

# Walsall Council Housing Allocations Policy



Effective from 31/01/2024



Walsall Council



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# Section 1

In this section of the document we explain:

**Part 1: Context and aims of the policy**

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## Part 1: Context and Aims

### The Aims of Walsall Council's Allocations Scheme

This document describes the criteria that Walsall Council uses to prioritise housing applicants for the social housing that we allocate to homes owned by Housing Associations (HA's) in the area (these allocations are known as nominations).

Social housing is housing owned by both local authorities and housing association landlords for which guideline rents are determined through the national rent regime. Walsall Council no longer owns any housing stock so this policy applies to accommodation held by Housing Association Landlords in the Walsall area where the council has rights of nomination to a percentage of vacant properties that become available. This Policy remains the Council's legal Allocation Policy throughout.

In Walsall the demand for social housing is greater than the number of homes available. This Allocations Scheme describes how the Council prioritises housing applicants to ensure that those in greatest housing need, as described by the legal definition of Reasonable Preference (see section 1 part 2 ), are given a head start to access available social housing, compared with those who have no housing need, but who want to move to or within social housing.

Walsall Council's Allocations Scheme sets out in detail who is and is not eligible under the scheme and how this assessment is made. It also sets out how applicants can apply for and access housing and what service standards an applicant can expect.

The scheme has been designed to meet all legal requirements (see section 1 part 2 for more detail) and to support and contribute towards the objectives of the Council Plan (2022-25) by promoting economic growth and sustainable communities.

The key objectives of this Allocations Scheme are to:

- Provide housing applicants in Walsall with a fair and transparent system by which they are prioritised for social housing.
- Help applicants most in housing need.
- Promote the development of sustainable mixed communities and neighbourhoods of choice.
- Encourage residents to access employment and training.
- Make the best use of Walsall's social housing.
- Make efficient use of resources of our partner Registered Social Landlords.

We are committed to providing a fair and transparent service to all persons eligible for registering for housing under the Council's scheme and to allocate accommodation, in the majority of cases, to those households with the greatest need. Accommodation will be allocated through direct offers of accommodation complicit with this policy and based on their respective banding priority and registration date. Where there is justifiable evidence to do so, properties may be banded to meet housing need. In doing so we are also committed to ensuring that the allocation of homes is done in such a way as to promote social cohesion and balanced sustainable communities.

It is recognised that the supply of social housing in the borough will rarely match demand leaving a shortfall in available properties. To ensure that the Council meets the needs of the local community, and in particular those in the most pressing housing need, it reserves the right to temporarily suspend making offers of accommodation to households who qualify for Band C.

The Council reserves the right to implement a property quota system to ensure that it meets both its statutory obligations to those owed reasonable preference and its strategic objectives in enabling balanced, sustainable communities.

## Part 2: Legal Context

### The legal context within which the scheme is framed

Walsall Council's Allocations Scheme sits within a tight and complex legal framework. This section describes this legal framework.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Scheme. A summary of the Allocations Scheme must be published and made available free of charge to any person who asks for a copy. A summary of the Scheme and general principles is available through Walsall Council Civic Centre, offices and on the Council's website. This document is the full version of the Scheme and is available for inspection at Walsall Council, Civic Centre Darwall Street, Walsall WS1 1TJ. A full version will be available on request for a reasonable fee.

The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with specific types of housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Homelessness Reduction Act 2017 places duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need'. These include:

- a) an enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage (referred to as the Prevention Duty); and,
- b) a new duty for those who are already homeless (referred to as the Relief Duty) so that housing authorities will support households for 56 days to relieve their homelessness by helping them to secure accommodation.

The Housing Act 1996 (as amended) also requires local authorities to state within the policy what its position is on offering applicants a choice of housing accommodation, or offering them the opportunity to express preference about the housing accommodation to be allocated to them.

This Allocations Scheme complies with the requirements of the Housing Act 1996 (as amended) and most notably takes into account the codes of guidance - *Allocation of Accommodation: Code of Guidance for Housing Authorities 2020 issued by the MHCLG*, *Improving access to social housing for members of the Armed Forces (2020)*, *Providing social housing for local people (2013)*, and *Improving access to social housing for victims of domestic abuse (2022)*.

The scheme is also drafted and framed to ensure that it is compatible with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between different racial groups, as well the duty to promote equality between disabled persons and other persons and between men and women. The Council has carried out an Equality Impact Assessment in relation to the scheme.



This Scheme has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation
- The Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a 'head start' under the Council's Allocations Scheme.
- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.
- The general and specific statutory discretions the Council can exercise when allocating housing in support of the Council Plan (2022-25).

### The Application of Reasonable Preference

Walsall Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in Walsall, the demand for social housing is greater than the availability of homes. The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended) the statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996 :
- People who are owed a duty under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section (192 (3)).
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

Specific details and examples of how Reasonable Preference and priorities are determined and applied are detailed in section 3.

### Determining priority between applicants with Reasonable Preference

The Council determines priority between applicants with Reasonable Preference by taking into account various factors including:

- The degree of housing need as set out by this policy
- The date of registration on the housing register as set out by the terms of this policy (after all required documents have been received and approved by the Council)
- The financial resources available to a person to meet their housing costs.
- Any behaviour of a person (or member of their household) which affects their suitability to be a tenant (which can include both good and bad behaviour).
- Details and examples of how the Council determines priority between applicants is detailed in section 3.

### What are “Allocations” under this Scheme?

The nomination of a person to be an Assured or an Assured Short-hold tenant of housing accommodation held by a Housing Association (HA) (via the Council’s Nomination Rights Agreement with that HA). Often the nomination will be that of a ‘Starter Tenant’ of a HA whereby the HA will grant an Assured Short Hold Tenancy for a set “probationary” period (usually 12 months) and provided the tenant successfully completes the “probationary” period the HA will grant an Assured Tenancy.

### Who will administer the Allocation scheme?

Although the transfer of its Housing stock has taken place, the Council retains a number of statutory housing obligations. One of these is the requirement for the Council to formulate, adopt and amend an Allocation scheme. Whilst there is no statutory requirement to maintain a Housing Register, there are significant practical reasons to do so. The Council administers a Housing Register and all allocations made under this Policy are administered within the Council Allocation policy. The Council retains full responsibility for the scheme itself including any amendments to it and for consulting housing associations on any proposed changes to the Policy.

Applications for Housing will be made using a standard form agreed with the Council and partnering housing associations.

The allocation of properties due to the Council under its nomination rights with all Housing Association Landlords in the Walsall area will be undertaken wherever possible according to this Policy. It is an objective of the Council that Housing Associations in the area will voluntarily agree to adopt the Council’s Policy.

The Council has nomination rights to all housing associations in the borough. These will be reviewed on an annual basis. For all registered housing associations, the Council has 50% nomination rights.

### Exempt Allocations – Accommodation provided for lettings that are not covered by this

The following are not “allocations” under this Scheme:

- Conversion of a Starter Tenancy into a Secure Tenancy (that is a matter for the tenants Housing Association).
- Nominations to a Housing Association by the Council for property which is to be used as temporary accommodation to house homeless households owed a duty under the Homelessness legislation.
- Assignments of and Successions (these are matters for the tenant’s Housing association).
- Mutual exchanges of Housing Association Tenancies (again this is for the relevant Housing association to decide and administer).
- Nominations not under part VI for offers of assured tenancies, assured short hold tenancies, or other tenancies or licences, from private landlords or Housing Charities who are not Housing Associations.

### Joint Tenancies, Tenancy Succession and Transfer of a Tenancy

This Allocations Scheme supports adult applicants wishing to sign as joint tenants should they choose to do so. It is for the Housing Association for which the Council makes a nomination to decide whether to allow a Joint Tenancy depending on the circumstances of the case.



### Part 3: Choice and Constraints

Policy on choice and expressing preferences regarding the area in which an applicant wishes to live in.

The amount of choice that the Council is able to offer may be limited by the acute housing pressures it faces and responsibilities it has to some groups in housing need such as those found to be statutorily homeless. The Council believes that any applicant considered to be eligible under this Scheme should be able to express a preference over the area in which they would like to live. However, applicants should be aware that the Council's ability to satisfy any expressed preferences may be severely limited.

At the point of registration applicants will be able to express preferences regarding the areas within the borough in which they would like to live. There are some circumstances for which this might not always apply. For example, in some homeless circumstances (see section on choice and homeless households), and for younger people and childless couples, due to age restrictions or scarcity of some property types. These exceptions are dealt with in more detail below and in the Section that deals with homelessness applications section 4 part 1 and the section that deals with restrictive lettings section 3 part 4 below.

The Council also requests that the applicant states any areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. The Council must be satisfied such factors exist and that it is reasonably necessary to allocate accordingly. The Council may also in these circumstances reserve the right to award reasonable preference for allocations to specific areas.

# Section 2

In this section of the document we explain:

**Part 1: Who is and who is not eligible under this scheme**

**Part 2: The Bands that make up the scheme**

**Part 3: What discretion is built into the scheme**

## Part 1: Who is and who is not eligible under this scheme

### Who can apply to be part of the Council's Allocations Scheme?

Any United Kingdom resident 16 years or over can apply for accommodation by completing an Application for Accommodation form. However a Social Landlord will not normally grant a tenancy to anyone under the age of 18 years unless they are able to provide a guarantor to cover rent and a support worker. For young people under the age of 18 years the Social Landlord may grant permission to allow the occupation of a property by way of an "Equitable Agreement".

Married, civil partners and cohabiting couples, same sex couples and brothers and sisters who wish to live together can make joint applications. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made.

### Those applicants who are not eligible

The Council shall only allocate housing accommodation to people who are eligible under this Allocation Scheme. The following persons are not eligible::

- People who are "*subject to immigration control*" (unless they fall within a class prescribed by regulations as eligible).
- People who are not subject to immigration control, but are nevertheless prescribed by regulation as being "*persons from abroad*" (this may include British citizens).
- Any other person as prescribed by the Secretary of State.
- Applicants (or a member of their household) who have been guilty of "unacceptable behaviour" and at the time of their application for housing they are still considered unsuitable to be a tenant by reason of that behaviour].
- Applicants who do not meet the Council's requirements regarding it's local connection criteria (Appendix 2)

*“Subject to immigration control & Persons from abroad” – access to housing for foreign nationals is governed by Housing and Immigration legislation.*

*“Unacceptable behaviour” – is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle a landlord to possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985. “Unacceptable behaviour” can include:*

- Owing significant rent arrears and/or failing to comply with a current or past tenancy agreement with a Council, housing association or private landlord to such an extent that a Court would grant a possession order.
- Conviction for illegal or immoral purpose.
- Causing nuisance and annoyance to neighbours or visitors.
- Committing certain criminal offences in or near the home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate.
- Obtaining a tenancy by deception, for example by giving untrue information.

In determining whether an applicant is ineligible due to “unacceptable behaviour”, the Council will consider whether:

- the applicant or a member of the applicant’s household has been guilty of unacceptable behaviour
- the unacceptable behaviour was serious enough to have entitled Walsall Council to have obtained an outright order for possession
- At the time of the application, the applicant is still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of his household.

An applicant’s eligibility to join the Allocations Scheme will be kept under review during the application process. An applicant may be rendered ineligible at anytime during the process should the Council become satisfied that they are ineligible. Applicants classified as being ineligible through “unacceptable behaviour” can make an application for accommodation in the future if they can demonstrate a changed pattern of behaviour. It is for the Council to determine whether the changed behaviour claimed makes the applicant eligible under the Scheme. This is assessed at the point of re-application to the scheme.

Each application will be assessed on its own merits and a decision regarding eligibility will be made accordingly. Anyone subsequently made ineligible from the Scheme will be provided with a full written explanation for the decision and will have a right of review of the decision. Please see section 5 part 5 which deals with the right to reviews of decisions.

Anyone can register for housing on the Housing Register, but checks are required before they can be considered eligible for the Council’s Allocation Scheme.

At the point of registration for housing all applicants are asked for information about their housing history and legal status, including whether they are persons from abroad or subject to immigration control. The Council will then carry out checks at an appropriate point to establish eligibility to the Scheme under the relevant legislation.

Applicants who apply are registered and they are not assessed via the Scheme or placed into a Band until a decision has been made regarding their eligibility.

## Part 2: The bands that make up the scheme

### The Structure of the Priority Banding System

Walsall Council operates a needs based banding system as described below. The Bands are arranged to reflect housing need with the highest Band indicating the greatest need for housing. The scheme consists of four Bands whose purpose is summarised below:

<b>Band A: Urgent Need to Move Band due to Reasonable Preference</b>	<b>Summary of Criteria</b>
<p>Emergency medical or disability</p> <p>All of these awards will be made by letting officers who may seek an opinion from local NHS agencies and professionals</p>	<ul style="list-style-type: none"> <li>■ Where an applicant has been diagnosed as terminally ill with a life expectancy of twelve months or less and re-housing is required to provide a basis for the provision of suitable care.</li> <li>■ The condition is life threatening and the applicant's existing accommodation is a major contributory factor.</li> <li>■ The applicant's health is so severely affected by the accommodation that it is likely to become life threatening.</li> <li>■ The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months.</li> <li>■ Where severe overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is suffering from a compromised or suppressed immune system.</li> </ul>
<p>Exceptional need to move</p>	<ul style="list-style-type: none"> <li>■ Applicants who need to move due to domestic abuse, extreme violence or extreme harassment.</li> <li>■ Applicants who need to move because of an adult safeguarding issue.</li> <li>■ Where a move is necessary to protect a witness to criminal acts via the National Witness Mobility Scheme.</li> </ul> <p>Extreme violence or harassment will be verified by the Police and/or other agencies as necessary.</p> <ul style="list-style-type: none"> <li>■ Agreed in exceptional circumstances due to significant problems associated with the tenant's occupation of a dwelling in the social or private rented sector and there is a high risk to the tenant or their family's safety if they remain in the dwelling/area. For social housing tenants transfers will be to properties of the same size or smaller if they are under-occupying and type where required, but locations or areas are likely to change.</li> <li>■ Exceptional circumstances due to fire/flood making the property uninhabitable.</li> <li>■ protected list of local authority caretakers who have preserved rights</li> </ul>

<b>Band A: Urgent Need to Move Band due to Reasonable Preference</b>	<b>Summary of Criteria</b>
HM Forces applicants	Persons who qualify under the terms of the statutory guidance 'Improving access to social housing for members of the Armed Forces as set out elsewhere in this policy.
Release of adapted property	Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.
Statutory Overcrowded	Tenants who are statutorily overcrowded See section 3 part 1 for definition on statutory overcrowding.
Acute Overcrowding	Where a household is 2 bedrooms short of the bedroom standard outlined in section 3 part 1.
<p>Private sector properties with Category 1 hazards that pose an imminent risk to health and safety;</p> <p>Applicants living in unsatisfactory housing lacking basic facilities.</p> <p>Reasonable preference category's 167(2)</p>	<p>Private sector tenants and residents of dwellings where the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Housing Health and Safety Rating System (HHSRS) and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health.</p> <p>If the Council are satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period.</p> <p>A private sector property either owned or rented where a statutory notice has been served by the Housing Standards team to be either prohibited under section 20 or 43, demolished under section 46, is subject to a clearance area under section 47 of the Housing Act 2004 or is subject to a compulsory purchase order under Housing Act 1985.</p>
<p>Homeless Households owed a homeless duty under sections 189B, 193(2)and 195(2)</p> <p>Reasonable Preference categories s167(2) (b)</p>	<p>People who are owed a duty under section 189 B (Relief Duty), 193 (2) (Main Duty), and 195 (2) (Prevention Duty) of the 1996 Act (or under section 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing authority under section 192(3).</p> <p><i>At the discretion of the Council cases owed a full homeless duty by any other Council may receive a reduced preference for not having a local connection to Walsall Council (until they acquire a local connection with the district).</i></p>
Under-occupation	Householders willing to downsize by at least 2 bedrooms. For example releasing a 4 bedroom house to move to a 1 or 2 bed flat or bungalow) or releasing a 3 bedroom house to move to a one bedroom flat

<b>Band A: Urgent Need to Move Band due to Reasonable Preference</b>	<b>Summary of Criteria</b>
Housing need due to age Reasonable Preference category s167(2)(d)	Applicants aged 60 plus seeking Extra Care housing.
Ready to move on from Council accredited supported care schemes Reasonable Preference category s167(2)(c)	<p>An applicant is ready to move to independent settled housing from temporary accommodation funded via Supporting People on the recommendation of the support worker.</p> <p>The applicant is in need of medium to long term rather than short term ongoing tenancy support.</p> <p>That support package has been assessed and is in place.</p>
Move on from Care Reasonable Preference category s167(2) (c)	<p>Eligible people are:</p> <ul style="list-style-type: none"> <li>■ care leaver (in the care of the local authority for a period of 13 weeks or more spanning their 16th birthday)</li> <li>■ young disabled person (who has been living in a residential college - which may be outside the borough - wanting to return to independent living in Walsall)</li> <li>■ person leaving residential or nursing care – which may be outside the borough and moving to or back into independent living</li> </ul> <p>in all these cases the person must have been prepared for a move to independent living</p> <ul style="list-style-type: none"> <li>■ be ready to move to independent settled housing</li> <li>■ possess the life skills to manage a tenancy including managing a rent account, with support if needed.</li> <li>■ have been assessed for any necessary support package</li> <li>■ have any necessary support package</li> <li>■ have any necessary support package in place and ready to be activated</li> </ul>
Clearance	This would apply when Registered Providers need to re- house an applicant due to a demolition programme.
Foster carers and those approved by the Council to adopt	<p>Band A will be awarded to households who are approved as foster or adoptive parents by Walsall Children Services and who need an extra bedroom to accommodate the child(ren) to be placed by the Council</p> <p>In addition, this priority will also be given to households holding a Special Guardianship Order, Child Arrangement Order, or family and friend's carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and who need an extra bedroom to accommodate the child(ren) placed by the Council</p>



<b>Band B: Need to move Reasonable Preference / recognisable need</b>	<b>Summary of Criteria</b>
<p>All homeless people as defined in Part VII of the Housing Act 1996 excluding those who qualify for Band A.</p>	<p>Homeless households that are not Band A, which may include those who are intentionally homeless.</p>
<p>Overcrowded by the Bedroom standard.  Reasonable Preference category s167(2)(c)</p>	<p>Applicants overcrowded by 1 bedroom according to the Bedroom standard for overcrowding.</p>
<p>Breakdown of joint tenancy with children</p>	<p>Where there is a joint tenancy and the relationship between tenants has broken down, only the applicant who will not have full time care of the children will be given priority as a single applicant. Care and control of the children must formally have been agreed prior to award of this priority.</p>
<p>Medical grounds  Reasonable Preference category s167(2)(d)</p>	<p>Where an applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing, but whose housing conditions directly contribute to causing serious ill-health. The assessment is not of the applicant's health but how their accommodation affects their health or welfare. The impact must be of a long term nature and would not cover for example a person who has suffered a broken leg.</p> <p>The applicant is unable to mobilise adequately in their accommodation and requires rehousing into accommodation suitable for their use.</p>
<p>Hardship/welfare/exceptional need to move for care or support  Reasonable Preference category s167(2) (c) and (d)</p>	<p>Those who need to move to give or receive care that is substantial and ongoing.</p> <p>Those who need to access social services facilities, and are unable to travel across the Area.</p> <p>Those who need to take up (or continue) employment, education or a training opportunity that is not available elsewhere and who do not live within reasonable commuting distance.</p>

<b>Band C: Want to Move - No Reasonable Preference</b>	<b>Summary of Criteria</b>
Applicants who do not qualify for Reasonable Preference but who would like to move to alternative accommodation.	All applicants that do not qualify for Reasonable or Additional Preference.

<b>Band D: Reduced Priority</b>	
<b>Reduced Priority</b>	<b>Summary of Criteria</b>
<p>People who are owed Reasonable Preference but have reduced priority because of one or more of:</p> <ul style="list-style-type: none"> <li>■ arrears or other housing related debt within the meaning of this scheme,</li> <li>■ income above threshold,</li> <li>■ breach of a tenancy agreement that is unresolved but does not warrant a full possession order,</li> <li>■ a property not meeting the standard required for a transfer applicant,</li> </ul> <p>Reduced priority due to capital assets irrespective of housing need (see Section 3 Part 2)</p>	<p>A person will be awarded the Reasonable Preference that their assessed housing needs warrant. But due to reasons given the Council has the right to reduce that preference to Band D until action is taken to remedy the person's behaviour or circumstances.</p> <p>People will remain in Band D until they take steps to meet the criteria. At that time they no longer have their priority reduced.</p>

## Annual Lettings Plan

An annual lettings plan will be published and lettings made will be monitored against this. The annual lettings plan is devised to ensure that the Local Authority meets its statutory obligations. All lettings made under this Part V1 Scheme, are counted for the purposes of the lettings plan.

The plan will be monitored and reviewed annually. If monitoring shows that outcomes are not as per the lettings plan, the Council reserves the right to implement a quota system and/or restrictive labelling to ensure that it meets its statutory obligations.

See Appendix 1 for a more detailed explanation of the Annual Lettings Plan.

## Part 3: What discretion is built into the scheme?

### Management Discretion

As far as is possible the Council will use the Banding system and waiting time (See section 2 part 2) within the Band to allocate accommodation. At times this will also incorporate restrictive labelling of properties through Local Lettings Plans to ensure that the Council is meeting its statutory obligations and helping to achieve the outcomes of the Council Plan 2022-25.

However the Council recognises that there may be exceptional circumstances where the only way an exceptionally urgent housing need can be resolved is through the use of management discretion. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- Threat to life
- Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life.
- Households who, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community.
- An applicant who has an exceptional need that is not covered in the Allocations Scheme. For example, where child or public protection issues require re-housing or for severe domestic abuse where all other options to remain in the home have been considered.
- Where a statutory duty to provide accommodation is owed, and where it is in the best interests of both the household and the Council to make a statutory offer of suitable accommodation
- Other exceptional circumstances as authorised by the Head of Customer Engagement.

Such cases will qualify for Reasonable Preference and will be allowed irrespective of waiting time and made a direct offer of accommodation if all other housing options have been explored. If an applicant has exceptional circumstances that are not within a Reasonable Preference category then the Head of Customer Engagement discretion will be required to authorise the applicant being placed in Band A. A list of all applicants given Gold Band priority, and a subsequent list, under management discretion will be kept, monitored and reported on annually for the purposes of monitoring this policy.

### Head of Customer Engagement and Director of Customer Engagement Discretion (for other exceptional circumstances not covered by this scheme)

From time to time a situation may arise that is not adequately reflected in this Allocations Scheme but the needs or circumstances are exceptional and significant.

Where a case is considered exceptional but the applicant does not meet any of the Reasonable Preference criteria or it is felt that a higher Banding than the one awarded is more appropriate then the Head of Customer Engagement and/or Director of Customer Engagement reserves the right to override this scheme and allow an applicant to have a higher priority than they would be entitled to under the Scheme. These cases should be few in number and will be closely monitored and regularly reported on to ensure that the duty to achieve Reasonable Preference overall is not compromised.

# Section 3

In this section of the document we explain:

**Part 1: What is Reasonable Preference and how is it applied under this scheme**

**Part 2: How Reduced Priority is given under this scheme**

**Part 3: What Restrictive Labelling is and how it is applied under this scheme**

## Part 1: What is reasonable preference and how is it applied under this scheme

Walsall Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in Walsall, the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories in section 167(2) (a) ©(e) of the Housing Act 1996 (as amended) are:

- People who are homeless (within the meaning of Part VII of the Act).
- People who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3).
- People occupying unsanitary or severely (as per the Bedroom Standard) overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds (including grounds relating to disability).
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

The Council will use a Banding based system to allocate accommodation. In assessing housing need the Council will give Reasonable Preference to those applicants who fall into the statutory categories above.

The Council's Allocations Scheme has been devised to ensure that it meets its legal obligations to provide overall Reasonable Preference to the above category of applicants whilst also delivering the desired outcomes of the Council Plan 2022-25).

## Who qualifies for Reasonable Preference?

The law requires Local Authorities to give reasonable preference for housing to certain categories of households. The statutory reasonable preference categories are set out in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) and are:

**A: Reasonable Preference category s166(3) (a)** – *applicants who are homeless within the meaning of Part VII Housing Act 1996. All applicants that fall into Reasonable Preference category (a) will be granted Band A.*

This group comprises all applicants who are homeless under the definition of homelessness contained in sections 175 -177 of Part VII of the Housing Act 1996. This definition includes a person who does not have accommodation which is legally and physically available to him or her, or has accommodation that is not reasonable for him or her to continue to occupy. Under this provision there is no requirement that an applicant should be in 'priority need' for accommodation, or that they have made a statutory homelessness application to the local authority under Part VII of the Housing Act 1996.

Examples of where an applicant may qualify under Reasonable Preference category (a) include:

- Those who have no accommodation at all in which they can live, with other family members normally living with them or others the Council might reasonably expect to live with them.
- Those who have accommodation but where their legal right to live in that accommodation has been terminated and they will be homeless immediately or within 56 days.
- Those who have accommodation but where in the Council's opinion it wouldn't be reasonable for them to continue to occupy it
- Those who have accommodation but cannot secure access to it, or, in the case of a moveable structure, like a caravan, there is no lawful place they can lawfully live in it.
- Those who have made a homelessness application and have been determined by the Council to be homeless but not in priority need, or found to be intentionally homeless but are no longer owed the limited temporary accommodation duty (normally 56 days) following a decision of intentional homelessness. (Note those found to be intentionally homeless may be given reduced preference on the Housing Register if the reason for finding them intentionally homeless was because they had been evicted for debt or antisocial behaviour.

### Homeless Prevention Criteria.

Housing authorities have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with becoming homeless. This means either helping them to stay in their current accommodation or helping them to find new accommodation before they become actually homeless. The prevention duty continues for 56 days unless it is brought to an end by an event such as accommodation being secured for the person, or by their becoming homeless. These households will be granted Band A for the first 6 months of a Prevention Duty being applied after which they will be reviewed and their priority reassessed

**B: Reasonable Preference category s166 (b)** —*applicants who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) or who are occupying accommodation secured by such an authority under section 192(3) of the Housing Act 1996 (as amended). All applicants that fall into Reasonable Preference category (b) will be awarded Band A priority. Those who are awarded Homeless prevention status may have their priority reduced to Band B after 6 months.*

People who would fall into Reasonable Preference category (b) are:

- People who the Council has accepted that it owes the applicant a duty under section 195(2) (Prevention Duty) as being threatened with homelessness in the next 56 days, and the Council is taking steps to try and prevent that homelessness from occurring.
- People who have been accepted as being owed the full homeless duty under section 193(2) i.e. those who are deemed homeless, in priority need and unintentionally homeless.
- People owed a section 189B duty (Relief Duty)

**C: Reasonable Preference category s166 (c)** – *People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. All applicants that are determined as being owed reasonable preference under this group will be granted either Band A or Band B status depending on the severity of their situation.*

*Unsatisfactory housing conditions: Applicants will be placed in Band A due to unsatisfactory housing conditions if they;*

- Lack a bathroom or kitchen
- Lack an inside WC
- Lack hot or cold water supplies, electricity, gas or adequate heating
- Occupy a property which is in such disrepair that there is a category 1 hazard there or is unfit for occupation as defined by Section 604 of the Housing Act 1985



*Overcrowding:* Those overcrowded by two bedrooms in line with the Bedroom standard will be granted Band A and those overcrowded by one Band B.

The bedroom standard is set out in the Housing (Overcrowding) Bill. The Housing (Overcrowding) Bill (Bill 46) was not passed by Government; however it is cited as good practice nationally and therefore this will be the standard by which Walsall Council will measure overcrowding levels for the purpose of awarding “reasonable preference”. (N.B. the Council’s Allocation Scheme gives additional preference to those applicants who are statutorily overcrowded or deemed by the Council to be acutely overcrowded. This additional preference is addressed in section 3 part 3).

For the purposes of the bedroom standard a separate bedroom shall be allocated to the following persons:

- a) a person living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- b) a person aged 21 years or more
- c) two persons of the same sex aged 10 years to 20 years
- d) two persons (whether of the same sex or not) aged less than 10 years
- e) two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- f) any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling.

Applicants who claim they are overcrowded will have their circumstances assessed against the Bedroom Standard. The table below shows the bedroom entitlement for adults and children according to the bedroom standard:

<b>Bedroom Standard</b>		
	<b>Number of bedrooms</b>	
<b>Household Members</b>	<b>1</b>	<b>2</b>
Single Adults over 21	✓	
Couple (married or cohabiting) wishing to live together	✓	
28+ weeks pregnant woman with or without partner and no other children		✓
One child	✓	
2 children under 10 regardless of sex	✓	
2 children of the same sex aged between 10 and 21	✓	
2 children of different sexes aged between 10 and 21		✓

### Example

Using the table above to calculate the size entitlement of a family comprising 2 parents plus a female child aged 9 and a male child aged 14:

- Parent’s entitlement is 1 bedroom
- Each child is entitled to a separate bedroom
- Total size eligibility for this household is 3 bedrooms.

In exceptional circumstances the Council may exercise discretion in deviating from the Bedroom Standard.

**D. Reasonable preference category s166 (d) –Medical, Disability and Welfare.** *All applicants assessed as owed reasonable preference for medical, disability or welfare grounds will be granted Band A or Band B priority depending on the severity of the impact of their housing on their condition.*

Reasonable Preference is awarded by the Council following an assessment by the Council, or from Walsall Teaching Primary Care Trust. An applicant's circumstances will normally be referred for a medical assessment if an applicant has indicated that there is a medical or disability problem that is made substantially worse by their current housing.. Priority will be given depending on how unsuitable the current accommodation is in relation to their medical, welfare or disability needs. The assessment is not of the applicant's health but how their accommodation affects their health or welfare.

The criteria to be considered relate to the extent that the health of an applicant, or an immediate member of the applicant's family, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing on that condition and whether this would improve significantly or arrest deterioration through a move to alternative housing.

### When will Band A for medical reasons be awarded?

Band A will be awarded where an applicant's (or a member of their household) housing is unsuitable due to severe medical reasons or disability, but who are not housebound or whose life is not at risk due to their current housing. However their housing conditions directly contribute to causing serious ill-health. Their circumstances will be assessed by a Walsall Council Officer using set criteria, and may need to be referred to a qualified nurse/medical advisor or Occupational Therapy Team depending upon the circumstances.

The following are examples of cases that would qualify for Band A status under one of the statutory reasonable preference categories. i.e. medical, welfare or disability needs:

- The applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation.
- Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without settled accommodation.
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs.
- A person with a severe disability requiring substantial adaptations to a property which is not provided for in their current accommodation.
- A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative settled accommodation which may or may not be closer to support.
- A person suffering with mental illness or disorder where the medical condition would be significantly improved by a move to alternative accommodation.
- A person with a severe disability requiring substantial adaptations to a property which cannot be addressed by DFG due to the design or access of the current accommodation or if a DFG is not appropriate because of financial limitations (ceiling cost or budget)

### When will Band A for welfare reasons be awarded?

Those applicants that qualify for reasonable preference on welfare grounds will be those urgent cases that require care and support needs or have other social needs that do not require medical care or support. In Walsall there are **three** groups that will be awarded reasonable preference for welfare needs. These are listed and detailed below.

### 1). Persons who are ready to move on from specific supported housing schemes or from care and need a stable base from which to build a secure life

The Council wants to ensure that care leavers and other vulnerable people with support needs are helped to access secure and suitable long term housing. It is important that they are able to access social housing when they are assessed as ready to move on. The Council therefore take the view that such applicants will be owed reasonable preference when the applicant has been assessed as being ready to move on. At that point they will be awarded Band A:

The Council will give Band A priority to people moving on in a planned way from supported accommodation that receives Supporting People funding.

A person who has been awarded ‘move on’ priority having been assessed as ready to move on to long term settled housing. However if an applicant registers to move not having completed their supported housing in a plan way they will be given a reduced priority. There are two categories of cases:

#### Move on Supported Housing Projects

Applicants will be awarded this category for certain listed projects in accordance with protocols agreed between the Council and the voluntary sector body. Not all applicants who occupy named supported housing projects will qualify for reasonable preference. They must have vulnerability and urgent housing need that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under this category and will be expected to be assisted by the project with support from the Housing options service to move on to social and private rented sector accommodation. The criteria for an award of reasonable preference will be:

- An applicant is ready to move to independent settled housing
- The applicant is in need of medium to long term rather than short term ongoing tenancy support.
- That support package has been assessed and is in place.
- And an applicant’s vulnerability is such that accommodation in the private rented sector would through its short term (i.e. Assured Shorthold) have a detrimental effect on their vulnerability.

To help improve overall understanding of mental health in relation to housing & priority needs for re-housing, the *‘Managing Mental Health vulnerability priority referral form for housing’* has been developed. By providing this relevant information, a consistent approach can be given by housing partners when considering priority for re-housing. This form replaces individual Social Needs Reports currently produced by mental health professionals in support of housing applications where a social need is identified.

#### Move on from Care

Applicants are awarded this category in accordance with protocols between Walsall Council’s Housing and Children Services Departments. Applicants must be a “Former Relevant Child” as defined by the Children Leaving Care Act 2002. As with the need to move on from supported accommodation not all care leavers will qualify for reasonable preference. They must be vulnerable and have an urgent housing need that is best met by the provision of long term settled housing. All other cases will not be owed reasonable preference under this category and will be expected to be assisted by the Children’s Services with support from the Housing options service to move on to private rented sector accommodation. The criteria for an award of reasonable preference will be:

- A care leaver has been assessed as ready to move to independent settled housing.
- There is evidence they possess knowledge and understanding of the life skills needed to manage a tenancy including managing a rent account.
- The care leaver is in need of either a long term or medium term tenancy support.
- That support package has been assessed and is in place if appropriate,
- and their needs are such that accommodation in the private rented sector would through its short term nature have a detrimental effect on their transition to independent living.

**2) Priority award under the Exceptional Circumstances, Welfare and Hardship criteria.** With the exception of elderly infirm applicants and those leaving care or who are ready to move on from specific supported housing schemes that need a stable base from which to build a secure life, the award of reasonable preference Priority on welfare grounds will be made by the Council under Exceptional Circumstances, Welfare and Hardship criteria.

**E. Reasonable Preference Category 166(e)** – *People who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or to others. Qualifying households will be granted Band A or Band B priority depending on the severity of the impact of their housing on their condition. Criteria details of when Reasonable Preference will be granted for this group and what Band will be relevant are given below.*

This category applies to those who need to move to a particular area within the Walsall Council boundary, where failure to meet that need would cause hardship to themselves or others. Given that the Area is geographically compact, with good transport links, an award will only be made in very exceptional circumstances. Reasonable Preference would not normally be awarded to applicants who claim that they require ongoing support from relatives or friends, unless there are severe mental health, medical or welfare issues relating to this person or a member of this person's household and exceptional reasons why this support cannot be made available through a reliance on public transport or the applicant's own transport.

### Examples when Band A reasonable preference might be awarded on hardship grounds.

#### Need to move on hardship grounds – support or employment.

- Those who need to move to give or receive care that is substantial and ongoing.
- Those who need to access social services facilities, and are unable to travel across the Area.
- To take up (or continue) employment, education or a training opportunity that is not available elsewhere and who does not live within reasonable commuting distance

All such cases will be looked at by the Exceptional Circumstances, Welfare and Hardship Panel.

### Those applicants who need to move on welfare grounds due to infirmity caused by old age

These cases will have their welfare need recognised and reasonable preference awarded should their current housing be inadequate. An assessment of an applicant's need to move due to infirmity caused by old age will be made by the Council taking into account information provided by one or more of the following:

- An applicant's GP or consultant.
- Social Services.
- Occupational Therapist.
- Age Concern or any other voluntary sector organisation representing the applicant.

### Applicants who are Statutorily Overcrowded

An applicant who is statutorily overcrowded as defined by the statutory minimum overcrowding standards or who is 2 bedrooms or more short of the bedroom standard will be awarded Reasonable Preference and placed in the band A.

Statutory overcrowding is defined by the Housing Act 1985 as follows:

Statutory overcrowding can be caused by having too many people in a room or by having too many people for the size of the room.

If two people of the opposite sex have to sleep in the same room the accommodation will be overcrowded unless the two people are:

- a married or cohabiting couple, or
- At least one occupant is under ten years old.

The number of people of the same sex (unless they are a same sex couple) who can sleep in one room is restricted by the size of the room.

The amount of space in each room: Rooms that are counted include living rooms, bedrooms and large kitchens. For the space and floor area calculations:

- children under one year old are ignored
- children under ten years old and over one count as a half
- rooms under 50 square feet are ignored.

As a general rule:

- 1 room = 2 people
- 2 rooms = 3 people
- 3 rooms = 5 people
- 4 rooms = 7.5 people
- 5 or more rooms = 2 people per room.

The floor area of a room also determines how many people can sleep in it:

- rooms under 50 square feet are ignored
- floor area 110 sq feet (10.1 approx. dminis metres approx) = 2 people
- floor area 90 - 109-sq ft (8.4 pprox.dminis sq m approx) = 1.5 people
- floor area 70 - 89-sq ft (6.5pprox.dminis sq m approx) = 1 persons
- floor area 50 - 69-sq ft (4.6pprox.dminis sq m approx) = 0.5 people.

Please note: for those applicants where their housing conditions or level of overcrowding mean that it is not reasonable for them to continue to occupy their overcrowded accommodation and as a result they are owed a Statutory homeless duty under section 193(2) of the Housing Act 1996, they will no longer be allocated priority from Reasonable Preference Category (c) as the Council will be under a legal duty to remedy the cause of homelessness through the provision of suitable accommodation. This will result in an award of Reasonable Preference for the statutory homeless duty under Reasonable Preference category (s167 (2) b).

### **Applicants who need to move due to domestic abuse, extreme violence or extreme harassment**

People who have satisfied the Council that they are fleeing severe harassment or violence from inside or outside of the home but have not been accepted as being owed a statutory homelessness duty as a result of that violence or harassment.

Note: A statutory homeless duty applies if the applicant applies as homeless and a full duty is accepted. Those cases that do not apply as homeless and wish to remain with relatives or friends can be awarded reasonable and additional preference under this group without going through the homelessness route.

### **Applicants who are or were in the armed forces**

This policy is fully compliant with statutory guidance published in June 2020 ('Improving access to social housing for members of the Armed Forces'). The following categories of persons will be deemed to have qualified under our local connection criteria.

Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing.

- a) Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application for an allocation of social housing.
- b) Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.
- c) Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

In addition regulations made under section 166A(7), requires local authorities to frame their allocation scheme to give additional preference to certain members of the Armed Forces community, where they fall within one or more of the reasonable preference categories and have *urgent* housing needs. Therefore, the following classes of persons will automatically qualify for Band A

- a) Former members of the Regular Armed Forces
- b) Serving members of the Regular Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- c) Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- d) Bereaved spouses or civil partners of those serving in the Regular Forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.

### Applicants in Private sector unsanitary or unfit properties.

This is awarded to those applicants who are living in unsanitary conditions in private sector properties where the conditions pose an ongoing and serious threat to health.

Private sector tenants and residents of dwellings where the Council's Private Sector Housing Team has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or has living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period.

A tenant of a private sector property either owned or rented where a statutory notice has been issued by the Environmental Health department that an unfit property is to be demolished under the Housing Act 2004 will be placed in Band A.

### Applicants who are under-occupying their current social housing

The Council is aware that many of the borough's family homes are currently under-occupied and that there are many houses where only one bedroom is used. While the Council appreciates the rights of a secure tenant it is also aware of the needs of families registered on the Housing Register who are in need of more suitable housing.

Tenants who are currently under-occupying a family home will be placed in Band A if they are occupying a house with at least 3 bedrooms and are willing to move to a one bedroom property or a 2 bedroom flat or bungalow.

### Applicants releasing adapted properties

A tenant who is willing to transfer to a suitable non adapted property and is releasing a house with adaptations for the disabled or a designated older persons' property will be placed in Band A.



## Section 3 Part 2: How reduced priority is awarded under this scheme

The Council has a right to reduce preference to applicants which might see applications suspended by participating Housing Associations.

This part of the Scheme describes those circumstances under which applications may be given reduced preference/suspended from accessing Housing Association property. In doing so, due regard has been given to the requirement to give reasonable preference to those categories outlined in the Housing Act 1996 (as amended). The reasonable preference categories are listed in section 3 part 1.

Those applicants that are eligible under the scheme will be assessed to determine if they are owed a reasonable preference or not. If they are, they will be allocated a Band according to the Council's allocation priority. However, where an applicant would have been awarded a specific Band due to assessed need but one or more of the factors listed below apply to their case, their application will be given a reduced preference/ suspended until the issues relevant to their circumstances has been resolved.

Applications will be given reduced preference/suspended by housing Associations in the following circumstances:

### Suspended Applications due to rent arrears/housing related debt – Band D

This could include current or former rent arrears (including temporary accommodation arrears), damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy.

All applicants are registered for rehousing in the usual way and a rent account check undertaken at the time of application.

The decision to exclude or suspend an application is made immediately after registration. The administration officer if, having checked, the applicant falls into any of the following arrears categories, the officer should take the appropriate action set out below:

1. Applicants who owe £100 or over but less than £1000 in rent arrears will have their application suspended. Before they can be reinstated they must have signed an undertaking to repay the outstanding debt and reduced the debt to less than four weeks rent. Any subsequent offer of a property would be subject to the debt being cleared at point of offer.
2. Applicants owing over £1000 rent arrears will be deemed ineligible save only for exceptional personal circumstances that will be considered on a case by case basis. This is because at the level of arrears they are considered by the Council to be guilty of unacceptable behaviour to be unsuitable to be a tenant by reason of that behaviour (that of the serious rent arrears). However if the debt is reduced to below £1000 an applicant may re-apply, with their application suspended as in 1 above.

If an applicant reduces the debt below £1000 and continues to keep to an arrangement to repay the debt then their application would retain their registration date as an incentive to clear the debt. During any period of reduced priority, an applicants' housing need should continue to be investigated and updated.

Suspension in all cases will be for a minimum of 13 weeks, unless the debt is cleared in full within the period. The only exception to this would be where a tenant cleared their arrears in full. In such a situation reinstatement to the appropriate Band should be made as soon as the relevant account becomes clear.

Should there be more than one debt, this policy must be applied to all debts owed.

The only exceptions to the policy of suspension for applicants who owe a debt in excess of £100 are:

- Those who can demonstrate that either they or their family face life threatening circumstances and as a consequence require immediate rehousing.
- Applicants in need of temporary rehousing (decant) as a consequence of fire or flood damage, together with other tenants we may agree to decant for other reasons, from time to time.

- Applicants requiring permanent rehousing as a consequence of Housing Regeneration Activity. (However such lettings are outside of Part VI and therefore made outside of this policy).
- Applicants with emergency medical needs, and who have a Band A priority to reflect that, who have made regular agreed payments for a minimum of 6 weeks.
- Applicants awarded priority for Domestic Violence.
- If an applicant has been accepted with a full homeless duty by the Local Authority and there is a statutory duty to rehouse them.

Council officers, delegated as appropriate, on receipt of sufficient supporting evidence, will place an applicant in the appropriate Band according to their circumstances. The Council will consider whether there are exceptional circumstances, such as whether the claimant has taken debt advice acted on it, has entered into and begun to implement any arrangement to clear the arrears and the regularity of any payments made to clear any debt.

### **Suspended Applications due to refusal of three reasonable offers of accommodation**

Applicants who have refused 3 reasonable offers of accommodation within 6 months of the date of the first offer will have their priority for housing reduced by being put into Band D for a 12 month period. After this 12 months period the applicant will be returned to their original band with their original date as long as a change of circumstances has not occurred. See section 5 part 4 moving up and down Bands

### **Reduced Priority due to non compliance with the tenancy agreement Band D**

This applies where the Council is satisfied, having considered all available evidence, that an applicant (or a member of their current or prospective household) has failed to adhere to the terms and conditions of any current or previous social housing or private rented sector tenancy agreement. This includes committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived. In such cases applicants will have their priority reduced and be placed into Band D This will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, that circumstances have changed, such that the previous conduct is unlikely to reoccur. In some cases this could include demonstrating co-operation with support agencies leading to a substantial improvement in behaviour.

The status will be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of six months. A regular review of Band D will be carried out and applicants, whose behaviour continues to be unacceptable, will be excluded if the unacceptable behaviour has reached an extent at which possession of the property has been or may have been achieved.

### **Reduced priority due to capital assets Band D.**

Owner occupiers who are adequately housed or people with sufficient financial resources available to them to meet their housing needs will be given reduced priority and will be placed into Band D. The Council considers £130,000 total capital/asset to be sufficient financial resource to buy a home or pay market rent in the Area unless their specific housing need identifies otherwise. The Council also considers £35,000 (single applicant) and £45,000 (joint applicant) household income per annum household income to be sufficient financial resource to buy a home or pay market rent in the area.

## **Section 3 Part 3: What are restrictive letting policies?**

### **How they are applied under this scheme**

Walsall Council reserves the right to apply restrictive letting policies in order to identify suitable applicants in particular circumstances. Restrictive letting will take the form of Local Lettings Policies or corrective action to meet the Annual Lettings Plan (see Appendix 1). Where restrictive letting is applied, the letting will

be made to the applicant with the earliest priority date in the highest Band that meets the criteria set by the restrictive letting.

The Council, reserve the right to apply any criteria while meeting the statutory obligations for Reasonable Preference. The Council may, in the interests of promoting balanced and sustainable communities agree with participating housing associations local lettings plans for specific areas, estates, or blocks. This is to ensure that there are local lettings policies that are tailored to the needs of an area, which protect the interests of existing residents and the wider community.

### The principles in applying Local Lettings Policies (LLPs)

Local Lettings Policies may be developed to meet the particular needs of a local area.

- LLPs must be evidence-based and there must be a clear need (this may take the form of recurring antisocial behaviour issues, high child densities or a concentration of older residents – see examples provided below.
- LLPs must be developed and approved in accordance with an agreed procedure that must have specific aims and will be reviewed on an annual basis.

The decision to implement a local lettings policy will be developed and approved or jointly by both the Senior Officer responsible for the Walsall Council's Allocations Scheme and the relevant Housing provider for whom the Council has nomination rights for properties held by that housing association. Any decision to implement a local lettings policy will always take into account the implications for Equal Opportunities and the need to ensure that the Council is able to meet the allocation needs of those owed a reasonable preference.

Where a property is advertised in accordance with a Local Lettings Policy (LLP), the letting will be made to the household with the earliest priority date in that group who meets the eligibility criteria of the LLP and also meets the entitlement rules around size eligibility.

### Examples of Possible Local Letting Policies:

The following are examples of local letting policies that could be employed in Walsall covering an area, estate, or block:

- Age restrictions.
- Transfer applicants with a positive tenancy history in respect of no rent arrears and exemplary behaviour.
- Policies that are geared towards encouraging applicants who work or volunteer to live in an area.
- Applicants who are key workers as defined by the Council.
- Lettings to employed persons where there is a high concentration of existing residents who are out of work.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate or scheme.

Local Lettings Schemes will be subject to a review at least every 12 months, or as and when changes to an estate, area or block, necessitate such a review.

# Section 4

In this section of the document we explain areas of the scheme under which specific criteria are applied.

**Part 1: How we allocate to homeless households under the scheme**

**Part 2: How Serious Offenders are dealt with under the scheme**

**Part 3: How Medical Assessment and Adapted Homes are dealt with under the scheme**

**Part 4: How Retirement and Extra Care Housing is dealt with under the scheme**

**Part 5: How we determine the size and type of property for which applicants are eligible**

**Part 6: How Lettings to Staff, Board Members of relevant organisations, Council Members, Co-optees and relatives of these groups are determined**

## Section 4 Part 1: How we allocate to homeless households under the scheme

This part applies to applicants who are considered to be homeless under Part VII of the 1996 Housing Act (as amended). The Local Authority has a legal duty to secure settled accommodation for households who are homeless or at risk of becoming homeless (unless certain exceptions apply). The Council will do all they can to prevent homelessness and where this is not possible an assessment will be carried out by the Council's Housing Options team.

It is recognised that social rented housing is not the only tenure available to homeless households and where appropriate they will be encouraged to accept rehousing in the private sector. Where possible the Council will look to offer private rented options to give applicants a wider choice of tenure and location. If a household already has an application for housing with the Council and that application has a Reasonable Preference award, the original date of that award will stand, even if a subsequent positive homeless decision is made. No extra priority will be awarded.

Statutory Homeless applicants will be entitled to one reasonable offer under the scheme. If an applicant has the duty discharged by this one offer and refuses the offer they are entitled to remain on the Allocations Scheme and their priority will be assessed accordingly. If their housing circumstances still qualify them for reasonable preference then the original date of the award can be kept but they will not be entitled to reasonable preference for being assessed as statutory homeless duty under sections 189(B), 193(2) or 195(2).

Whether or not a homeless applicant accepts an offer of accommodation made under the scheme, they have the right to request a review of the suitability of the accommodation they have been offered in discharge of the Council's Part VII duty. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability. If the applicant has been accepted as being owed a statutory duty by the Council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances an applicant will no longer be entitled to any duty, will have to leave any temporary accommodation provided and make alternative accommodation arrangements.

### Intentional Homelessness

If an applicant is assessed under Part VII of the Housing Act as intentionally homeless then the applicant may be given a reduced priority.

## Section 4 Part 2: How serious offenders are dealt with under this scheme

Walsall Council will make an assessment of risk to the community of any applicant who has been convicted of a community offence and is considered to present a significant risk to potential neighbours and/or communities. This assessment will determine whether;

- either the risk is too great and therefore the applicant is ineligible to appear on this scheme due to the eligibility criteria that apply to applicant's guilty of serious unacceptable behaviour, or
- the risk is such that the applicant will be considered for housing provided an undertaking is signed to document an agreed cooperation and the applicant is placed in a Band appropriate to the applicant's need
- the risk is such that the applicant will be eligible for housing but the application will have reduced priority

At the time of registration, an applicant is asked if s/he or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order that has not been spent.

If the applicant answers yes, a supplementary questionnaire and declaration is sent to the applicant asking for more details and for permission from the applicant to contact the Police and/or Probation Service.

The result will be one of the following

- i) Some applicants will be assessed as ineligible for housing due to evidence of past unacceptable behaviour that would warrant an outright possession order through the courts. In such cases, these applicants will be treated as ineligible: see section 2 part 1.
- ii) Some applicants will be deemed lower risk providing they agree to and sign up to a behaviour contract and provide two satisfactory references in which case they will be placed in a band appropriate to their need..
- iii) Some applicants will be allowed on the scheme and given reduced preference to Band D until they have demonstrated to the Council their ability and willingness to satisfactorily perform the requirements of their tenancy agreement.

On a case by case basis the Council may only make offers to certain applicants when an appropriate package of support is in place. Additionally, for certain individuals, offers will only be made when serious consideration has been given to child protection issues and where accommodation is an integral part of the risk management plan.

## Section 4 Part 3: How medical assessment and adapted homes are dealt with under the scheme

### Adaptations

Properties which are adapted or which the Council believe are suitable for adaptation, or which are otherwise potentially suitable for applicants with a substantial disability or other special reasons may be allocated directly to the most appropriate applicant and outside any strict Band date order. This may, depending on the characteristics of the property, include cases where a ground floor flat is available and an applicant with very high priority requires such accommodation. Rather than select an applicant with general needs to the property the Council reserves the right to allocate to a high priority applicant in need of such accommodation via the Walsall Adapted housing Service.

### Medical Assessment

Applicants who have a medical need will be asked to complete a Medical Form, which will be assessed by the Council. Applicants will only be offered additional preference (Band A) if their medical condition significantly affects their need for accommodation

The criteria to be considered relate to the extent that the health of an applicant, or an immediate member of the applicant's family, will significantly improve by a move to alternative accommodation. The assessment is not based on the seriousness of an applicant's condition, but is solely based on the impact of their current housing on that condition and whether this would improve significantly through a move to alternative housing.

Following assessment either Band A, Band B, or no priority will be awarded.

Following assessment, the Council will decide whether to award priority or not on the basis of the information provided in the medical form and where appropriate, any additional information requested from the GP, hospital consultant or Occupational Therapist.

## Section 4 Part 4:

### Retirement housing (Sheltered Housing)

Retirement housing comprises properties designed especially for older people. They offer independent living with security and peace of mind.

To be eligible for retirement housing applicants must be

- aged 55 or over or
- Be eligible for housing as per the published Allocations Scheme of Walsall Council and appear in the appropriate Band within the Allocations Scheme.
- Be assessed for support that is provided by the Scheme Manager during working hours where appropriate. Applicants must be deemed suitable for the scheme and confirm they do not have support needs that are unable to be met or would be detrimental to the Scheme itself or other tenants.
- Be made aware of the costs of moving into the Scheme before a letting is carried out. This is especially in regard to Supporting People costs where these are not covered by Housing Benefit.

Therefore restrictive letting (see section 3 part 5) will be applied to vacancies. It is a condition of all tenancies in sheltered housing schemes that tenants agree to take the Care Line and Warden Service. Separate charges are made for these services on top of the rent.

### Extra Care

The purpose of Extra Care Housing is to provide older people with their own home and tenancy within a support and care environment ensuring that appropriate personal and housing support are available as required. All applicants will be registered and assessed for rehousing in line with Walsall Council's Allocations Policy.

A medical assessment will be requested as per Walsall Council's policy and procedures for housing applicants where an applicant says they have a medical need.

To be eligible for the scheme all potential tenants must:

- Be over 60 years of age.
- Be eligible for housing as per the published Allocations Scheme of Walsall Council and appear in the appropriate Band within the Allocations Scheme.
- Be prepared to agree to the scheme requirements and consider use of the care provider to meet any care needs either at the letting or if needed in the future.
- Be made aware of the costs of moving into the scheme before a letting is carried out. This is especially in regard to Supporting People costs where these will not be covered by Housing Benefit.

Extra Care will be approved by the Senior Social Worker manager for the Council who will require an up to date social care assessment in an appropriate format outlining the prospective tenants housing and social care needs and a medical/social history to enable he or she to arrive at an informed decision as regards whether their needs can be met within the scheme.

A potential tenant must meet all scheme criteria. These allocations will be made directly and will formally be made by the rehousing team following a pre offer interview with the Scheme Manager.

A potential tenant must also undertake a pre-offer interview with the Scheme Manager and be shown the facilities at the scheme to ensure that all parties are comfortable with the responsibilities and expectations of a tenancy within an Extra Care Housing scheme. This also gives the prospective tenants an opportunity to find out more about the scheme and to make an informed decision about moving.

## Section 4 Part 5: How we determine the size and type of property for which applicants are eligible

### Type of accommodation

Retirement housing and Extra Care housing will normally be available only for applicants aged 60 or over, or who are over 55 and in particular circumstances.

Accommodation that is designated as supported housing will be available only for applicants who are eligible for that particular accommodation. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care.

Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly labelled.



### Size and type of property for which applicants are eligible

In order to make the best use of the available housing stock, it is essential to let vacancies to those who need that size and type of property. Examples include houses with two or more bedrooms to be let to families with young children, retirement housing to be let to older people and properties that have been built or adapted for a person with a physical or sensory disability.

When deciding the size and type of property for which applicants are eligible, the Bedroom Standard set out in section 3 part 1 will normally be used.

In exceptional circumstances the Council, delegated as appropriate, may exercise discretion in deviating from the Bedroom Standard. Examples are:

- For those applicants who are separated or divorced and sometimes care for their children, the Council officer will consider how often and for how long the children stay with them. If appropriate, that officer may exercise discretion and award additional bedrooms for the children in accordance with the code of guidance.
- Where applicants require larger accommodation on health grounds. This will be considered on a case by case basis, taking into account the advice of a qualified medical advisor.
- Where there is little or no demand for a particular vacancy and it is therefore difficult to let.
- Where no suitable applicants can be identified to make the best use of larger accommodation.
- Where there are child density issues and the landlord wishes to under-occupy the property in this instance for management reasons
- Where the applicant has been approved as a foster carer by Children's Services, and so will need a larger property than normally required by the household.
- Where the applicant or a member of the household needs the support of a carer who will need to sleep in the home and cannot reasonably be expected to share a bedroom with another member of the household. See paragraph below for more information about including a carer in a housing application.

### Including a Carer in the application

A carer is someone who, with or without payment, provides help and support to a partner, relative, friend or neighbour, who would not manage without their help. This could be due to age, physical or mental health, addiction, or disability. In all cases the carer must have been identified by the applicant as the person who is primarily responsible for providing them with care and the need to live with them or near them.

Even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.

In some limited circumstances it may be possible to consider cases where the carer is not in receipt of Carer's Allowance. Under these circumstances it will still be necessary for the applicant to demonstrate that the person looked after is in receipt of one of the following benefits:

- Carers Allowance
- Disability Living Allowance – paid at either the middle or higher rate for personal care.
- Attendance Allowance
- Constant attendance Allowance
- Disablement benefit.

## **Section 4 Part 6: How Lettings to Staff, Board Members of relevant organisations, Council Members, Co-optees and relatives of these groups are determined.**

This policy is designed to ensure that Walsall Council and its housing association partners operate in an open and transparent manner and are seen to be acting properly when letting homes to staff, Council Members, RP Board Members or Co-optees and their relatives.

The Part VI Allocations Scheme is open to any eligible applicant and there are stringent checks in place that all applicants must follow.

Staff, Board Members, Council Members and Co-optees and their relatives are treated as any other applicant and must be seen to not be gaining any advantage or disadvantage or any preferential treatment in the course of their application.

Therefore, the following procedure must be undertaken to ensure that any letting can be subject to a high level of scrutiny.

- The applicant who is applying for housing or their relative must have no direct input into any decisions regarding their rehousing. This includes not inputting the original application onto the Register system or adding any priority at any time onto the application.
- Staff members must also not have any involvement in the inputting of the application or awarding of priority for any relative.
- Applications should be clearly marked on the housing management system that the application is that of a staff member, Board Member, Council Member, Co-optee or relative.
- When such an applicant is showing at the top of a queue, a 'record of interest' form must be completed and signed off before any offer of a property is made. The details of the offer must be scrutinised and detailed on the form and signed off by the appropriate Head of Allocation acting on behalf of the Council, or in the case of Council Members or their relatives being offered accommodation this form must be signed off by the Head of Customer Engagement for the Council.
- Attached to the form must be copies of the computer screens of all the appropriate information from the housing management system including the shortlist from which the applicant is being offered from, together with reasons for any applicants above them being not made the offer.

# Section 5

In this section of the document we explain the administrative processes that support the application of the scheme.

**Part 1: Walsall Council's Service Standards for administering this scheme.**

**Part 2: How to make an application, and how applicants are assessed**

**Part 3: Advice and Assistance**

**Part 4: How changes in circumstances are dealt with**

**Part 5: Additional legal duties, confidentiality and how to make a complaint**

## Section 5 Part 1: Walsall council's service standard for administering this scheme

### Our Customer Commitment to all Applicants

The Council will act as both administrator and performance monitor of the scheme; to ensure;

- That legal obligations are met when allocating all accommodation including nominating people to accommodation owned by housing associations
- Provide free advice and information about the right to apply for accommodation.
- Provide free assistance to applicants who may have difficulty when making an application.
- Make sure any information provided is easy to understand and is readily accessible.
- Outline how we offer choice and the ability for applicants to express preference.
- Provide information to all applicants of what types of accommodation are available throughout the district.
- Provide information about how long applicants are likely to have to wait before being nominated to accommodation.
- Provide a full copy or a summary of this Allocation Scheme to all households who request them and will always provide a short summary of the scheme to all who are accepted as being owed a full duty as statutorily homeless.
- Treat each applicant equally in accordance with their need and where possible their choices, regardless of race, religion or creed, ethnic or national origin, nationality (subject to other provisions), disability, gender, sexual orientation or marital status.
- Regularly monitor ethnic origin and disability of applicants who apply for accommodation.
- In allocating to housing association accommodation made available to the Council pursuant to a Nomination Rights Agreement, the Council will deal with that nomination under a nominations and exclusions agreement with the Housing Association concerned.
- Ensure that all information provided by applicants will be treated in strictest confidence. The Council will comply fully with the Data Protection Act in relation to all information it holds about applicants.

## Section 5 Part 2: How to make an application, and how applicants are assessed

### Who will administer the Council's Allocations Scheme?

Walsall Council administers the Housing register and the Council's Allocation scheme.

There is no statutory requirement to maintain a Housing Register. However the Council believes there are significant benefits for the people of Walsall in maintaining a housing register that provides a single point of entry to homes where the Council has nomination rights from various social landlords.

Applications for Housing are made under the Council's Allocations Scheme using a standard form which is available in a paper format and online at each participating housing provider and council office. Having received the application in full, including required supported information then the assessment and awarding of any priority in recognition of the applicant's housing needs will be carried out by the Council.

The Council has "nomination" rights over housing association stock in the area. This confers the right to promote applicants from the Walsall Housing Register for the purpose of securing lettings with housing association landlords. The application of these rights will be undertaken strictly according to this Allocation Scheme.

### Application Pack

Applications for this scheme can be made on line and support will be given to do this by all participating housing Associations.

Every applicant who requests an application pack will receive an application form with guidance notes on completing it and a summary of this Allocation Scheme, including the review and complaints procedure, and information regarding how to access available properties on line.

Completing the application form

Applicants are encouraged to complete the form themselves on line. However, if completed at any relevant Partner office, staff will go through the form with the applicant to ensure that the required information is collected. Staff will give support in completing the form if requested by telephone and translation services will be made available should they be needed.

Allocating properties

All properties will be allocated by making direct offers to applicants based on their respective banding priority and registration date, where the oldest registration date will determine the offer of accommodation for two applicants within the same priority band.

In circumstances where an applicant has refused 3 reasonable offers of accommodation within a 6 month period, their priority for re-housing will, be suspended for a 6 month period from the point of the third refusal (see section 5 part 4 'Moving Up and Down Bands'). The exception to these rules is for Homeless applicants owed a homelessness duty under the Housing Act 1996 where only one reasonable offer will be made (See section 4 part 1) and refusal of that offer will result in the discharge of the Council's homelessness duty.

It is recognised that the supply of social housing in the borough will rarely match demand leaving a shortfall in available properties. To ensure that the Council meets the needs of the local community, and in particular those in the most pressing housing need, it reserves the right to temporarily suspend making offers of accommodation to households who qualify for Band C.

### Assessing Applications - our customer service standard

Once an Application for Accommodation under this Scheme has been submitted the Council will endeavor to:

- Allocate the applicant to a Band within 28 working days from either (a) receiving ALL the information required to process the application, or (b) reaching a decision that the Council owes the applicant a full homelessness duty. Where there is a need to visit an applicant or make further enquiries to confirm an applicant's circumstances, any Band awarded will be provisional pending that a successful visit or other full confirmation of circumstances.
- If there is a need to visit an applicant, or for an interview to be arranged to clarify details contained on the form, arrangements will be within 7 days of receipt of the application.
- Confirm any final allocation to a Band in writing within 28 days of any such interview, visit, or the completion of further enquiries.

### Information Requests

An applicant will, on request, be shown and given a copy of his/her entry on the Allocations Scheme. The Council will also, on request from the applicant, provide such information that is practicable and reasonable to supply, to explain their position and priority on the Allocations Scheme in relation to when an offer of suitable accommodation might be made. An applicant has the right to be informed of any decision about the facts of their case which is likely to be taken into account when considering whether to allocate housing to them.

## Section 5 Part 3: Advice and assistance

The Council acknowledges that (except in certain circumstances) this Allocations Scheme requires the active participation of housing applicants and to reflect this fact the Council aims to provide advice and assistance to ensure that no person is disadvantaged by the way the Scheme operates.

General Information about the scheme will be made available as follows:

- Information about the procedures for applying to go onto the scheme and for applying for advertised vacancies;
- Information about how applicants are prioritised under this scheme;
- How successful applicants will be selected;
- Information about review procedures;
- What their prospects are in acquiring the property types and areas in which they are interested.
- What information they need to supply in regard to verification and when this information will need to be provided.
- If they are awarded reduced priority or are found to be ineligible what they need to do to rectify this.

When offers of accommodation are made, applicants will be informed of:

- Location
- Property type, size and floor level
- What type of heating it has and whether it has a heating charge payable that is not covered by housing benefit
- Whether such things as a garden or parking are available with the property
- The amount of rent and any other charges that are payable
- Where possible and available photos of the property and links to guides about the local area
- The level of adaptations to the property
- Whether the property is accessible to the disabled

Applicants who have any difficulty reading or understanding this Allocations Scheme will be offered the following services:

- An interpretation service if their first language is not English.
- Signing if speech or hearing is impaired.
- Provision of documents in large print, Braille or on computer disk or audiotape if an applicant is visually impaired.
- An interview to explain the content of this document and information about where independent advice can be obtained about the Council's scheme.

As there are likely to be many more applicants than properties available, the Council will also provide information about other housing options. This will include:

- Advice on Housing Associations and their non-nomination propertiesAdvice and help on renting in the private sector if there are few homes available in the areas where they wish to live.
- Advice on available low cost home ownership options.

## Section 5 Part 4: How changes in circumstances are dealt with

### Review of Applications

Each application on the Allocations Scheme will be reviewed annually and may be reviewed every 6 months; an applicant will be notified of the review. Failure to respond to correspondence in relation to the review may result in the applicant being deleted from the Scheme. Applicants who are deleted will be notified in writing. If good reason can be shown why there was a failure to respond to the review then the application will be reinstated.

### Change of Circumstances

All applicants are required to notify Walsall Council immediately of any change to their circumstances which may affect their priority for housing. Applicants who are suspected to have had a change of circumstances and have not informed the Council may have their application status changed to 'application is pending' whilst an investigation takes place in order to determine eligibility.

Applicants should notify the Council of any change in their circumstances preferably by updating their application on-line, in writing or e mail. The e mail correspondence address is:

**allocations@walsall.gov.uk**

The postal address is Walsall Council, Civic Centre, Darwall Street,Walsall, WS1 1TP

Notification is required for:

- A change of address, for the applicant or any other person on their application.
- Any additions to the family or any other person they would wish to join the application (Please note it is for the Housing Association to decide whether they will allow a person/s to join the application).
- Any member of the family or any other person on the application who has left the accommodation.
- Any change in income, assets or savings.

### Moving Up and Down Bands

The following rules will apply to applicants on the Allocations Scheme:

When an applicant first applies to the Allocations Scheme their application will be accepted once all information is received. They will be assessed and placed in a Band with the date of application as their 'queue' date. This is the date that will be used to determine the applicant's priority for any offers.

If the applicant subsequently has a change of circumstances the application will be reassessed and one of following four outcomes will occur:

- An applicant may gain greater priority on the scheme and enter a higher band.
- An applicant may lose priority or preference due to their circumstances and enter a lower band.
- An applicant may be assessed as being in the same band.
- An applicant may become ineligible for the Council's Allocations Scheme.

If an applicant provides information which places them in a higher band following assessment their queue date in the new band will be the date on which they were assessed and accepted for that band. *e.g.: if an applicant entered Band C on the 1<sup>st</sup> January 2018 and then is reassessed and placed in Band A on the 1<sup>st</sup> January 2020 their date in Band A will be 1<sup>st</sup> January 2020.*

If an applicant provides information which places them in a lower band following assessment their queue date in the new band will be the same as the queue date from the band they were in previously. *E.g.: if an applicant entered Band A on the 1<sup>st</sup> January 2018 and then is reassessed and placed in Band C on the 1<sup>st</sup> January 2020 their date in Band C will be the 1<sup>st</sup> January 2018.*

If an applicant stays in the same band their queue date does not change even if new information has been assessed. Exceptions to this are as follows:

- If an applicant has their priority reduced due to refusing 3 reasonable offers in a 6 month period then they will enter reduced priority Band D and their queue date will be the same as the queue date from the band they were in previously.
- If an application is placed back at "Application is Pending" stage during investigations into an applicant's circumstances but the result of the investigation is that the applicant is assessed as being in the same Band they were in prior to investigation they will be reinstated into the Band with the queue date they had previously.

### Deletion of Applications

Applications will be deleted for one or more of the following reasons:

- An applicant requests cancellation;
- An applicant's circumstances change and they are no longer eligible under this Allocations Scheme;
- An applicant fails to respond to a review;
- An applicant has been housed in a secure or assured tenancy by another Local Authority, or a housing association in or outside of the Walsall area.
- The applicant has died and there was no other person on the application



## Section 5 Part 5: Additional legal duties, confidentiality and how to make a complaint

### Equality and Diversity

Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible.

This scheme will be subject to periodic equality impact assessments.

### Confidentiality

The fact that a person is an applicant on the Allocation Scheme will not be disclosed (without their consent) to any other member of the public.

### Data protection and information sharing

All information held is subject to the Data Protection Act 1998. The Council will seek the express consent of applicants joining the Allocation Scheme to share personal information about the applicant, and any member of their household.

### Information sharing without consent

Information may be shared about the individual and their history irrespective of whether their consent has been obtained in exceptional circumstances which will include:

- In accordance with the provisions of the Crime and Disorder Act 1998 (Section 115).
- Where there is a serious threat to the other party's staff or contractors.
- Where information is relevant to the management or support duties of the proposed landlord or support organisation to ensure the health and safety of the applicant, a member of his or her household, or a member of staff.

### False statements or withheld information

It is a criminal offence for applicants and/or anyone providing information to this Scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (s171 Housing Act 1996). This includes but is not limited to information requested on the housing registration form, in response to correspondence at the renewal of the application, or relating to any other review of the application. An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be given the status 'application is pending' during the investigation and will be excluded from being considered for offers until an outcome is reached.

If the outcome of any investigation is that they did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application will be reinstated from the date of registration meaning the relevant applicant should not suffer prejudice. However, where the investigation shows that false information was provided on the application form, or was deliberately withheld, this may render the applicant ineligible.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by the 1996 Act, s.146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenants instigation. Where this is the case the housing associations will pursue recovery of possession vigorously.

If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it may result in an applicant being removed from the Scheme and rendered Ineligible.

### Reviews and Appeals

General Information

- Applicants have the right to request such general information as will enable them to assess:
- how their application will be treated and whether they will be given any preference
- whether housing accommodation appropriate to their needs is likely to become available and how long they may have to wait for an allocation of such accommodation

### Information about decisions and reviews

Applicants have the following further and specific rights to information about decisions and rights of review of decisions:

- the right, on request, to be informed of any decision about the facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them
- the right, on request, to review a decision mentioned above, or a decision to treat them as Ineligible due to unacceptable behaviour serious enough to make them unsuitable to be a tenant
- the right to be informed of the decision on the review and grounds for it.

Applicants should request a review in writing within 21 days of being notified of a decision. The Council will determine the review within 56 days of the request or such longer period as may be agreed with the applicant. The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed. The Council's decision on review is final and any challenge to that decision can only be made through judicial review proceedings.

Reviews will be carried out by Walsall Council's Head of Customer Engagement, or will be delegated to an appropriate officer who was not involved in the original decision.

### Review of Suitability – Homeless Applicants

Whether or not a homeless applicant accepts an offer of accommodation made under the scheme, they have the right to request a review of the suitability of the accommodation they have been offered. Homeless Applicants are therefore encouraged to accept the offer that has been made to them, even if they intend to request a review of its suitability. If the applicant has been accepted as being owed a statutory duty by the Council, this duty, subject to a right of review, will have ceased if the property is refused. In such circumstances an applicant will no longer be entitled to any duty, will have to leave any temporary accommodation provided and make alternative accommodation arrangements.

### Complaints

An applicant who is not satisfied with the service that they receive may register a complaint with the Council's Complaint procedure by telephone, e-mail or in person. All complaints will be acknowledged and investigated.

The best way to make a complaint is to do it directly. Making a complaint locally to the department will give the quickest results and get a response from those who are fully aware of the issues surrounding the complaint.

A complaint can be made in person, by telephone, by post or by online form. The complaint will be answered within fifteen working days, or an explanation given if it will take longer.

The applicant can ask someone else or an organisation such as Citizen's Advice Bureau to make a complaint on their behalf. For those whose first language is not English, assistance can be obtained from the Council. To help you, key contact details of addresses, telephone numbers and an online form for each service are given below:

Translation

#### **Equality and Diversity Team**

Walsall Council  
Room 16b  
Council House  
Lichfield Street  
Walsall  
WS1 1TP

Telephone 01922 653306  
Textphone 0845 111 2910  
Email: [equality@walsall.gov.uk](mailto:equality@walsall.gov.uk)

#### **Homelessness and Housing Advice Service**

2<sup>nd</sup> floor  
Civic Centre  
Darwall Street  
Walsall  
WS1 1TP

Telephone 01922 653405  
Fax 01922 653421  
Minicom 01922 652637  
Email [housingadvice@walsall.gov.uk](mailto:housingadvice@walsall.gov.uk)

If the applicant remains dissatisfied following the outcome of their complaint they may also make a complaint to the Local Government Ombudsman.

# Appendix One:

## Annual Lettings Plan

The Housing Act 1996 requires each housing authority to determine, and publish, an Allocations Scheme setting out how it will prioritise applications for social housing. In doing so, the Council must accord Reasonable Preference to specific groups of applicants including for example the homeless and overcrowded households. A key element of the Allocations scheme is the annual Lettings Plan that should be agreed, reviewed and published annually by the Council. Such a plan is a strategic tool that enables lettings practice to be linked to wider strategic issues.

Lettings made will be monitored against this. The annual lettings plan is devised to ensure that the Local Authority meets its statutory obligations. All lettings made under Part VI, are counted for the purposes of the lettings plan.

If monitoring shows that outcomes are not as per the lettings plan, the Council reserves the right to implement a quota system to ensure that it meets both its statutory obligations to those owed reasonable preference and its strategic objectives in enabling balanced, sustainable social housing communities.

Broad targets that are to be set and agreed can be monitored and adjusted (if necessary) to ensure that priorities are delivered, and the needs of those groups with Reasonable Preference are met. The lettings planned for the different Bands have been configured to reflect current priorities of the Council which include overcrowding and under-occupation (making best use of stock) and statutory homeless households (and reducing the need for temporary accommodation)

Actual lettings outcomes will be measured against the plan to monitor the effectiveness of the Allocations Scheme in meeting identified needs. This is not only for actual lettings to Bands but also, as far as is possible, a split of property types within lettings areas.

## Future Lettings Plans

After the first year of this plan, accurate data will be available on lettings made under the new Scheme that will help to inform subsequent plans. This will include:

- Live applicants on the Council's Allocations Scheme – split by Band and ethnicity.
- The split of need within Band i.e. how many applicants have Reasonable Preference, for which reasons and how many applicants have increased priority for being a working household etc.
- How many properties are let through the Council's Allocations Scheme and to which Band, and to which Reasonable Preference group within a Band?
- The percentage of a particular Reasonable Preference group that has been rehoused within the year.
- The outturn of which properties across areas have been let to which Bands.

All of the above will be reported annually with a recommendation for the next years' plan and therefore ensure that the lettings process within Walsall is transparent.

## Appendix Two:

### Local Connection Criteria

Applicants must meet the local connection criteria in order to be able to join the Council's Housing Register (Section 199 Housing Act 1996).

The following factors will be taken into account in determining whether or not an applicant has a local connection with the Walsall Council area. An application is awarded a local connection if an applicant or a member of their household included in their application:

- has lived in the Council's area continuously for the last 2 years and that residence was of their choice.
- Has close family living in Walsall who have lived in the area the previous five years; or
- has settled employment in the Walsall Council area. Employment is defined as paid employment for at least 16 hours or more per week for a continual period of at least 6 months and is not work that is considered to be temporary, casual or seasonal and to travel to work by public transport would take the employee in excess of 90 minutes each way and they do not have their own transport.

There are a number of exceptions to the 2-year residency rule. These are:

1. Applicant's owed a homeless duty by the Council.
2. Where Walsall Council has placed an applicant into temporary accommodation outside of the Council's area that period of time in temporary accommodation will count as residence in Walsall.
3. Where the Council agrees that there are exceptional circumstances requiring a move into an area. This will be decided on a case-by-case basis. Examples where circumstances may be considered to be exceptional include:
  - Reasons of safety, for example when an applicant is fleeing domestic abuse or hate crime from another area, or
  - An applicant is on a witness protection programme and the Council has agreed that a move to the Walsall area is essential.
4. The Council will consider any application from a gypsy or traveler household where the applicant may not meet the 2-year continuous period of residence rule, if the period has been broken by travelling. The facts of each case will be considered when deciding whether the rule should be waived.
5. Care Leavers below the age of 21 years (or 25 if they are pursuing a programme of education agreed in their pathway plan) who are owed a duty under section 23C of the Children Act 1989 by Walsall Council or another County or Unitary Council and have been looked after in accommodation outside of Walsall and wish to live in Walsall.
6. Applicants who satisfy the right to move criteria. The Right to Move qualification regulations 2015 states that local connection qualification rules must not be applied to existing social tenants who seek to move from another Council district in England, and who have a need to move for work related reasons to avoid hardship.
7. Where at the date of application the applicant is not currently resident in the Walsall area whilst:
  - a)receiving medical or respite care
  - b)-serving a custodial sentence

The applicant will be considered to have a local connection for residence as long as they had been living in the Council's area for 2 continuous years prior to their current accommodation circumstances.

8. Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 will be exempt from the local connection qualification rule.

The onus will be on the applicant to prove their continuous residence through official documentation as prescribed in a list published from time to time by the Council, demonstrating at least two years residency in Walsall.

Though not exhaustive, the following documentation may be used to form proof of residency:

- Housing Benefit records
- Council Tax Benefit and Council Tax Reduction records
- Council Tax records
- Housing Services system records
- Tenancy agreement
- Utility bills (gas, electric, water)
- Television license and telephone bills (landline only)
- Full bank statements showing name, address and date of issue
- Credit card statements
- Department for Work and Pensions benefit notification letters
- Educational establishment records
- Any Council records which can legally be used for this purpose

**Note:** Medical cards, mobile telephone bills/statements, catalogue bills/statements and confirmation (both written and verbal) from Members will not be considered under any circumstances.





**Customer Engagement**

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