

Decision under Delegated Powers

Officer Requesting Decision

Katie Moore – Housing Needs Manager

Officer Making the Decision

Alison Simmons - Head of Strategic & Private Sector Housing

Recommendation

To approve amendments to the Council's Housing Allocations Policy, as agreed in consultation with the Lead Member for Housing on the 30th March 2020.

Reason

To ensure that the policy reflects changes in legislation and local and regional services and supports the Council to fulfil its statutory duties.

Authority for Decision

Section 8.2 of the Constitution gives delegated authority to the Head of Strategic and Private Sector Housing to make amendments to the Allocations Policy in response to future legislative changes, changes at local or regional level, or government guidance, in consultation with the relevant Lead Member. [item 18 on page 8 - 29].

Decision and Date



Alison Simmons
Head of Strategic and Private

Background Sector Housing
1st April 2020

A new Housing Allocations Policy was approved by Cabinet on 19th October 2017.

The policy was implemented in April 2018 this was delayed to enable the policy implementation to coincide with the introduction of a new online Housing Register and Choice Based Lettings system.

Since the policy was implemented, there have been a number of relevant changes to legislation and to services at a local and regional level. The impact of some of these changes (for example the Homelessness Reduction Act) on the Council's Housing Allocations and Housing Options services and customers are now better understood.

Minor amendments to the policy have been made, to ensure that it supports the Council to fulfil its statutory duties.

A copy of the amended policy is attached as Appendix A and the signed Equalities Impact Assessment.

Comments from HR

Not applicable.

Financial Implications

There are no financial implications associated with these changes.

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
This DD is not agreed and the Council's Housing Allocations Policy does not support the Council to fulfil its statutory obligations, potentially resulting in increased complaints, legal challenges and bed and breakfast expenditure.	Medium	Medium	Request additional budget to cover legal costs and bed and breakfast costs.

Key Decision:

No.

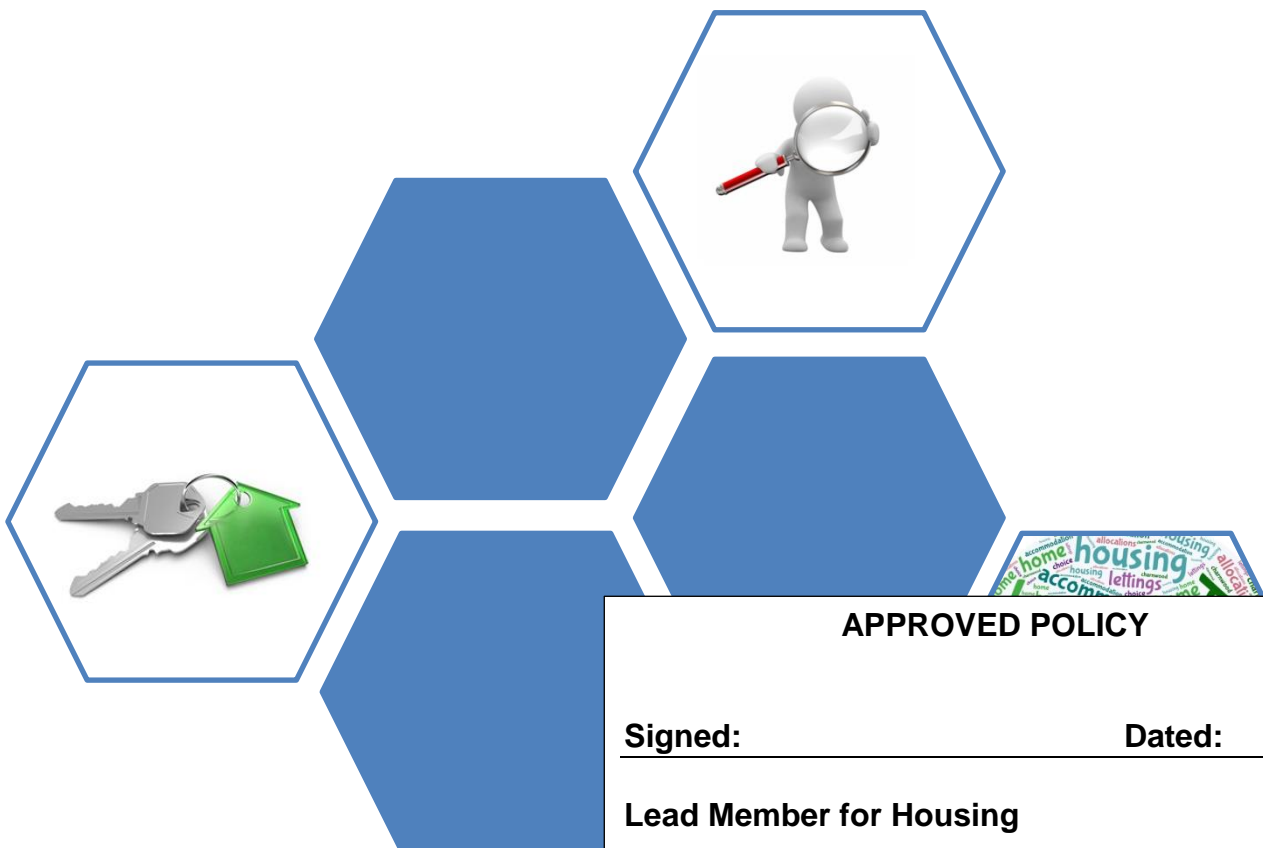
Background Papers:

None.



Housing Allocations Policy

April 2020



APPROVED POLICY

Signed:

Dated:

Lead Member for Housing

Revision History (Amendments highlighted in document)		
Date	Amendment	Reason for Change
13/03/20	<ul style="list-style-type: none"> Minor wording and formatting changes 	For clarity
13/03/20	<ul style="list-style-type: none"> Pages 7, 18, 21 – Amended wording to “older person’s sheltered accommodation schemes” 	For consistency
13/03/20	<ul style="list-style-type: none"> Pages 17, 18, 25, – Amended wording in relation to process for approval of qualification and banding for “exceptional circumstances” 	To clarify procedure
13/03/20	<ul style="list-style-type: none"> Page 3 – Amended section on “Management Allocations”, some of previous examples moved to section on “Direct Matches” 	To clarify procedure
13/03/20	<ul style="list-style-type: none"> Page 3 – Amended wording in relation to referral routes for other accommodation types 	To clarify procedure
13/03/20	<ul style="list-style-type: none"> Page 7 – Amended wording in relation to bidding restrictions 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 12 – Amended section on “Direct Matches”, included some of previous examples from section on “Management Allocations” 	To clarify procedure
13/03/20	<ul style="list-style-type: none"> Page 13 – Amended wording of eligibility criteria 	To reflect new regulations
13/03/20	<ul style="list-style-type: none"> Page 13 – Amended wording of “unacceptable behaviour” qualification criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 16 – Amended wording of exemption to “local connection” criteria relating to persons leaving prisons, hospitals, supported accommodation etc. 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 16 – Addition of exemption to “local connection” criteria relating to homeless applicants 	To avoid indirect discrimination (see Equality Impact Assessment)
13/03/20	<ul style="list-style-type: none"> Page 17 – Amended wording of exemption to “local connection” criteria relating to Care Leavers 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 18 – Amended wording of “financial means” qualification criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 18 – Addition of exemption to “financial means” qualification criteria relating to property disrepair 	To ensure assistance to related statutory reasonable preference group



13/03/20	<ul style="list-style-type: none"> Page 19 – Amended wording of “unacceptable behaviour” qualification criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 22 – Amended wording of “Homeless or at Risk of Homelessness” banding criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 22 – Amended wording of “Move-On” banding criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 23 – Amended wording of “Management Need” banding criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 24 – Amended wording of “Homeless Duty” banding criteria 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Page 27 – Addition of reference to email addresses for notification of review decisions 	To clarify procedure
13/03/20	<ul style="list-style-type: none"> Appendix 1 – Addition of “Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019, SI 2019/861” 	New regulations taken into consideration
13/03/20	<ul style="list-style-type: none"> Appendix 2 – Amended wording of bedroom eligibility criteria from “Lone parent or Couple” to “Single Person or Couple” 	To clarify criteria
13/03/20	<ul style="list-style-type: none"> Appendix 2 – Addition of bedroom eligibility criteria for “Single Person or Couple + 3 others of the same gender (1 or more above the age of 16)” and “Single Person of Couple + 4 others of the same gender (1 or more above the age of 16)” 	To clarify criteria



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This Housing Allocations Policy outlines how Charnwood Borough Council will assess applications for housing, determine eligibility, qualification and level of housing need, prioritise applications and allocate accommodation.

In developing this Policy the Council has taken into consideration the Housing Act 1996 and other relevant legislation, regulations and guidance (see Appendix 1 for more information).

This Policy is consistent with the Council's Tenancy Strategy, Housing Strategy and Homelessness Strategy.

In developing this Policy the Council consulted with staff, Registered Providers of Social Housing (formerly known as Housing Associations) within Charnwood, local voluntary and statutory agencies, elected members, Council tenants and housing applicants.

The Council's objectives for the Housing Allocations scheme are to:

- Provide an accessible, fair and transparent service
- Meet local housing needs
- Meet the housing needs of the most vulnerable
- Prioritise those with the greatest/most urgent housing needs
- Make the best use of existing social housing stock
- Support safe and sustainable communities
- Offer applicants choice in relation to available accommodation.

The Council operates a Choice Based Lettings Scheme under which applicants are able to express preference for available properties by applying (or bidding) for advertised properties.

The Council seeks to give all applicants choice in relation to accommodation but may have to limit choice in certain circumstances, such as where there is limited availability or where the Council is discharging a statutory duty to a homeless household.

Letting of Council properties and nominations to Registered Provider properties within Charnwood are covered by this Housing Allocation Policy. This includes general needs accommodation for single persons, couples and families and sheltered accommodation for older persons.



The following types of allocation are **not** covered by this Policy:

- Tenancy successions
- Tenancy assignments, such as mutual exchanges
- Tenancy status changes, such as introductory to secure tenancies
- Tenancy transfers pursuant to Court Orders
- Management Allocations, such as:
 - Joint to sole or sole to joint tenancies
 - Temporary lettings to existing Council tenants who need to be decanted pending major refurbishment or repair works
 - Temporary lettings to homeless households
 - Where there is a legal requirement to offer accommodation to a household following a compulsory purchase of a property
 - Where there is a legal requirement to offer accommodation to a displaced agricultural worker under the Rent (Agriculture) Act 1976.

Allocations to the following types of accommodation are **not** covered by this Policy:

- Supported Housing schemes (applicants for this type of accommodation will be signposted or referred to Adult Social Care / the relevant Supported Accommodation Provider)
- Extra Care Housing schemes (applicants for this type of accommodation will be signposted or referred to Adult Social Care / the relevant Extra Care Accommodation Provider)
- Affordable Home Ownership schemes (applicants for this type of accommodation will be signposted or referred to the local Help to Buy Agent).

The Council promotes equal opportunities and aims to implement and maintain services that ensure no applicant is treated unfairly on the grounds of age, gender identity, marital status, pregnancy or maternity, sexual orientation, race, religious belief or disability or disadvantaged by the application of criteria that has a direct or indirect discriminatory effect that cannot be justified by law.

Advice and assistance is available to ensure that the Allocations Policy and Choice Based Lettings scheme are accessible for all applicants. Assistance can be provided to applicants who are unable to search or bid for properties as a result of a disability or assessed vulnerability if required. Information can be translated or made available in different formats, such as large print, upon request if required.



Personal information that the Council hold in relation to applications will be processed in accordance with Data Protection legislation. Information may need to be disclosed to Registered Providers or other landlords who may be able offer accommodation. More information about how and why the Council may process personal data, data protection rights or how to contact the Council's Data Protection Officer is available in the Council's Privacy Notice, accessible on the Council's website.



The Council maintains a Housing Register of households who are applying for Council or Registered Provider properties within Charnwood.

An individual can only be included on one active application at any one time, either as a main or joint applicant or as a member of another applicant's household.

All applicants must complete the Charnwood Choice Based Lettings Housing Application Form. The information included on the application form must be accurate. Applicants will be required to provide documentary evidence to support the information on their application and demonstrate that they have a housing need, for example proof of identity, address, income, savings and custody/access to children.

Applicants who have indicated that they have a medical, mobility, welfare or hardship need will be required to provide supporting evidence and may need to be referred to an appropriate agency for an assessment.

The Council may make any further enquiries it deems necessary in order to confirm the information provided on an application, such as contacting current or previous landlords, the Police or support workers. Applicants may be required to provide further information and evidence in relation to their circumstances.

The Council's Allocations Team will assess completed applications and the supporting evidence provided and will decide whether the applicant qualifies for the register, which Banding is applicable to their circumstances and the type of properties they are eligible for. Incomplete applications will not be assessed and will be cancelled after 28 days.

If an applicant is accepted onto the Housing Register, the applicant will be notified of the Band their application has been placed in, the properties they are eligible for and how to bid for properties. If an applicant is refused entry to the Housing Register, the applicant will be notified that their application has been refused and of the reasons for the refusal.

Applicants must notify the Council of any relevant change in their circumstances. Following notification of a change in circumstances, the application will be reassessed and may be moved from one Band to another or removed from the register. Applicants will be notified of the outcome of any reassessments.

Applicants will be periodically contacted and asked to confirm whether they wish to remain on the Housing Register and whether their circumstances have changed. Applicants must respond to such requests within a specified time period (normally 28 days). Failure to respond within the specified time period will result in the application being cancelled.

If at any time the Council receives evidence that an applicant who has already been accepted onto the Housing Register no longer qualifies, the applicant will be notified that their application has been cancelled and of the reasons for the cancellation.



It is a criminal offence for an applicant to knowingly or recklessly provide false information, withhold information or allow a third party to provide false information on their behalf in relation to a Housing Register application. Such an offence could result in prosecution and an unlimited fine. If an applicant provides false information, withholds information or allows a third party to provide false information on their behalf, the Council reserves the right to disqualify the applicant from the register, withdraw any offer of accommodation and recover possession of any tenancy obtained.

Application Types

Any applicant who does not hold an introductory, secure, starter or full assured or fixed-term tenancy with a Council or Registered Provider will be regarded as a new applicant.

Any existing social housing tenant who holds an introductory, secure, starter, full assured or fixed-term flexible tenancy with a Council or Registered Provider will be regarded as a transfer applicant. Social housing tenants can only make a joint transfer application if both applicants currently hold a joint tenancy. Social housing tenants who currently hold a joint tenancy can only make an application to transfer their tenancy if both tenants will be moving together.

Adverts

Vacant properties are advertised on the Council's Choice Based Lettings System. Adverts will contain information about the property and the applicable eligibility criteria.

The Choice Based Lettings System may include information about other affordable housing options within Charnwood, such as affordable Private Rental properties and affordable Home Ownership.

Bidding for Properties

Applicants can express an interest in available properties by placing bids through the Choice Based Lettings System. Applicants can bid for up to 2 properties in every bidding cycle. Applicants may place and withdraw bids at any time during a bidding cycle. Applicants will **not** be able to place bids after a bidding cycle has closed.

Assistance can be provided to applicants who are unable to search for properties or place bids themselves. Applicants can contact the Council if they need such assistance.

Bidding Restrictions

Eligibility criteria will apply to each property that is advertised and applicants will only be able to place bids for properties for which they are eligible.



Eligibility for some properties may be restricted by:

- Application type (transfer application or new application)
- Application Banding (Band 1, Band 2 or Band 3)
- Household type
- Household size
- Age of applicant and/or other household members
- Support need (such as older person's sheltered accommodation schemes)
- Medical, mobility or adaptation need (such as wheelchair standard properties).

Minimum age criteria apply to some advertised properties. Examples include:

- Minimum age criteria for older person's sheltered accommodation schemes
- Minimum age criteria for properties that may be unsuitable for young children, such as duplex flats.

Applicants will normally only be eligible to bid for properties if they meet the applicable age criteria or have a specialist need for the accommodation that cannot be met within available non-age restricted properties.

Some advertised properties are restricted to certain types of household. Examples include:

- Bedsits will normally be restricted to single persons
- Houses with 2 or more bedrooms will normally be restricted to households containing dependent children
- Properties within older person's sheltered accommodation schemes will normally be restricted to applicants who are above the age of 60 years and where all members of the applicant's household are above the age of 45 years and are suitable for older person's sheltered accommodation schemes
- Wheelchair standard properties will normally be restricted to households that contain a wheelchair user.

In exceptional circumstances other household types may be permitted to bid for restricted properties, for example households that do not contain any dependent children but have a specialist need that cannot be met within other available properties may be permitted to bid for family houses.

Applicants who have been permitted to join the Housing Register because they are above the age of 60 years and qualify for older persons' sheltered accommodation schemes (who would not otherwise qualify for the register) will only be eligible to bid for properties within older persons' sheltered accommodation schemes.



Household Members and Bedroom Eligibility

Set criteria will be used to determine the number of bedrooms an applicant is eligible to bid for, taking into account the number and ages of all “permanent” members of the applicant’s household (see Appendix 2 for further details).

Any adult who resides with the applicant, where the accommodation is their main and principle home, will be classed as a permanent household member.

Any child below the age of 18 who resides with the applicant for at least 4 nights per week will be classed as a permanent household member. In exceptional circumstances, a child who does **not** reside with the applicant for at least 4 nights per week may be classed as a permanent household member, such as where the child is residing elsewhere on a temporary basis but their permanent home is with the applicant. Any unborn child will be classed as a permanent household member and taken into account when assessing bedroom eligibility once the expected delivery date is within the next 3 months.

In cases where child custody is shared between 2 parents, the child will only be classed as a permanent household member if the applicant is the child’s primary carer. Applicants who have access to children (i.e. children who stay with them overnight on a regular basis for at least 2 nights per week who are not classed as permanent household members) will be permitted to bid for 2 bedroom flats. These applicants will not normally be permitted to bid for 2 bedroom houses or for larger properties, regardless of how many children they have access to. Applicants will be required to provide proof of child access/custody arrangements, such as a letter from the other parent/guardian, a social worker or solicitor or a copy of a relevant court order.

Where there is evidence that additional bedrooms are required, the applicant may be permitted to bid for larger properties. Examples include:

- Where the applicant is a prospective foster carer and requires an additional bedroom in order to foster a child (proof that Social Services have approved the applicant as a foster carer subject to the availability of suitably sized accommodation will be required)
- Where the applicant has a need for an additional bedroom for an overnight carer on either a permanent or casual basis (proof of the applicant’s need for an overnight carer will be required)
- Where the applicant has a medical or welfare need for an additional bedroom
- Where a member of the applicant’s household is in full-time education or is serving in the armed forces and does not reside with the applicant throughout the year, but their permanent home is with the applicant.



Due to limited availability, families with 5 or more children may be given preference over smaller eligible households for properties with 4 or more bedrooms.

Local Lettings Policies

In exceptional circumstances the Council may develop Local Lettings Policies for specific properties or areas, in order to meet local housing need or support the development of balanced and sustainable communities. Local Lettings Policies include criteria that are designed to address specific issues or needs. Examples of these criteria include:

- Village or Parish Connection
- Age
- Behaviour.

Clear evidence of the need to vary the usual Policy will be required before a decision to introduce a Local Lettings Policy can be made. Consideration will always be given to the implications of a Local Lettings Policy for equal opportunities and the statutory 'reasonable preference' criteria. Local Lettings Policies will be reviewed and removed once their objectives have been achieved. Where a Local Lettings Policy is applicable to a property, this will be specified in the property advert. Details of current Local Lettings Policies are available on the Council's website.

Hard to Let Properties

The Council will monitor bids for properties and consideration will be given to changes in the eligibility criteria for properties for which there are no bids, or limited bids, in order to ensure the best use of available housing stock.

The Council may consider advertising hard to let properties more widely, for example to applicants on other Council's Housing Registers or to local residents who do not qualify for Charnwood Borough Council's Housing Register because they do not meet any of the Charnwood Local Connection criteria.

Shortlisting

Applicants who place bids for properties will be shortlisted in the following order:

- By need for any specialist components in the property (such as a level access shower or other significant disabled adaptation)
- By housing need Band (from Band 1 down to Band 3)
- By Banding effective date (from oldest to newest).



If more than one applicant with the same Band and Banding effective date bids for the same property, the Council will make a decision taking into consideration the individual housing circumstances of each case and relevant factors, such as previous offer refusals.

Wheelchair standard properties or properties with similar significant disabled adaptations will be matched to applicants who have a need for the adaptations and who are most suited to the vacancy. A specialist such as an Occupational Therapist may need to be consulted on the suitability of a property for the applicant(s).

If an applicant who has a need for accommodation with disabled adaptations bids for a property that does not meet this need, the Council will consider whether it is reasonable and practical to adapt the property taking into account budget availability and best use of available housing stock.

Where there is a shortage of accessible or adapted properties the Council may, subject to budget availability, identify properties that are suitable for adaptation and consider giving applicants who have disabilities preference for these properties.

The Council reserves the right to overlook bids, such as in the following circumstances:

- Where the applicant is already under offer for a different property
- Where the applicant has been awarded priority due to overcrowding or a medical or welfare need for an additional bedroom and has bid for a property with the same or fewer bedrooms
- Where the applicant has been awarded priority due to under-occupancy and has bid for a property with the same or more bedrooms
- Where the applicant poses a risk to individuals or the community
- Where the applicant has bid for a property for which they are not eligible due to a system or administrative error
- Where the applicant has bid for a property for which they are no longer eligible following a change in their circumstances.

Allocations and Offers

The Council's Housing Allocations Team will review bidding shortlists and allocate properties in accordance with this Policy. Successful applicants will be contacted if they have been matched to a property.

Applicants will have 3 working days to respond to an offer of accommodation. Some applicants may be given longer to consider an offer, for example where there are identified vulnerabilities that significantly affect the applicant's ability to respond.



Failure to respond to an offer by the specified deadline will be treated as a refusal. If an applicant fails to respond to an offer, their application will be suspended pending contact and confirmation of their circumstances. The application will be cancelled if there is no contact within 28 days.

Applicants will be required to provide documentary evidence to confirm the circumstances detailed on their application at the point of offer. Applicants who owe housing related debts will need to provide evidence to confirm that repayment plans have been maintained and/or their debts have been reduced below £250. Applicants may be required to complete an affordability assessment to confirm that the accommodation offered will be suitable.

If the applicant provides proof that demonstrates their circumstances have changed to such an extent that they are no longer eligible for the property, the offer will be withdrawn. If the applicant is unable to provide proof of their circumstances, the offer will be withdrawn. The application will be suspended until the required information has been provided and the application has been reassessed.

If an applicant accepts an offer of accommodation, arrangements will be made for a viewing of the property and subsequent signing of a tenancy agreement. Failure to attend an arranged viewing or sign-up appointment will be treated as a refusal.

If an applicant refuses 3 offers of suitable accommodation, they will not be permitted to bid for further properties or considered for another offer of accommodation for a period of 12 months. Their application will be suspended until 12 months have passed.

If an applicant who has been placed in Band 1 because they have an emergency level housing need refuses an offer of suitable accommodation, they will lose their priority status.

If a homeless applicant who is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 has been placed in Band 1 because they have an emergency level housing need refuses a final offer of suitable accommodation, they will lose their priority status and the relevant homeless duty will be discharged.

The Council reserves the right to withdraw any offer of accommodation where there is just cause. The Council will explain to the applicant why an offer has been withdrawn.



Direct Matches

The Council may make a direct offer of accommodation to an applicant on the register in the following circumstances:

- Where an applicant has a specialist need for adapted accommodation and the availability of suitable accommodation is limited
- Where an applicant poses a risk to individuals or the community
- Where a property has been temporarily let to a homeless applicant and is offered to the applicant in order to discharge the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996
- Where a property that has been advertised, offered to and refused by another applicant and is ready to let is offered to a homeless applicant who has a higher banding or banding effective date than the remaining applicants on the bidding shortlist
- Where a property that has been advertised, offered to and refused by all applicants on the bidding shortlist is offered to a homeless applicant
- Where the Council decides that an allocation would be in the Council's financial interest and reduce expenditure on temporary accommodation
- Where the Council decides that an allocation would make the best use of available social housing stock.



Applicants who are eligible and who qualify for an allocation of accommodation will be able to join the Housing Register.

Eligibility

The following applicants are **not** eligible for an allocation of accommodation:

- Persons who are subject to immigration control (excluding classes prescribed as eligible for an allocation of accommodation in regulations made by the Secretary of State)
- Persons who are not subject to immigration control, but who are not habitually resident in the Common Travel Area (excluding classes prescribed as eligible for an allocation of accommodation in regulations made by the Secretary of State)
- Persons who are not subject to immigration control but whose only right to reside is:
 - An initial 3 month right to reside (or equivalent right derived from EU Treaty), including persons who also hold pre-settled status granted under the EU Settlement Scheme
 - Derived from their status as a jobseeker or family member of a jobseeker (or equivalent right derived from EU Treaty), including persons who also hold pre-settled status granted under the EU Settlement Scheme
 - Derived from their status as the parent of a UK citizen child.

Please Note: The eligibility criteria do not apply to transfer applicants who already hold an introductory, secure, starter or full assured tenancy with a Council or Registered Provider.

Qualification

The following applicants do **not** qualify for an allocation of accommodation:

- Applicants who do not meet any of the Charnwood Local Connection criteria (see page 16 for further information)
- Applicants who are homeowners or who have the financial means to purchase a property within Charnwood (see page 18 for further information)
- Applicants who have been responsible for serious unacceptable behaviour and are unsuitable to be a tenant (see page 19 for further information)



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- Applicants who do not have a confirmed “Housing Need” as defined within this Policy (see page 20 for further information)
 - Applicants who are below the age of 16 years.

The following applicants will be able to join the Housing Register, but will **not** be permitted to bid for properties or considered for an offer of accommodation:

- Applicants who are 16 or 17 years of age will not be permitted to bid for properties or be considered for an offer of accommodation until a responsible adult such as a parent/other close relative or a representative from a support agency such as Social Services agrees to act as a trustee for the applicant and the Council is satisfied that the necessary support to sustain a tenancy is in place and the applicant is willing and able to meaningfully engage with the support.
- Applicants who lack the mental capacity to enter into a tenancy agreement, meet the obligations of holding a tenancy or make informed decisions relating to an offer of accommodation will not be permitted to bid for properties or considered for an offer of accommodation until a responsible person with lasting power or attorney, enduring power of attorney or authorisation from the Court of Protection (as appropriate to the circumstances of the case) is prepared to sign a tenancy agreement on the applicant’s behalf and the Council is satisfied that the necessary support to sustain a tenancy is in place. Where there are concerns that an applicant lacks capacity, the Council may refer the applicant to an appropriate agency such as Social Services for an assessment.
- Applicants who do not have the ability or skills to manage or sustain an independent tenancy will not be permitted to bid for properties or considered for an offer of accommodation until the Council is satisfied that the necessary support to sustain a tenancy is in place and the applicant is willing and able to meaningfully engage with the support. Where there are concerns that an applicant does not have the ability or skills to manage or sustain an independent tenancy, the Council may refer the applicant to an appropriate agency such as Social Services for an assessment.
- Applicants who are serving a custodial sentence will not be permitted to bid for properties until 56 days before their release date and will not be considered for an offer of accommodation until their release is imminent.



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- Applicants who owe a housing related debt of £250 or more to any Council, Registered Provider or Landlord will not be permitted to bid for properties or be considered for an offer of accommodation until they have adhered to a repayment plan for at least the last 12 consecutive weeks (or the last 3 consecutive months).

Examples of Housing related debts include:

- Rent or service charge arrears for a current or former tenancy or licence
- Recharge debts relating to a current or former tenancy or licence
- Court costs relating to a current or former tenancy or licence
- Debts relating to temporary accommodation placements, such as bed and breakfast or hostel accommodation placements
- Debts relating to rent in advance/deposit schemes or other homelessness prevention schemes
- Housing Benefit overpayments.

If there is evidence of genuine financial hardship or an overriding housing need, an applicant may be permitted to bid for properties and be considered for an offer even if they have not been able to consistently maintain repayments for at least the last 12 consecutive weeks.

- Applicants who have refused 3 suitable offers of accommodation will not be permitted to bid for properties or be considered for another offer of accommodation for a period of 12 months.



Applicants who do not meet at least 1 of the Charnwood Local Connection Criteria or exemptions will not qualify for the Housing Register.

Charnwood Local Connection Criteria:

- Applicants who are currently resident in settled accommodation within Charnwood and have been resident in settled accommodation within Charnwood for at least the last 2 years
- Applicants who have been resident in settled accommodation within Charnwood for at least 3 out of the last 5 years
- Applicants who have close adult relatives who are currently resident within Charnwood and who have been resident within Charnwood for at least the last 5 years. Close adult relatives include parents/guardians, siblings or children over the age of 18 (including step-equivalents).
- Applicants who have paid employment or a confirmed offer of paid employment within Charnwood (the applicant's main place of work must be located within Charnwood and the employment would normally need to be for at least 16 hours per week and on a contract that is permanent or expected to last for a period of at least 12 months).

Exemptions:

- Applicants who are residing in an institution such as a prison or secure unit or in a hospital, rehabilitation centre, refuge, hostel, supported accommodation scheme or semi-independent accommodation scheme and who did have a qualifying local connection through residence in settled accommodation within Charnwood immediately before they moved into their current accommodation
- Applicants who are homeless and who did have a qualifying local connection through residence in settled accommodation within Charnwood immediately before they become homeless



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- Applicants who have fled domestic abuse, violence or threats of violence that are likely to be carried out and cannot safely reside within any of the council areas where they have a local connection
 - Applicants who are Gypsies or Travellers who have a nomadic lifestyle and have been unable to establish a local connection as a result, and who do not have a local connection to any other Council areas
 - Care Leavers who are owed a duty under Section 23C of the Children Act 1989 by Leicestershire County Council
 - Care Leavers who are owed a duty under Section 23C of the Children Act 1989 by another Local Authority and who were accommodated within Charnwood under Section 22A of the Children Act 1989 for a continuous period of at least 2 years (including some time before they were 16 years of age)
 - Applicants who are serving members of the regular armed forces
 - Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
 - Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
 - Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner
 - Applicants who are a divorced or separated spouse/civil partner of a serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the breakdown of their relationship
 - Other exceptional circumstances (such cases will be referred to a Senior Officer for consideration and if approved will require final authorisation from the Head of Strategic and Private Sector Housing).



Applicants who are homeowners or have the financial means to purchase a property within Charnwood that meets their housing needs (and who do not meet any of the exemptions) will **not** qualify for the Housing Register.

Financial Means Criteria:

- Applicants who own a residential property in the UK or elsewhere, including freehold, leasehold, joint ownership or shared ownership (applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds)
- Applicants who have total household savings, investments and/or assets of £21,450 or more (single persons / lone parents) or joint savings, investments and/or assets of £21,450 or more (couples / couples with children / other household types)
- Applicants who have a total annual household income of £45,000 (single persons / lone parents) or joint household income of £60,000 or more (couples / couples with children / other household types).

Exemptions:

- Applicants who qualify for older person's sheltered accommodation schemes
- Applicants who have a need for specialist accommodation that is not available or affordable in the private sector within Charnwood, for example wheelchair standard accommodation
- Applicants who are unable to safely access their property or finances, for example because they are fleeing domestic abuse, and who are taking legal action in order to recover their funds/share of the funds

Applicants who own a residential property with conditions that have been classified as being unsafe or posing an imminent risk of significant harm where the issues cannot be remedied by the applicant due to genuine financial hardship (and where the applicant would receive less than £21,450 from the sale of the property)

- Other exceptional circumstances (such cases will be referred to a Senior Officer for consideration and if approved will require final authorisation from the Head of Strategic and Private Sector Housing).



Applicants who are unsuitable to be a tenant because they (or any member of their household) have been responsible for unacceptable behaviour will not qualify for the Housing Register.

Examples of unacceptable behaviour include:

- Violence or threats of violence
- Domestic abuse
- Physical, sexual or financial abuse
- Threatening behaviour or intimidation
- Harassment
- Discriminatory abuse or harassment
- Anti-social behaviour
- Drug dealing
- Property damage
- Serious and persistent rent arrears
- Giving false information or withholding information in relation to an application for housing within Charnwood or any other area.

When assessing whether an applicant is unsuitable to be a tenant the Council will consider:

- The seriousness of the applicant's behaviour
- The duration of the behaviour and/or the number and frequency of incidents
- The length of time that has elapsed since the behaviour took place
- Relevant vulnerabilities and support needs
- Whether there has been meaningful engagement with support agencies
- Whether there has been a significant and sustained change in the applicant's behaviour.

Applicants who have been responsible for unacceptable behaviour will not be able to join the Housing Register until they have demonstrated a significant change in their behaviour and the Council is satisfied that the behaviour is unlikely to reoccur and the applicant is now suitable to be a tenant.



Applicants who do not fall within one of the statutory “reasonable preference” categories or Charnwood “local preference” categories will not be considered to have a housing need and will not qualify for the Housing Register.

Applicants who have a confirmed housing need will be placed in 1 of 3 Housing Need Bands:

- Band 3 – applicants who have a housing need
- Band 2 – applicants who have a high level of housing need
- Band 1 – applicants who have an emergency level of housing need.

Band 3 – Housing Need

Applicants who have 1 or more of the following Housing Needs will be placed in Band 3.

Overcrowding, Disrepair or other Poor Housing Conditions

Examples include:

- Applicants who are living in accommodation that is overcrowded, but not statutorily overcrowded, where their household has a need for 1 or more additional bedrooms (see Appendix 3 for further information)
- Applicants who are living in accommodation that has significant disrepair issues, where the issues cannot be remedied by the landlord within a time period that the Council considers to be reasonable (this will be assessed in partnership with the Council’s Private Sector Housing Team)
- Applicants who are living in accommodation that does not have reasonably modern facilities (this will be assessed in partnership with the Council’s Private Sector Housing Team)
- Applicants who have a dependent child under the age of 5 years within their household and are living in an upper floor flat that is accessed via a communal stairwell within a block of flats (this will only apply if the child is a permanent household member).



Medical or Mobility Need

Examples include:

- Applicants who have mobility issues and need to move to ground floor or level access accommodation
- Applicants who have mobility issues and need to move to accommodation that has level access showering facilities
- Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition
- Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment).

Welfare or Hardship Need

Examples include:

- Applicants who have been suffering from ongoing anti-social behaviour, such as noise nuisance or verbal abuse, where the issues have been reported to their landlord and/or the Police for action but it has not been possible for the issues to be satisfactorily resolved
- Applicants who need to move closer to relatives in order to give or receive assessed care or support and where moving would prevent significant physical, psychological or financial hardship
- Applicants who need to move closer to a specialist organisation, agency or institution within Charnwood and where moving would prevent significant physical, psychological or financial hardship
- Applicants who are having difficulty meeting their housing costs and where moving would prevent significant financial hardship
- Applicants who do not currently reside within Charnwood but have paid employment or a confirmed offer of paid employment within Charnwood and where moving would prevent significant financial hardship (the applicants main place of work must be located within Charnwood and the employment would normally need to be for at least 16 hours per week and on a contract that is permanent or expected to last for a period of at least 12 months)
- Applicants who qualify for older person's sheltered accommodation schemes
- Applicants who are living in a supported or semi-independent accommodation scheme
- Applicants who have a welfare need for an additional bedroom (e.g. because they have a child with behavioural difficulties who cannot safely share a bedroom with siblings).



Homeless or at Risk of Homelessness

- Applicants who are at risk of becoming homeless within 56 days, as defined within Section 175 of the Housing Act 1996
- Applicants who are owed the Prevention Duty under Section 195 of the Housing Act 1996 by Charnwood Borough Council
- Applicants who are homeless, as defined within Section 175 of the Housing Act 1996
- Applicants who are owed the Relief Duty under Section 189B(2) of the Housing Act 1996 by Charnwood Borough Council.

Applications are placed in Band 3 for an initial period of 12 months. After this period a reassessment will be completed to confirm whether the applicant's circumstances have changed, whether they still have a housing need and whether they still qualify for the Housing Register.

Band 2 – High Housing Need

Applicants who have 1 of the following High Housing Needs will be placed in Band 2.

Ready for “Move-On”

- Applicants who are residing in supported or semi-independent accommodation and are ready to move to independent accommodation (this will only apply where Charnwood Borough Council has a “move-on” agreement in place for the accommodation scheme)
- Applicants who are residing in accommodation provided by a Local Authority under Section 20 or Section 22A of the Children Act 1989 and are ready to move to independent accommodation
- Applicants who are residing with family and are at risk of exclusion from the family home and are ready to move to independent accommodation (this will only apply where Charnwood Borough Council is satisfied that the accommodation arrangement would not be sustainable in the long-term but the family have agreed to continue to accommodate the applicant for at least 6 months).



Management Need

- Applicants who have succeeded to a Council or Registered Provider tenancy following the death of a relative but cannot remain in the property (e.g. because the property is too large for the applicant's household)
- Applicants who are not eligible to succeed to a Council or Registered Provider tenancy following the death of a relative but lived in the property with the tenant for at least 12 months prior to the tenant's death and remain in the property
- Applicants who hold the tenancy of a Council or Registered Provider property, are under-occupying the property and are applying to downsize to smaller accommodation (e.g. because they are affected by an "under-occupancy charge")
- Applicants who hold the tenancy of a Council or Registered Provider property that has significant Disabled Adaptations and who no longer require these adaptations
- Applicants who hold the tenancy of a Council or Registered Provider property and are affected by re-designation.

Applications are placed in Band 2 for an initial period of 16 weeks. If an applicant who has been placed in Band 2 does not bid for suitable properties that are advertised during the initial 16 weeks, their application will be reassessed and moved down to Band 3.

Band 1 – Emergency Housing Need

Applicants who have 1 or more of the following Emergency Housing Needs will be placed in Band 1.

Dangerous or Hazardous Housing Conditions

Examples include:

- Applicants who are living in accommodation that has been classified as being "statutorily overcrowded" (this will be assessed in partnership with the Council's Private Sector Housing Team). This Banding will not apply if the applicant has been placed in the accommodation temporarily by Charnwood Borough Council
- Applicants who are living in accommodation with conditions that have been classified as being unsafe or posing an imminent risk of significant harm and where the issues cannot be remedied by the landlord within a time period that the Council considers to be reasonable (this will be assessed in partnership with the Council's Private Sector Housing Team). This Banding will not apply if the applicant's landlord has/is able to temporarily "decant" the applicant into alternative accommodation whilst works are carried out
- Applicants who are residing in a property that is subject to a demolition order.



Emergency Medical or Mobility Need

Examples include:

- Applicants who have a progressive, chronic or life threatening medical condition and cannot be discharged from hospital because they do not have any accommodation or their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property
- Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move because their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property
- Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as wheelchair standard accommodation.

Emergency Welfare or Hardship Need

Examples include:

- Applicants who are suffering violence, or threats of violence that are likely to be carried out, where a move would prevent further violence
- Applicants who are suffering severe harassment or severe discriminatory harassment, where a move would prevent further harassment
- Applicants who are suffering domestic, physical, sexual or financial abuse, where a move would prevent further abuse.

Homeless Duty

- Homeless applicants who are owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 by Charnwood Borough Council
- Homeless applicants who are owed the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council
- Homeless applicants who are owed the Relief Duty under Section 189B(2) of the Housing Act 1996 by Charnwood Borough Council and have been issued with a S184 Decision confirming that they will be owed the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council if the Relief Duty comes to an end after 56 days and their homelessness has not been successfully relieved.



Applications will be placed in Band 1 for an initial period of 8 weeks. If an applicant who has been placed in Band 1 does not bid for suitable properties that are advertised during the initial 8 weeks, the Council may place bids on their behalf for properties until an offer of suitable accommodation is made. If an applicant who has been placed in Band 1 refuses an offer of suitable accommodation, their application will be reassessed and moved down to Band 3.

If a homeless applicant who has been placed Band 1 and is owed the Relief Duty under Section 189B of the Housing Act 1996, the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 refuses a final offer of suitable accommodation, (which may be an offer of private sector accommodation), the relevant homeless duty will be discharged and their application will be reassessed and moved down to Band 3.

Exceptional Circumstances

In exceptional circumstances other applicants who do not fall within any of the “reasonable preference” or Charnwood “local preference” categories may be considered to have a housing need and fall within 1 of the 3 Bands (such cases will be referred to a Senior Officer for consideration and if approved will require final authorisation from the Head of Strategic and Private Sector Housing).

Banding Effective Dates

When a new application is assessed and placed into a Band, the effective date applied to the Banding will be the date on which the applicant provides all of the necessary evidence to support their application, regardless of the date their application was initially made.

When an application is moved up into a higher Band, the effective date applied to the Banding will be the date on which the Council receives confirmation that the higher Banding is applicable.

When an application is moved down into a lower Band, the effective date applied to the Banding will be the effective date that was applied when the applicant was previously in that Band. If the applicant has not previously been in the lower Band, the effective date will be the effective date that was applied to their most recent Band.

The Banding effective date for applicants who are placed in Band 1 because they are homeless and are owed (or have been issued with a S184 Decision confirming that they will be owed) the Main Housing Duty under Section 193(2) of the Housing Act 1996 or the Accommodation Duty under Section 193C(4) of the Housing Act 1996 by Charnwood Borough Council will be the date they made their homeless application.



Additional Preference

The following applicants will be given additional preference over other applicants who are within the same Band:

- Applicants who are former serving members of the regular armed forces
- Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
- Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.

Deliberate Worsening of Circumstances

Applicants will not normally qualify for Band 1 or Band 2 if their housing need arises as a result of deliberately worsening their own housing circumstances.

Examples include:

- Applicants who have sold a property or given up a tenancy of a property that was suitable and reasonable to occupy and moved into accommodation that is overcrowded, in a poor state of repair or unaffordable
- Applicants who reside in a property that is in a poor state of repair due to neglect or damage that they, or a member of their household, caused
- Applicants who reside in a property that is in a poor state of repair and will not permit their landlord access to carry out repairs or improvement works
- Applicants who have created overcrowding within their accommodation by moving extended family into the property when there was no need to do so
- Applicants who have colluded with their landlord in the service of a notice.



Reviews

If an applicant does not agree with a decision made by the Council in respect of their application, they have the right to request a review of the decision. Circumstances in which an applicant may request a review include:

- The Council has decided that an applicant is not eligible or does not qualify for the Housing Register
- The applicant believes their application has been assessed incorrectly and placed in the wrong Band
- The applicant believes they should be eligible to bid for a size or type of property that they have not been permitted to bid for
- The Council has decided to withdraw an offer of accommodation
- An application has been cancelled and the applicant's request to have the application reinstated has been refused.

Applicants who wish to request a review of a decision will need to submit their request in writing within 21 days of the date of the decision. The Council will only be prepared to consider late review requests in exceptional circumstances and where there is good reason for the delay.

A review request should include details of why the applicant feels the decision is incorrect and any points the applicant wants the Council to take into account when carrying out the review. If the applicant submits new information or evidence that was not available when the original decision was made, such as information relating to a change in circumstances, the application may be referred for a reassessment rather than a review. If the applicant does not agree with the decision made following the reassessment, they have the right to request a review.

All reviews will be completed by a Senior Officer who was not involved in the original decision. A review will normally be carried out within 56 days. Written notification of the review decision, including grounds for the decision, will be sent to the applicant at the correspondence address or email address provided for their application. If the applicant does not have a correspondence address or email address, a copy of the letter will be made available for collection from the Council Offices for period of at least 21 days.

If an applicant has been matched for a property but has been refused an offer of accommodation by a Registered Provider, they should make a request to the Registered Provider in the first instance to review its decision. Each Registered Provider operates its own appeals process.



Complaints

If an applicant is dissatisfied with the service provided by the Council's Housing Needs Team they can make a complaint. All complaints will be dealt with by a Senior Officer and in line with the Council's Corporate Complaints Procedure.

If an applicant is dissatisfied with the service they have received from a Registered Provider, they can make a complaint to the Registered Provider. Each Registered Provider operates its own complaints procedure.



Relevant Legislation, Regulations and Guidance

The following legislation, regulations and guidance were taken into consideration by the Council when developing this policy.

- Rent (Agriculture) Act 1976
- The Housing Act 1985
- The Housing Act 1996
- The Homelessness Act 2002
- The Housing Act 2004
- The Equality Act 2010
- The Localism Act 2011 (England)
- The Homelessness Reduction Act 2017
- The Data Protection Act 2018
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG)
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019, SI 2019/861
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015



Bedroom Eligibility

Household Type	Property Type
Single Person	Studio Flat/Bedsit 1 Bedroom Flat 1 Bedroom House/Bungalow
Couple	1 Bedroom Flat 1 Bedroom House/Bungalow
Single Person or Couple + need for an additional bedroom for carer, medical or welfare reasons	1 Bedroom Flat 1 Bedroom House/Bungalow 2 Bedroom Flat
Single Person or Couple + need for an additional bedroom for child access	1 Bedroom Flat 1 Bedroom House/Bungalow 2 Bedroom Flat
Single Person or Couple + 1 other (any age)	2 Bedroom Flat 2 Bedroom House/Bungalow
Single Person or Couple + 2 others of the same gender (both below the age of 16)	2 Bedroom Flat 2 Bedroom House
Single Person or Couple + 2 others of the same gender (1 or both above the age of 16)	2 Bedroom Flat 2 Bedroom House/Bungalow 3 Bedroom Flat 3 Bedroom House
Single Person or Couple + 2 others; 1 male and 1 female (any ages)	2 Bedroom Flat 2 Bedroom House/Bungalow 3 Bedroom Flat 3 Bedroom House
Single Person or Couple + 3 others (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Single Person or Couple + 3 others of the same gender (1 or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Single Person or Couple + 3 others; 2 male and 1 female (1 or both males above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Single Person or Couple + 3 others; 2 female and 1 male (1 or both females above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House



Household Type	Property Type
Single Person or Couple + 4 others of the same gender (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Single Person or Couple + 4 others of the same gender (1 or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Single Person or Couple + 4 others; 2 male and 2 female (all below the age of 16)	3 Bedroom Flat 3 Bedroom House
Single Person or Couple + 4 others; 2 male and 2 female (1 or more above the age of 16)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Single Person or Couple + 4 others; 3 male and 1 female (any ages)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Single Person or Couple + 4 others; 3 female and 1 male (any ages)	3 Bedroom Flat 3 Bedroom House 4 Bedroom House
Single Person or Couple + 5 or more others (any ages)	3 Bedroom Flat 3 Bedroom House 4+ Bedroom House

Please Note:

- Minimum and maximum age and occupancy criteria may apply to some properties
- Applicants who have a confirmed medical or welfare need for additional bedrooms will be permitted to bid for properties with the required number of bedrooms
- Any unborn child will be taken into account when assessing bedroom eligibility once the expected delivery date is within 3 months
- Houses with 2 or more bedrooms will normally be restricted to households containing dependent children
- Due to limited availability, families with 5 or more children may be given preference over smaller eligible households for properties with 4 or more bedrooms
- Applicants may be required to complete an affordability assessment following an offer of accommodation to confirm whether the accommodation is suitable
- Separate criteria will be used to determine whether a property is overcrowded (overcrowding assessments will only take current permanent residents into account and this will not include unborn children).



Overcrowding Assessments

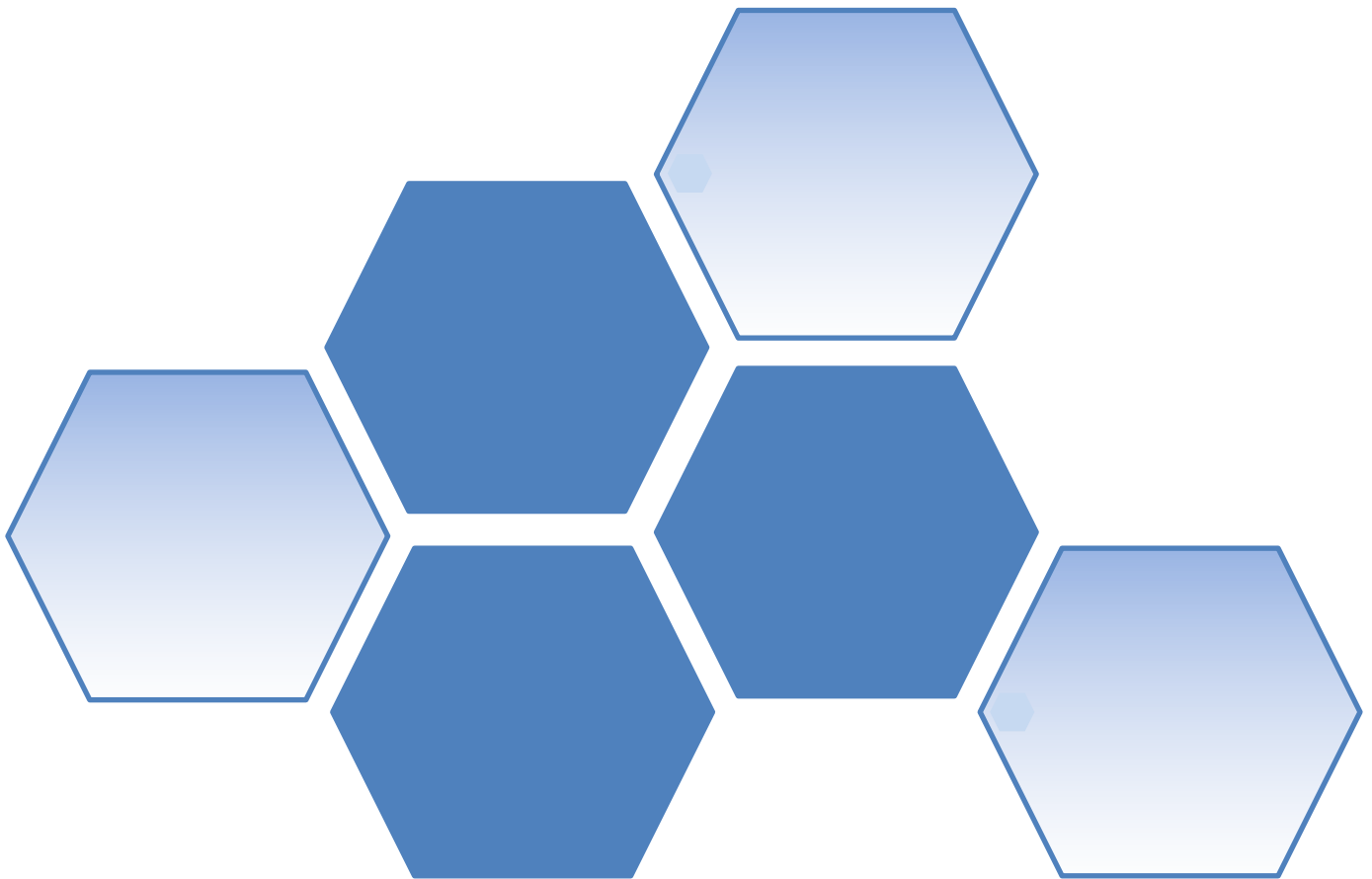
A property will be classed as overcrowded if there are not enough bedrooms for all current permanent members of an applicant's household. One bedroom is required for each of the following:

- Any married or co-habiting couple
- Any other adult aged 21 years or over
- Any pair of children aged under 10 years (regardless of gender)
- Any pair of children/young people of the same gender aged under 21 years
- Any other child or young person aged under 21 years.

Overcrowding assessments will not take unborn children into account.

A referral to the Council's Private Sector Housing Team may be made for a home visit if there are concerns that a property may be statutorily overcrowded, as defined within the Housing Act 1985.





Charnwood Borough Council

Equality Impact Assessment 'Knowing the needs of your customers and employees'

■ Background

An Equality Impact Assessment is an improvement tool. It will assist you in ensuring that you have thought about the needs and impacts of your service/policy/function in relation to the protected characteristics. It enables a systematic approach to identifying and recording gaps and actions.

■ Legislation- Equality Duty

As a local authority that provides services to the public, Charnwood Borough Council has a legal responsibility to ensure that we can demonstrate having paid due regard to the need to:

- ✓ Eliminate discrimination, harassment and victimization
- ✓ Advance Equality of Opportunity
- ✓ Foster good relations

For the following protected characteristics:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex (Gender)
9. Sexual orientation

What is prohibited?

1. Direct Discrimination
2. Indirect Discrimination
3. Harassment
4. Victimisation
5. Discrimination by association
6. Discrimination by perception
7. Pregnancy and maternity discrimination
8. Discrimination arising from disability
9. Failing to make reasonable adjustments

Note: Complete the action plan as you go through the questions

■ **Step 1 – Introductory information**

Title of the policy	Housing Allocations Policy
Name of lead officer and others undertaking this assessment	Katie Moore, Housing Needs Manager
Date EIA started	February 2020
Date EIA completed	March 2020

■ **Step 2 – Overview of policy/function being assessed:**

Outline: What is the purpose of this policy? (Specify aims and objectives)
Under Part VI of the Housing Act 1996, all Housing Authorities are required to have an allocations scheme for determining priorities and the procedures to be followed when allocating social housing. Charnwood Borough Council's Housing Allocations Policy outlines how the Council assesses applications for housing, determines eligibility, qualification and level of housing need, prioritises applications and allocates accommodation to applicants / nominates applicants for accommodation. It takes into consideration the Housing Act 1996, Part VI and other relevant legislation, regulations and guidance.
What specific group/s is the policy designed to affect/impact and what is the intended change or outcome for them?
The policy impacts upon applicants for social housing within Charnwood. These include current tenants of Councils and Registered Providers applying to transfer their tenancy and new applicants for housing. This includes persons from vulnerable groups.
Which groups have been consulted as part of the creation or review of the policy?
<p>Consultation on the development of the current Housing Allocations Policy took place between March and September 2017. This included:</p> <ul style="list-style-type: none"> • Strategic and Private Sector Housing Service Staff Meetings • Lead Member for Strategic and Private Sector Housing • Cabinet Members Briefing • Policy Scrutiny • Homelessness Strategy Steering Group • Statutory and voluntary agencies • Registered Providers Liaison Forum • Housing Management Advisory Board • Housing Register Applicants Workshop <p>In addition an online survey monkey questionnaire was available for completion and promoted at these events, on the Choice Based Lettings website and the Council's website. A letter was sent to all Housing Register applicants to advise them of the survey and invite them to attend the workshop.</p> <p>The consultation took place with a wide range of stakeholder, including representatives from each of the protected characteristics and the Council received 133 responses to the consultation questionnaire.</p> <p>The current Housing Allocations Policy was implemented in April 2019.</p> <p>An internal review of the Housing Allocations Policy has been carried out following the first six months of use. Some minor amendments to the Policy are being proposed, in order to clarify aspects of the policy and to reflect recent case law judgements.</p>

■ **Step 3 – What we already know and where there are gaps**

List any existing information/data do you have/monitor about different diverse groups in relation to this policy? Such as in relation to age, disability, gender reassignment, marriage and civil partnership, pregnancy & maternity, race, religion or belief, sex, sexual orientation etc.

Data/information such as:

- Consultation
- Previous Equality Impact Assessments
- Demographic information
- Anecdotal and other evidence

- Leicestershire Choice Based Lettings- Statement of Shared Policy EIA (2009)
- Charnwood Housing Allocations Policy EIA (2017)
- Decision reviews, complaints and compliments information received about the Service
- Equalities data of residents using the Service and or Scheme
- Demographic profile of Charnwood residents

What does this information / data tell you about diverse groups? If you do not hold or have access to any data/information on diverse groups, what do you need to begin collating / monitoring? (Please list)

Charnwood has a diverse population and a range of individuals with complex issues and differing housing needs / requirements who access / have the potential to access the Housing Register.

■ **Step 4 – Do we need to seek the views of others? If so, who?**

In light of the answers you have given in Step 2, do you need to consult with specific groups to identify needs / issues? If not please explain why.

Further equalities monitoring may be required in the future. However, at this stage of analysis it is felt the information currently held is sufficient to analyse trends and determine any barriers to individuals accessing the Housing Register.

■ **Step 5 – Assessing the impact**

In light of any data/consultation/information and your own knowledge and awareness, please identify whether the policy has a positive or negative impact on the individuals or community groups (including what barriers these individuals or groups may face) who identify with any 'protected characteristics' and provide an explanation for your decision (please refer to the general duties on the front page).

	Comments
Age	<p>Neutral impact / positive impact identified</p> <p>The Council acknowledges that many younger persons, including 16 and 17 year olds and care leavers, may require support to sustain an independent tenancy and adjust to independent living. Consideration is given to whether any persons accepted onto the register are ready for independent living and have sufficient support in place to sustain a tenancy before they are permitted to bid for properties or are considered for an offer of accommodation. The Council liaises with Social Care to assess whether these applicants are ready for an independent tenancy / require support to sustain an independent tenancy and to ensure support is in place.</p> <p>The Council has a number of older persons' sheltered housing schemes, which include flats and bungalows. These are restricted to applicants who are above the age of 60 years. The</p>

justification for the use of age-based allocation criteria is that these schemes are designed to meet the needs of older persons, with services and facilities such as warden support, assistance alarms, mobility aids, communal facilities and shared activities for older persons.

There is an exemption to the Financial Means qualification criteria for applicants who are above the age of 60 years and who qualify for older person's sheltered accommodation schemes. These applicants are permitted to join the Housing Register if they do not meet the Financial Means based qualification criteria, but are only considered for older persons' sheltered accommodation schemes. The justification for this exemption is that the Council has a number of older person's sheltered accommodation schemes that are designed to meet the needs of older persons. The Council has a number of hard to let properties within its older person's sheltered accommodation schemes, whereas the availability of this type of accommodation in the private sector within Charnwood is extremely limited. This exemption will assist older persons to access sheltered accommodation that meets the needs of older persons within Charnwood.

The Council has a number of 1 bedroom bungalows that are not within older persons' sheltered housing schemes that have minimum age restrictions. These are restricted to applicants who are above the age of 60 years. A review of these age restrictions is being carried and consideration is being given to whether the accommodation meets the needs of older persons / whether minimum age criteria for these properties continues to be justified.

The Council has a number of 1 and 2 bedroom general needs flats that have minimum age restrictions. These are restricted to applicants who are above the age of 45 years. A review of these age restrictions is being carried and consideration is being given to whether the minimum age criteria for these properties continues to be justified.

Applicants who are under-occupying a Council or Registered Provider property and applying to downsize to smaller accommodation are classified as having a housing need and therefore qualify for the Housing Register. This group of applicants is likely to contain a high proportion of older persons (such as single persons and couples who continue to reside in larger family properties after their children have reached maturity and left the family home). This criteria will help such applicants to transfer to accommodation that may better suit their long-term housing needs (such as level access accommodation or older person's sheltered accommodation). In addition, this criteria will help to ensure that larger family properties become available for households that contain dependent children.

The Council has a number of 2 bedroom general needs 'duplex' flats. These properties have small combined kitchen

	<p>and living room areas and limited living space, so are not considered to be suitable in the long-term for households with dependent children. There is a minimum age criteria of 16 years for all household members for these properties. This is to prevent applicants with dependent children from being allocated accommodation that is not suitable for them in the long-term.</p> <p>Houses with more than 1 bedroom are restricted to applicants whose households contain dependent children. This is to ensure that these households are prioritised for available accommodation that is suitable for dependent children. The policy allows for other household types to be considered for these houses in exceptional circumstances (e.g. where other types of properties with more than 1 bedroom would not meet their needs).</p> <p>Applicants who need to move closer to relatives in order to give or receive assessed care or support and where moving would prevent significant physical, emotional or financial hardship are classified as having a housing need and therefore qualify for the Housing Register (provided they meet all of the other eligibility and qualification criteria). This group of applicants is likely to contain a high proportion of older persons who require care or support or persons who provide care and support to older relatives. The inclusion of this criteria helps to facilitate the provision of support to older applicants.</p>
<p>Disability (Physical, visual, hearing, learning disabilities, mental health)</p>	<p>Neutral impact / positive impact identified</p> <p>The Allocations Policy includes criteria that supports individuals with disabilities to secure accommodation that meets their housing needs:</p> <ul style="list-style-type: none"> • Applicants who have mobility issues and need to move to ground floor or level access accommodation (classed as a housing need) • Applicants who have mobility issues and need to move to accommodation that has level access showering facilities (classed as a housing need) • Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition (classed as a housing need) • Applicants who have a medical need for an additional bedroom, e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment (classed as a housing need, taking into consideration when assessing bedroom eligibility) • Applicants who are living in supported or semi-independent accommodation and are ready to move to independent accommodation (classed as a housing need, band 2 priority awarded) • Applicants who have a progressive, chronic or life threatening medical condition and cannot be discharged

from hospital because they do not have any accommodation or their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property (classed as a housing need, band 1 priority)

- Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move because their accommodation is unsuitable, for example because they cannot access toilet and/or bathing facilities in the property (classed as a housing need, band 1 priority)
- Applicants who have a progressive, chronic or life threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as wheelchair standard accommodation (classed as a housing need, band 1 priority)
- Applicants who have a specialist need for adapted accommodation (policy allows these applicants to be given preference for adapted properties due to limited availability of this type of accommodation, policy allows direct matches to adapted properties due to limited availability of this type of accommodation, there is an exemption to the Financial Means criteria for applicants who have a specialist need for wheelchair standard accommodation that is not accessible or affordable in the private sector).

Applicants who need to move closer to relatives in order to give or receive assessed care or support and where moving would prevent significant physical, emotional or financial hardship are classified as having a housing need and therefore qualify for the Housing Register (provided they meet all of the other eligibility and qualification criteria). This group of applicants is likely to contain a high proportion of persons with disabilities who require care or support or persons who provide care and support to persons with disabilities. The inclusion of this criteria helps to facilitate the provision of support to persons with disabilities.

The Council has a number of 1 and 2 bedroom bungalows, some of which are classified as accessible for persons with medical / mobility needs. A review of the accessibility of these 1 and 2 bedroom bungalows is being carried out to ensure that accurate accessibility information can be specified on property adverts and applicants can be effectively prioritised for these properties based on accessibility need.

The Council acknowledges that some persons with significant mental health problems and/or learning difficulties may require support to sustain an independent tenancy and adjust to independent living. Consideration is given to whether any persons accepted onto the register are ready for independent living and have sufficient support in place to sustain a tenancy before they are permitted to bid for properties or are considered for an offer of accommodation. The Council liaises with Social

	<p>Care to assess whether these applicants are ready for an independent tenancy / require support to sustain an independent tenancy and to ensure support is in place.</p> <p>The policy includes a local connection qualification criteria, designed to ensure that the housing register meets the needs of local residents and the local community. This type of criteria potentially indirectly discriminates against persons who have mental health problems, as they are over-represented in homeless populations. As homeless persons are not resident in settled accommodation, they cannot meet the aspect of the criteria relating to settled residence. The policy therefore includes an exemption to the local connection criteria for applicants who are homeless and who did meet the local connection criteria through residence in settled accommodation immediately before they became homeless.</p>
Gender Reassignment (Transgender)	<p>Neutral impact / no impact identified.</p> <p>The gender of household members is taken into consideration when determining bedroom eligibility. The criteria has been designed to minimise situations where adult household members of different genders (who are not a couple in a relationship) share bedrooms. The assessment of bedroom eligibility is based on the applicant's identification of their own gender / the gender of their household members. The assessment of bedroom eligibility allows a separate bedroom for any household members over the age of 16 who are not of the same gender and not a couple in a relationship. Procedural guidance for assessing officers will clarify that where a household member is identified as non-gender binary, a separate bedroom should be allowed.</p>
Race	<p>Neutral impact / no impact identified.</p> <p>The policy includes local connection qualification criteria, designed to ensure that the housing register meets the needs of local residents and the local community. This type of criteria potentially discriminates against Gypsies and Travellers who have a nomadic lifestyle and as a result are unlikely to be able to establish a local connection through settled residence / through residence of close relatives. The policy therefore includes an exemption to the local connection criteria for this group.</p>
Religion or Belief (Includes no belief)	<p>Neutral impact / positive impact identified.</p> <p>The Council operates a Choice Based Lettings scheme under which applicants can express preference over the accommodation to be allocated to them, by bidding for advertised properties in their preferred areas. Applicants who wish to reside close to a place of worship in order to practice their religious beliefs have the ability to bid for properties near to their place of worship (subject to availability).</p>
Sex	<p>Neutral impact / no impact identified.</p>

<p>(Gender)</p>	<p>The gender of household members is taken into consideration when determining bedroom eligibility. The criteria has been designed to minimise situations where adult household members of different genders (who are not a couple in a relationship) share bedrooms. The assessment of bedroom eligibility is based on the applicant's identification of their own gender / the gender of their household members. The assessment of bedroom eligibility allows a separate bedroom for any household members over the age of 16 who are not of the same gender and not a couple in a relationship. Procedural guidance for assessing officers will clarify that where a household member is identified as non-gender binary, a separate bedroom should be allowed.</p> <p>The policy includes local connection qualification criteria, designed to ensure that the housing register meets the needs of local residents and the local community. This type of criteria potentially indirectly discriminates against women, as they are overrepresented amongst victims of domestic abuse. Applicants who have fled from another Council area due to domestic abuse, violence or threats of violence that are likely to be carried out are unlikely to meet the local connection criteria with the policy. The policy therefore includes an exemption for applicants who have fled domestic abuse, violence or threats of violence that are likely to be carried out and cannot safely reside within any of the council areas where they have a local connection.</p>
<p>Sexual Orientation</p>	<p>Neutral impact / no impact identified.</p> <p>None of the criteria in the Housing Allocations Policy have been identified as potentially having an impact based on the applicant's sexual orientation.</p>
<p>Other protected groups (Pregnancy & maternity, marriage & civil partnership)</p>	<p>Neutral impact / positive impact identified.</p> <p>Unborn children are taken into consideration when determining bedroom eligibility once the expected delivery date is within 3 months. This will assist pregnant women to secure accommodation that meets their longer-term needs and the longer-term needs of their unborn child.</p>
<p>Other socially excluded groups (Carers, low literacy, priority neighbourhoods, health inequalities, rural isolation, asylum seeker and refugee Homelessness communities etc.)</p>	<p>Neutral impact / positive impact identified.</p> <p>The Housing Allocations Policy includes criteria that support the following socially excluded groups to secure accommodation that meets their needs:</p> <ul style="list-style-type: none"> • Applicants leaving local authority care (classed as a housing need, band 2 priority given, exemption to local connection criteria for some groups) • Applicants living in supported accommodation (classed as a housing need, band 2 priority given for some groups, exemption to local connection criteria for some groups)

- Applicants who are suffering violence, harassment or abuse (classed as a housing need, band 1 priority given, exemption to local connection criteria for some groups, exemption to financial means criteria for some groups)
- Homeless persons (classed as a housing need, band 1 priority given for some groups, exemption to local connection criteria for some groups)
- Applicants who have a need to move in order to give or receive assessed care or support (classed as a housing need)
- Applicants who have a need to move due to financial hardship (classed as a housing need)
- Armed forces members (additional priority given within bands for some groups, exemption to local connection criteria for some groups).

The policy includes local connection qualification criteria, designed to ensure that the housing register meets the needs of local residents and the local community. This criteria potentially disadvantages some groups:

- Homeless persons are not resident in settled accommodation, so they cannot meet the aspect of the criteria relating to settled residence. The policy is therefore being amended to include an exemption to the local connection criteria for applicants who are homeless and who did have a qualifying local connection through residence in settled accommodation immediately before they became homeless.
- Persons living in support accommodation are not resident in settled accommodation, so they cannot meet the aspect of the criteria relating to settled residence. The policy therefore includes an exemption to the local connection criteria for applicants who are residing in supported accommodation and who did have a qualifying local connection through residence in settled accommodation immediately before they became homeless.
- Young people in care are not resident in settled accommodation and care leavers may have no close relatives / may need to be accommodation away from their close relatives, so they are unlikely to meet the criteria relating to settled residence / residence of relatives. The policy therefore includes an exemption to the local connection criteria for Care Leavers who have been accommodated by Leicestershire County Council and for Care Leavers who have been accommodated by another Local Authority within Charnwood for at least 2 years. This current wording of this criteria in the policy does not include Care Leavers who are in full time education who are supported by care/leaving care teams up to the age of 25. The wording in the policy is therefore being amended slightly to include these Care Leavers.

- Applicants who have fled domestic abuse, violence or threats of violence that are likely to be carried out are unlikely to meet the local connection criteria. The policy therefore includes an exemption for applicants who have fled domestic abuse, violence or threats of violence that are likely to be carried out and cannot safely reside within any of the council areas where they have a local connection.

Where there are potential barriers, negative impacts identified and/ or barriers or impacts are unknown, please outline how you propose to minimise all negative impact or discrimination.

Please note:

- a) If you have identified adverse impact or discrimination that is illegal, you are required to take action to remedy this immediately.
- b) Additionally, if you have identified adverse impact that is justifiable or legitimate, you will need to consider what actions can be taken to mitigate its effect on those groups of people.

Ensure review of age criteria for 45+ flats carried out to establish whether this continues to be justified

Ensure review of age criteria for 60+ bungalows carried out to establish whether this continues to be justified

Ensure review of accessibility of 1 and 2 bedroom bungalows carried out to enable accurate information in relation to accessibility to be specified on property adverts / to allow applicants for accessible properties to be prioritised based on accessibility need

Ensure effective processes in place for identifying suitability for independent accommodation and support required to assist with tenancy sustainment (for young persons and persons with mental health problems and/or learning disabilities).

Monitor decision reviews, complaints and compliments information received alongside equalities monitoring data for applications received to ensure any adverse impacts are identified and minimised.

Summarise your findings and give an overview as to whether the policy will meet Charnwood Borough Council's responsibilities in relation to equality and diversity (please refer to the general duties on the front page).

It is the opinion that the Housing Allocations Policy complies with equality and diversity responsibilities. Where potential barriers are identified at this stage, it is recognised that it will be necessary to plan effectively to ensure adverse impact is not created for any particular groups.

We will continue to undertake analysis and monitoring to ensure discrimination and adverse impact does not occur.

■ Step 6- Monitoring, evaluation and review

Are there processes in place to review the findings of this Assessment and make appropriate changes? In particular, how will you monitor potential barriers and any positive/ negative impact?

- Decision reviews, complaints and compliments information received
- Equalities monitoring data of applications received.

How will the recommendations of this assessment be built into wider planning and review processes? E.g. policy reviews annual plans and use of performance management systems.

All recommendations made will be addressed in relevant service / team plans and monitored, as appropriate.

■ **Step 7- Action Plan**

Please include any identified concerns/actions/issues in this action plan:
The issues identified should inform your Service Plan and, if appropriate, your Consultation Plan

Reference Number	Action	Responsible Officer	Target Date
01	Ensure review of age criteria for 45+ flats carried out to establish whether this continues to be justified	Housing Needs Manager	31 st March 2021
02	Ensure review of age criteria for 60+ bungalows carried out to establish whether this continues to be justified	Housing Needs Manager	31 st March 2021
03	Ensure review of accessibility of 1 and 2 bedroom bungalows carried out to enable accurate information in relation to accessibility to be specified on property adverts / to allow applicants for accessible properties to be prioritised based on accessibility need	Housing Needs Manager	31 st March 2021
03	Ensure effective processes in place for identifying suitability for independent accommodation and support required to assist with tenancy sustainment for young applicants and applicants with significant mental health problems and/or learning difficulties	Housing Needs Manager	31 st March 2021
04	Monitor decision reviews, complaints and compliments information received alongside equalities monitoring data for applications received to ensure any adverse impacts are identified and minimised.	Housing Needs Manager	31 st March 2021

■ **Step 8- Who needs to know about the outcomes of this assessment and how will they be informed?**

	Who needs to know (Please tick)	How they will be informed (we have a legal duty to publish EIA's)
Employees	✓	This EIA will be circulated to employees who work with the Housing Allocations Policy. This EIA will be published on the Council's website.
Service users	✓	
Partners and stakeholders	✓	
Others	✓	
To ensure ease of access, what other communication needs/concerns are There?		

■ **Step 9- Conclusion (to be completed and signed by the [Service Head](#))**

Please delete as appropriate
I agree / disagree with this assessment / action plan:
If <i>disagree</i>, state action/s required, reasons and details of who is to carry them out with timescales:
Signed (Service Head):
Date:

[Please send completed & signed assessment to Suzanne Kinder for publishing.](#)