protecting the public and victims of offenders.

5.8.3 **Other Direct Lets**

The Council and all the scheme landlords are committed to advertising as many vacant properties as possible through the Home Choice system. There will be occasions, however, when certain properties will not be advertised and maybe let directly, the reasons for these exclusions will be monitored. Some examples are:

- Extra care vacancies which are allocated jointly with the Council's Adult Social Services directorate – there is a separate policy for this.
- Applicants who have succeeded a tenancy who need to move to alternative accommodation.
- Exceptional circumstances agreed between the Council and scheme landlord.
- Properties required for existing tenants whose properties are subject to major works or changes of use requiring them to vacate.

- 5.8.4 If a property has been excluded from the scheme, the let will still be processed as a direct let and the outcome of the letting will still be advertised.

6. Gypsy and traveller pitches

6.1 Policy

For the purposes of the policy, the definition of a gypsy and/or traveller is as set out below

‘Gypsies and Travellers’ means-

- (a) persons with a cultural tradition of nomadism or of living in a caravan; and
- (b) all other persons of a nomadic habit of life, whatever their race or origin, including:
 - (i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old aged, have ceased to travel temporarily or permanently; and
 - (ii) members of an organised group of travelling show people or circus people (whether or not travelling as such).

- 6.1.1 There are a number of gypsy & traveller pitches in North Somerset provided by the Council and scheme landlords that are available to rent. Whilst legally allocation of and nomination to these pitches falls outside the scope of the Housing Act 1996 and of our Choice Based Lettings Scheme, the same principles for allocation will apply to those applicants who wish to apply for a pitch.

- 6.1.2 Unless otherwise stated below, the terms of the Home Choice Policy will apply.

6.2 Eligibility and Assessment

6.2.1 Local Connection

In place of the local connection criteria in section 2.2.1 of this policy, for the purpose of gypsy and traveller pitches a Gypsy and Traveller applicant qualifies to join the housing register if they:

- Have, by choice lived in the North Somerset area for a combined total of 12 months during the last 3 years prior to application, or
- Have, by choice, previously lived in North Somerset for a total of seven years out of ten consecutive years, no more than five years prior to application, where time living in North Somerset is combined over the 10-year period; or
- Have retained continuous employment in North Somerset, of a minimum of 16 hours per week, for at least the 12 months preceding the date the application is made or reviewed.

6.2.2 Band Assessment

A Gypsy and Traveller applicant's banding award for a gypsy and traveller pitch will be based on an assessment of how the allocation of a pitch would address their housing needs, using the criteria set out in Section 3 of this policy.

6.3 Allocation

6.3.1 Bidding

In place of the bidding process detailed in section 5.4 of

this policy, applicants eligible for a pitch are required to indicate on their Home Choice application whether they would be interested in a pitch.

6.3.2 Selection Process

In place of the selection process detailed in section 5.5 of this policy, if a pitch becomes available the Council will nominate an applicant for the vacant pitch to the scheme landlord, or allocate the pitch in the case of the pitch being provided by the Council, taking into account any planning restrictions or landlord lettings policies for the pitches in question.

6.3.3 Offer

Except in exceptional circumstances, the applicant offered or nominated for a pitch will be the one who is in the highest band, with the greatest number of higher band Reasonable Preference Housing Needs, with the earliest effective date, as set out in more detail in paragraphs 3.2.3 – 3.2.6. The applicant will be informed of the site make up (e.g., which particular community is mainly resident on the site) prior to allocation or nomination to determine whether they wish to proceed with the vacancy.

6.3.4 Refusal Process

The procedures for a scheme landlord refusing an applicant detailed in sections 5.5.4 through 5.5.7 apply.

7. Monitoring and review

7.1 Monitoring

7.1.1 A number of areas within the Home Choice North Somerset system will be monitored on a regular basis to ensure that the system is operating in the most effective way. Areas to be monitored may include:

- Number of registrations received
- Percentage of applicants registered and notified within 21 days
- Number and percentage of applicants registered within each band
- Number of properties advertised by type, area, landlord
- Number of properties advertised with local connection label
- Number of properties with reasons excluded from the Home Choice system, by landlord (i.e., decants)
- Number of bids and method of bidding
- Number of bids for each property by band
- Profile of those bidding (i.e., waiting list, transfer, homeless, disabled, ethnic background)
- Number of applicants bypassed for breach of tenancy conditions
- Number of accepted offers by band
- Number of tenancies refused at sign up
- Number of properties re-advertised due to difficulty in letting

- Number of review requests
- Number of applicants in short term supported housing awaiting active rehousing (following confirmation by scheme of readiness to move)
- Number of homeless applicants in Band A awaiting rehousing/(not bidding)
- Number of Band A applicants who have not bid for more than six months
- Number of Emergency Priority applicants awaiting rehousing
- Number of people housed by band

7.2 Equal Opportunities

7.2.1 All partners of Home Choice North Somerset are committed to a fair and equitable housing policy and to providing equal opportunities for all when allocating available properties. All housing applicants will be assessed according to their housing need and in accordance with the published Home Choice Policy.

7.2.2 All partners of Home Choice are opposed to direct or indirect discrimination and recognise the need for appropriate systems to actively prevent discrimination on the basis of race, colour, ethnic or national origins, gender, sexuality, marital status, religion, physical disability or mental health. Any allegations or concerns that an organisation has not acted appropriately have to be made directly to that organisation. All partner landlords are publicly accountable and have to have a complaints policy and an independent ombudsman.

- 7.2.3 Regular monitoring will also be carried out to ensure that the council complies with the Commission for Racial Equality's code of practice for rented housing.

7.3 Social Inclusion

- 7.3.1 All partners of Home Choice believe that applicants should be given every assistance to access the housing register and search for suitable properties. For example, the provision of the Home Choice telephone number will assist those applicants who experience literacy problems or who are either blind or partially sighted and unable to read the advertisements.
- 7.3.2 To further assist applicants the following methods may be used:
- Applicants potentially disadvantaged by the scheme will initially be identified from the application form. Staff will contact these applicants and offer them a home visit or interview. Staff will seek to establish what the support needs are and identify ways of enabling the applicants to participate in the Home Choice system. This may include sending copies of the advertisements in large print to an applicant or simply providing advice.
 - If the applicant agrees, staff may contact any professional or voluntary workers from health or Social Services with whom the applicant is involved to ensure they understand the procedures and that necessary support is provided.
 - Disadvantaged applicants are able to nominate a person (including family members, friends, or professional

worker) to bid on their behalf or to help them bid for suitable properties.

- An alternative is for Home Choice staff to automatically put the applicants forward for vacancies that would be suitable, in the small number of cases where the applicant has no support.

7.4 False Information

- 7.4.1 Applicants who are found to have knowingly given false information on their Home Choice application will have their application cancelled immediately and will be excluded from Home Choice for 3 years from the date they become eligible for the register, unless they fall into one of the homelessness qualifying groups defined in paragraph 2.2.3.
- 7.4.2 An immediate review of an application may also be undertaken if an applicant is found to have deliberately changed or worsened their housing situation in order to be placed into a band higher than they would normally have been awarded. If an applicant is rehoused through false information, steps may be taken to end the tenancy and court action may be taken which could result in the applicant receiving a fine up to a maximum of £5,000.
- 7.4.3 All scheme landlords in this agreement are committed to taking legal action to evict any applicant found to have gained a tenancy based on false information in their application form. (Section 171 of the Housing Act 1996).

7.5 Access to Personal Information

- 7.5.1 Individuals are entitled under the General Data Protection Regulations 2018 to request details of their personal data held by North Somerset Council. A charge may be made for providing this information.
- 7.5.2 The information received, in conjunction with housing applications, may be disclosed to other scheme landlords but will only be retained if accommodation is to be provided. Any additional personal information obtained may also be provided to scheme landlords if they provide accommodation.

7.6 Policy Review

- 7.6.1 The Home Choice North Somerset Scheme is regularly reviewed to ensure that the policy meets its stated objectives and complies with legislative changes. Any material changes that directly alter the application of the Home Choice Policy are implemented only after delegated authority has been received from the Executive Member and the majority agreement amongst the partner landlords.

7.7 Complaints

- 7.7.1 Any complaints about the applicants banding should be directed to the Council. Complaints regarding the labelling of the property e.g., size, amenities etc should be referred to the individual landlord of the property. If a successful applicant is not offered the accommodation

for any reason, then any complaints regarding this should be directed to the landlord making this decision.

- 7.7.2 If an applicant is not satisfied with the action taken by either the Council or a scheme landlord and has exhausted the complaints procedure available, they can send a written complaint to the Housing Ombudsman.

The Housing Ombudsman Service can be contacted at:

Housing Ombudsman Service
PO Box 152
Liverpool
L33 7WQ

Tel: 0300 111 3000

Fax: 020 7831 1942

Email: info@housing-ombudsman.org.uk

Website: www.housing-ombudsman.org.uk

Appendices

A. Home choice North Somerset scheme landlords

- Abri
- Alliance Homes
- Anchor Hanover Group
- Aster Communities
- Brighter Places
- Brunel Care
- Curo
- Elim
- English Rural Housing Association
- Guinness Partnership
- Housing 21
- LiveWest
- Bromford Housing
- Places for People
- Sanctuary
- South Western Housing Society
- Sovereign Housing
- Stonewater

B. Medical assessments

When ill health, disability or ageing is aggravated by housing conditions and would improve if other accommodation were offered, the award for medical consideration is a range from Band A to Band C. These bandings are reviewed annually on the date of the application renewal.

Band A: Urgent **and** potentially life-threatening problems

Band B: Urgent, but not life-threatening problems

Band C: Clear, but not urgent problems

When awarding additional priority on medical grounds, there are three questions that have to be considered:

- (1) Is there a direct link between the identified medical complaint and the current housing accommodation/situation?
- (2) Is there a realistic expectation that the identified medical condition would improve if alternative, more suitable accommodation was made available?
- (3) Are there properties available within the Home Choice system that would be more suitable for the applicant?

The Home Choice Team will carefully consider any representation received and check the circumstances outlined with any banding award that may have previously been made.

Where there is a need, a change to banding will be made.

To achieve this consistency in the allocation of banding under this heading a descending schedule is detailed below

Band A: Urgent and potentially life-threatening problems

- This top category will be reserved for exceptional cases where an applicant's or tenant's life can in some way be said to be at risk because of associated medical and housing difficulties which are inherent in the existing accommodation.

Band B: Urgent, but not life-threatening problems

- This is a high banding category and should only be used to reflect urgent medical difficulties that have a clear relationship to existing housing circumstances. It is distinguished from the previous banding (i.e., high/life threatening problems) because in this instance the person's life cannot be considered to be at risk.

Band C: Clear, but not urgent problems

- The degree of the problem is clearly less severe but must still have a clear relationship to existing housing conditions.

Procedure

The Home Choice Team will carry out the majority of medical priority assessments. The Home Choice application form on the Housing Jigsaw website contains a medical self-assessment form to be completed by the applicant if they feel they have medical conditions affected by their housing.

The Home Choice Team does not usually request an applicant or tenant to submit medical certificates or to obtain letters from their GP. The belief is held that this is a purely voluntary matter for the GP and patient. The Home Choice Team has no wish to create further work for doctors by insisting that medical certificates are produced before any application or transfer request is considered.

However, there will be occasions when the advice of a GP and/or other health professional will be needed. For example, where an applicant's housing circumstances are affecting their mental health, or where a GP considers a patient requires high priority as a result of a medical problem.

When determining what banding to award, staff approach the matter from the standpoint of assessing what degree of need exists and, secondly, what adverse effect this has on the lifestyle of the household as a whole?

The important aspect is to make a decision on what banding should be awarded, and then record the rationale as to why bandings have been awarded at that level on the applicant's Housing Jigsaw record.

The following list covers some of the main factors, which can be reflected in a Medical Priority banding award:

- An applicant's inability to manage stairs, control temperature, etc
- Applicants more or less confined to their existing accommodation

- Where present accommodation is causing an applicant's mental or physical disability.
 - An applicant's restricted ability to fend for him/herself
 - The need for adapted housing and/or extra facilities
 - The need for sheltered or supported housing
 - The need for housing as part of a care plan
- Medical priority cannot usually be awarded in any of the following circumstances:
- Disrepair problems
 - Overcrowding
 - Neighbour disputes
 - Homelessness
 - Pregnancy-related problems
 - Inconvenient location
 - Disability of someone who is not on your Home Choice application
 - If your situation can be resolved by adaptations or equipment

c. Welfare assessments

An award of either Band A or Band B welfare priority can only be made when an applicant's welfare is directly affected by their housing conditions and only a move to alternative accommodation would alleviate the situation (please also note that welfare priority will only be awarded to a household, not to individual members of the family/household).

The higher Band A priority will only be awarded to reflect urgent welfare difficulties that have a clear relationship to an applicants' existing accommodation and their safety, or wellbeing, would be seriously affected if they remained in their current home.

The lower Band B priority will only be awarded to reflect significant welfare difficulties that have a clear relationship to an applicants' existing accommodation and their independence, or quality of life, would be significantly affected if they remained in their current home.

Any professional working with a person or their household can ask for a welfare award to be considered for a client.

The representative will need to provide a written report, with additional evidence to support any reasons to move that are beyond their scope (i.e., Police records), which will then be carefully considered by the Home Choice Team, who will decide which priority band, if any, to award the application.

Some of the areas that can be considered for an award of welfare priority include:

- The need to give or receive significant support.
- The need to recover from the physical effects of violence, threats, physical, emotional, sexual abuse etc.
- Young people at risk.

There is an expectation that applicants who are awarded Band A welfare place regular appropriate bids. All Band A welfare applications will be reviewed every 4 months and may result in the removal of welfare banding if, for example an applicant is not placing regular bids, or the reason welfare banding had been given is no longer relevant.

D. Rough sleeper and other homeless assessments

When an applicant claims to be rough sleeping, street homeless or sleeping in a vehicle then the award of a Band B rough sleeper can be made where it is assessed that the applicant finds themselves in this position through no fault of their own.

Before awarding additional priority for rough sleeping, the Home Choice Manager, a Home Choice Officer or Homelessness Prevention Officer must carry out an investigation considering the following questions:

- (1) What are the applicant's current housing circumstances (street homeless, in a tent, in a car, etc)?
- (2) Where has the applicant slept for the previous seven nights?
- (3) Where does the applicant intend to sleep for the next seven nights?
- (4) What toilet and washing facilities has the applicant been using?
- (5) Where was the applicant's last settled address?
- (6) Why can they no longer occupy that address?
- (7) Does the applicant have any other friends or family that could accommodate them?

The officer may also carry out an unannounced visit to the location the applicant states they may be sleeping to verify the information provided.

If, following this investigation, the Officer believes that the applicant is sleeping rough with no fault of their own, the Band B rough sleeper award can be made, providing the applicant is engaging with relevant support services.

Other Homeless

Households owed a homeless duty by any other local housing authority under the Housing Act 1996 Part 7 s.188, s.190, s.198 or s.193, will be regarded as non-qualifying persons regardless of whether they have been placed in North Somerset or not. This is because that other local authority retains the responsibility for housing whether under s193, Housing Act 1996 or any other duty by which the other local authority retains responsibility for their accommodation. Households placed in North Somerset Council district under a homeless duty by another local authority who have been placed under that duty for more than 5 years will be allowed to qualify.

E. Provision of Evidence

The Home Choice scheme will require certain evidence at point of application prior to the assessment and activation of applications for bidding. Applicants will be expected to go to reasonable lengths to submit proof of circumstances, including (but not limited to):

- Proof of identification for all household members
- Evidence of income and financial status
- Proof of pregnancy
- Evidence of child dependency
- Medical evidence
- Evidence of welfare circumstances

Relevant evidence of circumstances will be required during the life of an application if changes to circumstances will result in a change in eligibility, qualification, banding priority or bedroom entitlement.

F. Hardship

Awards for hardship can be awarded where applicants have a need to move to a particular locality within North Somerset and that need to move is to avoid hardship (to themselves or others). Other than in exceptional circumstances this award will only be made where the applicant needs to move to a particular locality in North Somerset and needs to move because the applicant works or has been offered work in North Somerset and has a genuine intention to take up the offer.

In determining whether to award Band C status regard will be had to paragraphs 16-34 of the DLUHC Right to Move Statutory Guidance on Social Housing allocations for Local Authorities in England (March 2015) and The Allocation of Accommodation guidance for local housing authorities in England.

G. DWP bedroom standard

Currently used to determine under occupation for housing benefit assessment, the DWP bedroom standard is used to determine lacking bedrooms banding. Under the DWP bedroom standard, each of the following require 1 bedroom:

- Couple
- Single adults aged 16 or over
- Two children of the same gender up to 15
- Two children of either gender up to 9.
- Any other single child
- An overnight carer where required.

H. Protocol for housing dangerous offenders and potentially dangerous offenders

There is a North Somerset Multi-Agency Protocol in dealing with dangerous offenders that allows the exchange information about any applicant who has been convicted of a serious offence. Any applicant who confirms on their application form, or who is suspected, or accused, of being a dangerous offender, will be subjected to the provisions set out in the information exchange protocol.

The North Somerset Multi-Agency Protocol is only for a specific offenders' group and only covers referrals from the Public Protection Team and Avon and Somerset Police, and does not guarantee the provision of a tenancy.

There is not a 'blanket ban' preventing dangerous offenders from being included on the housing register. However, before any known offender is offered housing, full consultation will be undertaken with the relevant agencies to assess the risks involved. Some dangerous offenders will be given a high priority so that the relevant agencies can continue to monitor them.

In the interests of public protection, it is essential that the Police and Probation Service are able to control and monitor the behaviour and activities of dangerous offenders. This task is made more difficult if such offenders do not have a fixed address or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.

Re-housing of dangerous offenders will be carried out in consultation with the relevant agencies to minimise the risk to the public and with the long-term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending and protecting the public and victims of offenders. The local authorities or Probation Service will bid on behalf of any applicant who falls within this category.

I.

Where a person would not qualify for the register on the basis of either 1) not meeting the local connection residency rules or 2) they come under one of the exclusion criteria; but they believe that they still have a particular need to be housed in the North Somerset district due to exceptional circumstances they can submit an exceptional circumstances case through following the process set out in this appendix.

The Council retains the ability, in exceptional circumstances, to exercise its discretion when making decisions with regard to including persons on the Housing Register. Such cases will be referred to a panel of officers who will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the exclusion or qualification rules should be waived.

The Council will make contact with any applicant whom they believe has a communication difficulty and does not meet the eligibility criteria to enquire if they have any exceptional circumstances.

Please note that the Council cannot waive the eligibility rules for applicant's who are legally not allowed to access social housing due to the rules set by the Government and such cases will not be referred to the Officer Panel if a case is submitted.

The Council will only waive the qualification rules where the applicant's circumstances are considered exceptional.

The following list contains examples of what might constitute exceptional circumstances. The list is for illustrative purposes only.

- Private sector tenants and residents of dwellings where the Council's Private Rented Housing Team has determined that the property poses a Category 1 hazard under the Health and Safety fitness rating and the Council are satisfied that the problem cannot be resolved by the landlord within 12 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant or a member of their households' health and the household are not able to resolve their own housing problem by moving to alternative accommodation. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance.
- Where specialist health services and or social care perceive an applicant's housing condition is having a very serious impact on the applicant's health and re-housing is required to provide a basis for the provision of suitable care. Or where the applicant's health is so severely affected by the accommodation that it has become life threatening and the applicant's existing accommodation is the major contributory factor.
- Applicants who do not meet the North Somerset local connection rules but have an exceptional need to move due to evidence of abuse, extreme violence or extreme harassment or threats of violence and there is a high risk to the applicant or their family's safety if they remain

in the dwelling/area. This may include where a move is necessary to protect a witness to criminal acts. It will also include certain MARAC cases where there are exceptional circumstances

In deciding whether an applicant's circumstances are exceptional the Panel will fully consider the Equality Act duties and the duty placed on the Council under Section 11 of the Children Act and will specifically consider:

- Whether the person, or a member of their household that they wish to be housed with them, meets the definition of a relevant protected characteristics listed in the Equality Act 2010 e.g., disability
- If the Council agrees that the applicant or a member of their household comes under the definition for a relevant protected characteristic it will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's relevant

protected characteristic and will consider, if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the relevant protected characteristic.

- The officer panel will ensure that any decision that the applicant's circumstances are not exceptional, and that the applicant does not qualify for the Home Choice is a proportionate means of achieving a legitimate aim.

The Panel will also in considering whether an applicant's circumstances are exceptional take into account the general duty placed on the Council by section 11 of the Children Act 2004 and will ensure any decision is made having had full regard to the need to safeguard and promote the welfare of children. This will include the physical, psychological, social, educational, and economic welfare of any children in the household.

This publication is available in large print, Braille or audio formats on request.

Help is also available for people who require council information in languages other than English.

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