

Housing Allocation Policy

DRAFT

A Housing Options Approach for
Rotherham

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Part 1. Introduction

1.1 Purpose

The Housing Allocation Policy sets out who may or may not join the Council's housing register, how to apply for social housing by joining the housing register, and how the Council makes decisions about allocating homes.

The Policy applies to both new applicants and existing Council/social housing tenants who wish to transfer to another home and covers important issues such as:

- Who is eligible to apply for housing.
- Circumstances when an applicant will not be eligible to join the Housing Register or will not qualify to do so.
- The process of applying for housing, including 'bidding.'
- How housing needs are assessed.
- How properties are allocated to different household sizes and circumstances.
- How the Council will consider exercising discretion.
- How offers of accommodation are made.

1.2 Policy aims and objectives

The aim of the Housing Allocation Policy is to help residents in greatest housing need to gain access to suitable and appropriate accommodation while making best use of the Council's available housing stock and supporting sustainable and successful communities.

There is not enough social housing in Rotherham to meet the demand from everyone who has a housing need or who has registered to move, therefore we need to have a system in place which ensures available homes are allocated fairly.

The objectives of the Housing Allocation Policy are:

- to meet the legal requirements placed on the Council to give appropriate priority to applicants who fall under the Housing Act 1996 "reasonable preference groups". This is to ensure that social rented housing is let to those in greatest need.
- to make the best use of Rotherham's available social housing.
- to have a system for assessing applications and allocating homes that is fair, transparent, and easy to understand.

- to offer choice to applicants wherever practicable.
- to meet the wider objectives of the Council's housing and homelessness strategies.
- to support and promote sustainable and successful communities.

1.3 Making changes to the Policy

The Policy will be reviewed and revised as required in response to:

- any national policy or legislative changes.
- policy changes instigated by the Council.
- to reflect the requirements of any leading and relevant new case law.

Any significant changes to this Policy will be approved by full Council. For minor changes to the Policy, decisions will be delegated to the Strategic Director responsible for Housing in consultation with the Cabinet Member for Housing. Decisions on changing the operating procedures will be delegated to the Strategic Director and use sub delegation scheme to the appropriate officer.

Any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending this Policy to every Private Registered Provider operating in the Borough and giving them a reasonable period to comment on any proposed changes. This is a requirement under Section s166A (13) of the Housing Act 1996 part VI.

The Council will take any steps within the reasonable period, to bring to the attention of applicants likely to be affected by:

- any alterations made to this Policy.
- any subsequent alteration to this Policy that would affect the relative priority of a large number of applicants; or
- any significant alteration to any associated procedures for administering this, Policy.

Where a full review of the Policy is undertaken, the Council will adopt local government good practice guidelines and undertake a broad consultation that includes relevant statutory and voluntary sector organisations, tenant representatives, and applicants to the housing register.

1.4 Legal framework

The Housing Allocation Policy sits within a legal framework that is summarised in this section.

The 1996 Housing Act VI (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Policy. A summary of the Allocation Policy must be published and made available free of charge to any person who asks for a copy. This document is available on the Council's web site: www.rotherham.gov.uk

The Housing Act 1996 VI, (as amended) requires local authorities to give 'reasonable preference' in their Allocation Policy to people with high levels of assessed housing need who are defined as:

- all homeless people as defined in Part VII of the Housing Act 1996
- people who are owed a duty under sections 190 (2), 193 (2), or 195 of the Housing Act 1996 (or under Sections 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 insanitary, 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 area to avoid hardship to themselves or others.

The Housing Act 1996 VI also requires councils to state within their Allocation Policy their position on offering applicants a choice of housing accommodation or offering them the opportunity to express a preference about the housing accommodation to be allocated to them. In developing this Policy, the Council has had regard to the law and regulatory requirements, including:

- The Housing Act 1996, VI as amended by Localism Act 2011 (England).
- The Housing Act 1996, VII as amended by the Homelessness Reduction Act 2017.
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code".
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264.
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and all subsequent amendments.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.

- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.
- 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'.
- Equality Act 2010.
- Data Protection Act 2018
- UK-GDPR (General Data Protection Regulation) 2021.
- Care Act 2014.
- Human Rights Act 1998.
- Domestic Abuse Act 2021; and
- Children and Social Work Act 2017.

In framing the Allocation Policy, regard has also been given to the Council's current:

- Housing Strategy.
- Homelessness and Rough Sleeping Strategy.
- Tenancy Strategy.
- Relevant caselaw.

1.5 Equalities

Under the Equality Act (2010) the Council has a legal duty to fulfil the requirements of the Public Sector Equality Duty (PSED). Through this duty and in the application of this Policy, the Council will carry out its functions in a way that:

- Removes discrimination, harassment, victimisation, and any other conduct that is unlawful under the Equality Act (2010).
- Promotes equal opportunities between people who have a protected characteristic(s) and those who don't.
- Encourages good relations between people who have a protected characteristic(s) and those who don't.

1.6 Data protection and information sharing

The Council regards respect for the privacy of individuals and the lawful and careful treatment of personal information as very important to delivery of services. The Council will ensure that it treats personal information lawfully and proportionately as set out in the General Data Protection Regulations (GDPR) and Data Protection Act (2018).

Information provided when anyone makes an application to join the housing register and any information received in administering and processing an application will be treated as confidential.

To process a housing application and assess housing need, applicants will be asked for consent in sharing information (where appropriate) with other third-party organisations, such as partner landlords and other agencies such as the police, probation service, social services, health and other local authority departments and statutory bodies.

Information may be shared without the applicant's specific consent in the prevention and/or detection of crime, the prevention and/or detection of fraud, in matters relating to safeguarding of an individual or others and/or any rule of common law and where necessary under the clauses or exemptions of data protection legislation and other statute and legal obligations.

1.7 Statement of choice

It is a legal requirement for the Council to include within its Allocation Policy a statement on choice.

The Council will let many of its properties through a system called choice-based lettings. In addition to choice-based lettings, other properties will be directly let to households as detailed in section 6.2 of this Policy.

Properties advertised via choice-based lettings means that applicants will be able to 'bid' on properties that suit their needs. Applicants who are eligible to be considered for properties under the Policy will be able to express a preference for an area, or areas, in which they would like to live and the type of property they would prefer.

While the Council is committed to offering applicants accepted onto the housing register as much choice as possible, the vast gap between the supply and demand of social housing means that we expect the refusal of offers of accommodation following a successful bid to be few and far between. The considerable housing pressures faced in Rotherham limit the degree of choice that can be offered, along with the responsibility the Council has to offer housing to applicants in urgent housing need and to make best use of its available social housing. These pressures include the need to reduce the financial impact on the Council for households placed into temporary accommodation under a homelessness duty. Therefore, expressing a preference over where an applicant would prefer to live does not mean that preference can be met, or that an applicant won't be offered a direct offer of suitable accommodation outside of their preferred area.

An applicant may be asked at the time of registration to state any area in which they believe they cannot live due to fear of violence, harassment, or domestic abuse. The

assessment of their application will then consider the facts and decide whether the applicant can restrict areas.

Part 2. Eligibility

2.1 The eligibility rules

Some groups of people cannot, by law, join the Council's housing register regardless of their housing need or circumstances. These are people who:

- come under a government rule which means they cannot lawfully access social housing as they are not eligible to do so, or
- do not live habitually in the 'Common Travel Area' (UK, Channel Islands, the Isle of Man, or the Republic of Ireland), or
- do not have the right to live in the UK, or
- fall under other categories of people who the Government may in the future decide are not eligible for housing assistance.

The key relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861), plus:
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

The above is not a complete list of all the eligibility regulations. For example, there is significant legislation that relates to the UK's exit from the European Union and the implications for accessing housing assistance. These rules are complicated. Anyone who is impacted, or believes they may be impacted, are advised to seek independent advice.

Part 3. Qualification

In addition to being eligible, applicants need to qualify to join the housing register. Under Section 160ZA(7) of the Housing Act 1996 Part VI, a council is allowed to set criteria for classes of persons who are, or are not, qualifying persons.

Those who are assessed as non-qualifying will be notified in writing. We will give the reasons why and inform the applicant that they have the right to a review as outlined in section 8.1 of this Policy.

3.1 Residential connection

To qualify for the housing register an applicant must have a residential connection to Rotherham. Within the terms of this Allocation Policy this means that an applicant has lived in Rotherham for three out of the last 4 years. Once registered, an applicant must continue to meet the residential connection qualification rule. If the applicant no longer meets this rule, they will be removed from the housing register as they will no longer qualify for inclusion.

This does not include residence where an applicant:

- has been rehoused in temporary accommodation in Rotherham by another local authority,
- is resident in a bail hostel or other such accommodation,
- detained in the district under the Mental Health Act, receiving specialist hospital treatment,
- in occupation of a mobile home or caravan which is not placed on a residential site,
- or in occupation of a holiday letting (this includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday).

3.2 Applicants who are exempt from the residency test

Applicants exempt from the residency test are:

- a) Where the Council agrees there are very exceptional circumstances requiring a move into the area. This will be decided on a case-by-case basis. Examples include:
 - reasons of safety, for example when an applicant is fleeing domestic abuse or hate crime from another area. This includes currently residing in a Rotherham refuge for a minimum of six months.
 - an applicant is on a witness protection program and the Council has agreed that a move to Rotherham is essential.
 - where the Council agrees there is a very exceptional need to live in the area to provide or receive essential support.
- b) Applicants who are homeless, or at risk of homelessness will be assessed for local connection eligibility in accordance with homelessness legislation. Applicants with no local connection will be eligible for Band Four only.
- c) Care leavers under the age of 25.

- d) Applicants who satisfy the 'Right to Move' criteria. The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015 state that local connection qualification rules must not be applied to existing social tenants who seek to move from another local authority area in England, and who have a need to move for work related reasons to avoid hardship.
- e) Applicants who have paid employment in Rotherham and have done for the past three out of four years.
- f) Armed Forces Covenant
 - Members or Former Members of the Armed Forces, this includes Former Members of the Reserve Forces
 - Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death of their spouse/partner.
 - Relationship breakdown and divorcees of Members of the Armed Forces and Former Members of the Reserve Forces at the time of application

Applicants who fulfil any of the exception criteria will not be required to meet the residency test to be accepted onto the housing register, although the other qualifying criteria set out in this Policy will still apply.

3.3 Who does not qualify?

All housing applications will be treated on an individual basis, and therefore considered on their individual circumstances. The following applicants will not qualify to go on the housing register.

- Applicants who do not meet the residency test to Rotherham other than where they are exempt.
- Current or former social or private housing tenants with breaches in their tenancy conditions in the last five years, and that in the opinion of the Council affects the applicant's suitability to be a tenant.
- Applicants who have previously been evicted from a council or housing association secure tenancy in the last 5 years due to breaches of their tenancy conditions. This includes tenancies where a court possession order has been attained in the last 5 years due to tenancy breaches, however prior to eviction, the applicant has voluntarily handed back their tenancy. This includes tenancies outside of Rotherham.
- Applications that have been cancelled will not qualify to re-join the housing register for 12 months. (See Section 4.12).

- Applicants with rent arrears, or other housing related debt exceeding the equivalent to eight weeks rent.

Any applicant who is a current or former owner occupier, or who has savings worth more than £16,000, will be considered on a case-by-case basis. Cases where the applicant may be allowed to join the register could include:

- Living in conditions of disrepair or in unsuitable accommodation who are vulnerable due to age, long-term medical condition or disability and cannot resolve or adapt their property to make this suitable
- Experienced a change of circumstances that means their home is at risk or they are made homeless and where their potential homelessness cannot be prevented.
- Specific accommodation requirements that can only be met via a social housing allocation.
- A move is required to manage an urgent safeguarding risk.

An assessment will take into account all the resources available to the applicant. It will assume that applicants who have equity, savings, or assets worth over a quarter of the average property price for Rotherham will be expected to resolve their own housing circumstances, unless mitigation applies.

In determining whether in the Council's opinion an applicant qualifies to join the register due to their behaviour, the Council will consider factors including:

- Has the applicant any mental health issues that need to be considered.
- In the Councils' opinion would the unacceptable behaviour affect their suitability to be a tenant?
- At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of his household?

Where an applicant does not qualify to join the housing register, they will be entitled to appeal the decision if they consider that the Council should no longer treat them as ineligible as detailed in section 8.

3.4 The rent policy

This section of the Policy applies to housing register applicants with cumulative outstanding debt, accrued during their tenancy with either a local authority, housing associations or private landlord.

Outstanding debt would include rent, former tenant arrears, rechargeable repairs / damages, temporary accommodation charges, furnished, and district heating charges.

Outstanding debt will be prioritised as:

1. Current rent arrears to Rotherham Council.
2. Current tenancy related debts to Rotherham Council until 25% reduction has been repaid.
3. Former rent arrears to Rotherham Council until 25% reduction has been repaid.
4. Rechargeable repairs/ damages to Rotherham Council until 25% reduction has been repaid.
5. Council, housing association and private rented tenancy related debts for current and previous tenancies held in Rotherham.
6. Council, housing association and private rented tenancy related debts for current and previous tenancies held outside Rotherham during the last two years (the applicant will need to provide a rent statement from their landlord).

A tenant is liable to pay rent to the Council. If the tenant is claiming housing costs it is the tenant's responsibility to provide full and correct information to the Department of Work and Pensions and inform the Council how the claim is progressing.

Applicants in all groups will not qualify to join the housing register if their debt exceeds the equivalent of eight-weeks rent arrears. All applicants with debt less than the equivalent of eight-weeks rent will be allowed to join the housing register but will be placed in suspension.

Applicants in housing need (Bands One, Two and Three) will remain suspended until the arrears have reduced by 25%. It will be the responsibility of the applicant to inform the Council when the debt has reached the eligible level and agree to continue to reduce the debt by making regular payments via an agreed payment plan.

Applicants not in housing need (Band Four), will be required to have no tenancy related debts.

Statute barred debt.

Statute barred debt cannot be considered in allocations decisions as this is an unrecoverable debt. The following are examples to give clearer guidance:

- Example 1 - If the debt occurred in the year 2010 but the customer acknowledged the debt and made some payments with the last payment made in October 2014. The debt become statute barred in October 2020 if no more payments are made.
- Example 2 - Debt occurred on 1st January 2011, but no payments were made before October 2015. Then one payment was made in October 2015. No payments have been made after October 2015. The case becomes statute barred in October 2021 if no further payments are made.

- Example 3 – Debt occurred on 1st January 2011, the customer started to make payments and are continuing to do so, the debt is not statute barred as the six-year limitation period has not started yet.

Debt Relief Orders and Individual Voluntary Arrangements

Applicants who do not qualify to join the housing register and obtain a Debt Relief Order (DRO) will be required to provide a copy. Where outstanding debt has been included in the order, this will no longer prevent the applicant from joining the housing register, however other qualifying criteria set out in this Policy is still applicable.

An Individual Voluntary Arrangement (IVA) is a formal and legally binding agreement between an applicant and their creditors to pay back the debt/s over a period of time and approved by the court. Applicants who obtain an IVA and the outstanding debt has been included in the order, this will no longer prevent the applicant from joining the housing register, however other qualifying criteria set out in this Policy is still applicable.

3.5 The Rent policy for current Rotherham Council tenants

Council tenants not in housing need (Band Four) who wish to move are required to have a clear rent account and no tenancy breaches within the last 12 months.

Council tenants in housing need (Bands One, Two and Three) are required to have a debt less than the equivalent of eight-weeks rent arrears, have reduced the debt by 25%, and maintain a payment plan for the balance.

Where current Council tenants are eligible to downsize and subject to the under-occupancy charge (bedroom tax), the debt shall not prevent them from joining the housing register and they will be supported to move to smaller more affordable accommodation. Referrals to Tenancy Support will be required.

3.6 Safeguarding vulnerable adults in housing need

Whilst seeking to exclude or suspend applicants with outstanding debts owed to the Council, it is also important to provide appropriate safeguards for vulnerable applicants. Vulnerability refers to either permanent or temporary situations where an individual faces a heightened risk of harm, disadvantage, difficulty accessing essential services and/or sustaining tenancies due to specific and often unique, personal circumstances.

All new applications are verified at the point of registration and prior to an offer of accommodation. The verification process involves undertaking checks to confirm if the applicant has any outstanding debt. Where there are debts of any amount, and the customer has not indicated on their application form that they are in urgent priority

housing need, the customer should be contacted to reconfirm their personal circumstances. If there are no vulnerability issues or urgent housing needs identified following contact the applicant would be advised in writing that their application does not qualify and will be either excluded or suspended from the housing register until they inform us that their agreement has been met. The applicant would also be encouraged to get back in touch if their circumstances change.

Where an applicant does not qualify to join the Council's housing register due to debt, and they are assessed as vulnerable and in urgent housing need, they will be considered by the Housing Assessment Panel. Prior to their case being heard at Housing Assessment Panel, the applicant will be required to engage with appropriate services relevant to their personal circumstances. Referrals to services can include:

- Appropriate safeguarding referrals.
- Commitment to sign up and engage with a relevant employment or training programme.
- Complete a tenancy ready course.
- Agree to referrals to debt advice and attend appointments.
- Agree and engage with tenancy support services.
- Agree and engage with drug and alcohol treatment services.
- Agree and maintain a payment plan based on what is affordable to reduce outstanding debt.

Prior to making an offer of accommodation, their situation will be reviewed. If the applicant has not maintained the agreement, their application will be placed into suspension and reviewed monthly. The agreement will also continue to be monitored into the introductory tenancy period. If there are tenancy breaches such as anti-social behaviour or rent arrears, these are grounds for possession.

3.7 Arrangements for 16 - 17-year-olds

All applicants over the age of 16 can join the housing register if they meet the qualifying criteria set out in this Policy. Applicant's aged between 16 and 18 years will require a guarantor before signing for a tenancy. The guarantor will be required to have a financial assessment to confirm that they are able to cover the rent in the event of non-payment.

Where applicants approach as homeless or at risk of homelessness, we will need to complete a joint assessment with a social worker. This is a legal requirement and complies with the Council's joint working arrangements with Children Services (CYPS) and the Homeless Team to ensure that we are meeting an applicant's assessed needs.

3.8 Armed Forces Covenant

The Council commits to uphold the Armed Forces Covenant and support the Armed Forces Community. Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services.

The Housing Allocation Policy does not disadvantage current or former members of the Armed Forces, who will be exempt from the residency test.

Exemptions from the residency test includes:

- Members or Former Members of the Armed Forces, this includes Former Members of the Reserve Forces.
- Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death of their spouse/partner.
- Relationship breakdown and divorcees of Members of the Armed Forces and Former Members of the Reserve Forces at the time of application.

Reasonable preference will be awarded to veterans in urgent housing need by awarding band two for the following circumstances:

- Those leaving His Majesties Armed Forces and have no accommodation to return to.
- Former Members of the Armed Forces in urgent housing need e.g. their current accommodation is not meeting their medical need or they are homeless or facing homelessness within 56 days.
- Former Members of the Armed Forces or Reserve Forces who are suffering from an injury, illness, or disability, which is wholly attributed to the time in service and their accommodation is not suitable.
- Bereaved spouses and civil partners of deceased members of the Armed Forces not entitled to accommodation provided by the Ministry of Defence following the death of their spouse/partner.
- Is currently in a relationship breakdown from a serving Member of the Armed Forces or Former Members of the Armed Forces at the time of application.

Applicants will be considered on a case-by-case basis. Where there is a medical need, this will be assessed by the medical assessment panel. Applicants who are owed a main homelessness duty, or suffering with a serious medical need will be considered for band one.

Part 4. Application and assessments

4.1 How to apply

The application to join Rotherham's housing register is online via the Council's website, which can be found at: housingonline.rotherhamcouncil.org.uk.

Applicants will need to fully complete an application online and upload the following original documents:

- Two forms of ID for all household members.
- Proof of residency for 3 out of the last 4 years in Rotherham.
- Proof of address for all household members.
- Proof of income.
- Bank statements for all accounts held including savings, dated within the last 3 months.
- Signed consent form.

Once original documents have been uploaded to the applicant's housing online account, the applicant will need to contact the Council via telephone (01709 336009) to progress their application.

A pre-tenancy interview will be completed during the application process or prior to an offer of accommodation.

Where the applicant has not had a tenancy before or has had a previous failed tenancy in any sector, they may be required to complete an online pre-tenancy workshop before their application is made active. The online workshop will offer advice on a range of subjects, including money management which will help people to sustain their tenancy.

Applicants who require support with an application should contact the Council on 01709 336009.

Applicants must declare on their housing application if they are related to an employee of the Council, or an Elected Member. At our discretion, the Council may decide to refer an application to a senior manager or the Tenancy Fraud Officer if a conflict or potential conflict of interest come to light.

4.2 Verification

Before a property is offered, every household member registered on the application must provide at least two forms of identity, and proof of current address.

The applicant(s) will be asked to provide photographic proof of identity. This will be at the application stage and prior to offer of accommodation. A photograph will be taken of the tenant where no other photo ID is available.

Additionally, applicant(s) will be required to provide bank statements for all accounts held including savings (dated within the last 3 months) to facilitate an income and expenditure check.

Landlord references will also be obtained.

4.3 Providing false information and tenancy fraud

Rotherham Council takes fraud seriously, including cases of people:

- applying to the council as homeless when they already have somewhere to live.
- applying for council housing using false information or identity, or
- subletting or not living at their council property, where this contravenes the tenancy agreement.

Section 171 of the Housing Act 1996 makes it an offence to withhold information that the Council reasonably require to assess an application, or to provide false information that leads to gaining a tenancy.

The Council will take legal action against applicants or tenants who give false information or withhold information regarding their housing application which may include criminal prosecution under the Prevention of Social Housing Fraud Act 2013.

The Council will reserve the right to cancel the housing application and exclude applicants from joining housing register for a period of 12 months where false information is provided in order to obtain a tenancy. Where it is believed that false information has been provided, the housing application will be suspended until investigations are concluded.

If the customer has been allocated a property in these circumstances, then the Council or other landlord may take court action to evict the customer. Where we have gained possession of a property, the applicant will be excluded from joining the housing register for five years.

We will check if an applicant, or anyone in the household, is already registered. Only one application at any one time is allowed.

4.4 Effective date and changes in circumstances

Having determined the applicant's category of housing need, applicants will be placed on the housing register in one of the four bands from the date the application was submitted. The applicant must provide supporting documents within three months to retain this date.

Where the information is not provided within the three-month timescale the effective date will be the date of assessment.

It is important to notify the Council of any changes in your circumstances including changes to your household members. Any change in circumstances could affect your qualification for the housing register, the type of property you are eligible for, and banding.

Where there is a change in circumstances, we will reassess the housing application, including whether it is necessary to place the applicant in a different band. The application will be changed from the date the customer advises of the change of circumstances. If there is no change in banding, the applicant will retain their original effective date throughout the rehousing waiting period.

The only time a change to the effective date will be applied, is if the applicant has a change of circumstances and moves up a band. In these circumstances the application will be re-dated to the date the new housing need category was awarded.

Failure to notify the Council of changes in your circumstances could lead to a property offer being withdrawn.

4.5 Household type and property size allowed

In accordance with Communities and Local Government (CLG) Code of Guidance the Allocation system must ensure that reasonable preference and flexibility is given to families that are separated who have carers, shared access, equal or staying access.

Consideration can be given to families wishing to adopt, become a guardian, or foster children and more bedrooms are needed to meet the adoption criteria. In cases of adoption or fostering a letter of supporting evidence is required from Children and Young People's Services. If an extra bedroom is needed to give or receive care, supporting evidence would be needed e.g. reports from health care, carers, or attendance allowance. A distinction should be made between a customer requiring 24 hour, seven days a week sleep over care, from a customer who only requires now and again sleep over care.

Due to the demand on social housing, the Council will ensure that applicants are considered for the most appropriate type of property. The number of bedrooms required is assessed through the number of people to be re-housed and the ages and gender of children.

- Family houses will be allocated to the main carer where children/dependants are living with them permanently.
- Single people and couples qualify for flats and maisonettes.
- Single people with overnight access to children will be eligible for both one and two-bedroom flats and maisonettes. Single applicants in receipt of housing costs may not be able to afford to under-occupy a property and be subject to the under-occupancy charge.
- Bungalows are allocated on an assessed need basis, or qualifying age criteria.

In respect of relationship breakdown or shared custody of children under the age of 18 years, applicants may be considered for another bedroom in excess of their current assessed needs, however only the main carer will be eligible for houses. The main carer will be established using the following test:

- which parent/guardian receives benefits, such as child benefit/ Universal Credit.
- the home address and next of kin which the child/ren's school and GP have registered for them.
- and by checking the identity of the parents/guardian shown on the birth certificate(s), and if necessary, carrying out a home visit.

In exceptional cases, the Council will have the discretion to allocate houses to applicants with shared care. Evidence will be sought via a multi-agency approach and where there is a proven need for a house.

The Allocation Policy considers that a woman who is pregnant (confirmation needed 21-24 weeks, MATB1) would be considered as requiring a bedroom for the unborn child and eligible for family accommodation. The Department for Work and Pensions will not consider awarding Housing Benefit in respect of the number of bedrooms until the child is born. In instances where applicants who are expecting their first child cannot afford to take on the tenancy with the extra bedroom until the child is born, they will be paid an allowance for one bedroom for up to 8-weeks. This period can be extended to assist applicants who attain a tenancy before the 8-week period or if the baby is overdue.

The Council will not offer a property if it will lead to a household being overcrowded or where the applicant cannot afford the tenancy, considering service charges and the spare room subsidy as detailed in section 6.11.

Permitted occupancy levels for different household types is set out in the table below.

Permitted occupancy levels.

	Bedsit	1 Bed flat	2 Bed flat	3 Bed flat	2 Bed maisonette	3 Bed maisonette	1 Bed house	2 Bed house	3 Bed house	3 Bed Parlour**	4 Bed house
Single person	YES	YES	YES	NO	YES	NO	YES	NO	NO	NO	NO
2 Individual adults	NO	NO	YES	NO	YES	NO	NO	NO	NO	NO	NO
3 Individual adults	NO	NO	NO	YES	NO	YES	NO	NO	NO	NO	NO
Single person with overnight access to children	NO	YES	YES	NO	YES	NO	YES	NO	NO	NO	NO
Couple	NO	YES	YES	NO	YES	NO	YES	NO	NO	NO	NO
Households with 1 child or applicants expecting their first child (MATB1)	NO	NO	YES	YES	YES	YES	NO	YES	YES	NO	NO
Households with 2 children or dependents	NO	NO	YES	YES	YES	YES	NO	YES	YES	NO	NO
Households with 3 or more children or dependents	NO	NO	NO	YES	NO	YES	NO	NO	YES	YES	YES

**A three-bedroomed parlour house is a larger property and benefits from an additional reception room downstairs. Due to the demand on larger family accommodation, the criteria to allocate these properties is a minimum of three dependent children, however

where a medical recommendation has been made for a parlour house, the Policy allows the Council to use its discretion if there are fewer than three children.

4.6 Housing for those with an assessed need

Generally, bungalows are available for people over the age of 50, or to applicants with an illness or physical disability that would benefit from ground floor and level access accommodation irrespective of age.

The eligibility criteria for new build bungalows gives preference to those over the age of 60 with an assessed need for ground floor. If the shortlist is exhausted the property will be readvertised to applicants over the age of 60 with no current medical need. In respect of couples only one party needs to be over the age of 60. The tenancy will be held in joint names if their partner is over the age of 50 or has an assessed need for ground floor.

Suitability checks will be made for all bungalows including checking for tenancy breaches and anti-social behaviour. Where an applicant or members of the household have tenancy breaches or been involved in anti-social or criminal behaviour in the last 12 months the Council reserves the right not to offer the property as detailed in section 6.11 of this Policy.

The Council's Rothercare Service is available for people living in Rotherham; this is our community alarm service that provides a 24-hour response, 365 days per year. It is an alarm service provided by Rotherham Metropolitan Borough Council to support people to live safely in their own homes. This service is for anyone living in Rotherham either in private, rented, or owner-occupied accommodation. It is available to anyone regardless of their age or personal circumstances who wishes to remain independent within their own home.

There is a separate weekly charge for these services, and you will be asked to opt-in should you feel that you would benefit from the service.

4.7 Assessment of need and reasonable preference

As detailed in section 1.5 of this Policy, the Housing Act 1996 part VI, (as amended) requires Councils to give reasonable preference in their Allocation Policy to people with high levels of assessed housing need. In addition to these groups, the Allocation Policy will also give preference to:

- Applicants unable to return home from hospital, as their current property does not meet their medical needs and temporary accommodation would be inappropriate or they require immediate rehousing preventing an admission to hospital or institution.

- Armed Forces Covenant – see section 3.8.
- Applicants leaving supported accommodation schemes.
- Households that are subject to adult or child safeguarding issues.
- Households who need to move to an area in the district to avoid hardship to themselves or others. This includes those who give or receive care or need to access specialist treatment. In these circumstances an established medical need must be demonstrated such as mental illness or disorder, physical or learning disability, or progressive medical condition.
- Housing association or local authority tenants that wish to move to a smaller property that they are under occupying.

4.8 Medical assessments

We will only consider awarding medical priority where all the following applies:

- the condition is long term or permanent.
- the medical condition is made worse as a direct result of your current accommodation (not the local environment or surrounding area) being occupied.
- improvement in the condition is prevented as a result of the current property.
- re-housing would lead to a significant improvement in the person's health.

If you need to move due to either a mental or physical health condition you need to be engaging with a health professional and be able to evidence this. Additionally, your case may be referred to the Housing Occupational Therapist for an assessment at your home address. If a priority banding is awarded following their assessment, your housing application will be updated to reflect their recommendation.

As detailed in Section 6.11, the Council reserves the right not to offer a property if the applicant has specific needs for disability adaptations and the property does not meet these requirements.

As detailed in section 3.3 applicants who apply for medical priority and have more than £16,000 in savings or own or have owned any property anywhere in the world will be considered on a case-by-case basis.

In addition, the Medical Assessment Panel will consider the following:

- The amount of capital in savings, or equity from home ownership, and whether there are sufficient resources to be able to resolve your own housing issue.
- If aids and adaptations can be considered to help applicants in remaining in their own home.

4.9 Homeless households

Where a person or persons present to the local authority as homeless or threatened with homelessness, enquiries will be made by the homeless team. If the person/s, are eligible for assistance a homeless application will be offered in line with the Housing Act 1996 as amended by the Homeless Reduction Act 2017. If the enquiries conclude the person/s is not eligible for assistance they will be informed of this, and the decision will be given in writing. A referral will be made to either adult or children's services.

The homeless application and the enquiries made will determine which duty is owed. The homeless officer will assist in either preventing or relieving the homeless situation and all available housing options will be offered. If the person/s is in priority need and not intentionally homeless, and the Council have not either prevented or relieved them from homelessness, they will go on to be owed the main duty under s.193 Housing Act 1996.

If the s195 prevention or s189B relief duty of the 1996 Act is owed and the person/s does qualify to join the housing register, the application will be placed in the appropriate band under the duty owed. This is regardless of priority need or intentionality. Where applicants are owed the S193 main duty, the homeless officer will request band one.

A person who is homeless and has no local connection to the borough of Rotherham will qualify to join the housing register and will be eligible for Band Four only. Those who are homeless, in priority need and have no local connection can be referred back to the local authority where they have local connection. This is in line with the process under the Housing Act 1996 as amended by the Homeless Reduction Act 2017. We do need to inform the person/s of this referral been made.

If an applicant is assessed under s190 Part VII of the Housing Act 1996 as intentionally homeless, they will be placed into Band Three and will be offered advice and assistance to access private rented housing or Housing Association accommodation.

Where an applicant does not qualify to join the Council's Housing Register and they are at risk of homelessness, if assessed as vulnerable their case will be heard at the Housing Assessment Panel requesting to join the Housing Register under section 3.6 of this Policy.

The Statutory Guidance on Allocations of Accommodation was revised on 15 May 2023. It states as follows: Authorities may frame their allocation scheme to take into account factors in determining relative priorities between applicants in the reasonable

(or additional) preference categories (s.166A(5) Housing Act 1996). Examples of such factors are given in the legislation and include financial resources, behaviour, and local connection. However, these examples are not exclusive, and authorities may consider other factors instead or as well as these.

It is recognised that social rented housing is not the only tenure available to accommodate a person/s who is owed a prevention, relief, or main duty, and where appropriate they will be supported to secure a private tenancy. Where a private rented tenancy is obtained the applicant can remain on the housing register in Band Four.

Households who have been assessed as owed a prevention, relief or main duty are entitled to one offer on the Housing Register or a Private Rented Sector Offer and are given time limits to their banding status. The homelessness duty will be discharged following acceptance or refusal of a suitable offer.

Auto-bid will be enabled on the housing register to assist with placing requests on suitable properties.

4.10 Deliberate worsening of circumstances

Where we have reason to believe that an applicant has deliberately worsened their circumstances to get housing priority, we will suspend their application and investigate. If our investigation cannot show deliberate intent, we will reinstate their priority from their original effective/registration date.

Any applicant who has deliberately worsened their circumstances will not be awarded additional priority however, we also reserve the right to cancel their application. This includes owner-occupiers who choose to sell their home without first securing alternative suitable accommodation, when it would have been reasonable for them to remain.

If the applicant has been allocated a property in these circumstances, then we may take court action to evict them under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by section 146 of the Housing Act 1996). In these circumstances, the applicant will be excluded from joining the housing register for five years.

4.11 Offers

All applicants are entitled to two offers of accommodation via the housing register, however applicants in Band One will only receive one offer in Band One, if the offer is refused their application will be re-assessed and placed in a band to reflect their circumstances where one further offer will be made.

Applicants owed a homeless duty will receive one offer of accommodation. If a suitable offer is refused, their homeless duty will end. Their application will be re-assessed and placed in a band to reflect their circumstances where one further offer will be made.

Applicants who have made requests must inform the Council if they are unavailable, e.g. they are going on holiday or into hospital. Where applicants have told us that they are on holiday or in hospital, the property will be held for no longer than seven days.

When allocating properties the Council will use various contact methods giving the applicant 24 hours to make contact.

- If there is no response in the specified time period, the application will be bypassed, and the application may be placed into suspension.
- If an applicant is successfully contacted, but then does not make further contact to proceed with the offer of accommodation being made, this may be counted as a formal offer.

If an applicant is short-listed for more than one property in the same cycle, they will be asked which property they prefer. Where a property advertisement has not closed, we will not consider these bids when making contact about a closed property.

Careful consideration must be made in deciding whether a property should be classed as a refusal. If there are no genuine reasons for a refusal, such as the garden is too large, or there is no off-road parking, then this will be classed as a refusal as the information should have been attained from the advert.

The application will be cancelled following two refusals.

4.12 Cancelled applications and failure to bid

Applicants who have previously been evicted from a local authority or housing association property will not be allowed to re-join the housing register for five years from the date of eviction. This includes tenancies where a court possession order has been attained due to breaches of their tenancy, and prior to the eviction, the applicant has voluntarily handed back their tenancy. This includes tenancies outside of Rotherham.

Where an applicant has been evicted due to rent arrears and there was no anti-social behaviour, if the debt is re-paid in full before the five years, the applicant will be allowed to join the housing register.

Applications will be cancelled in the following circumstances and will not be allowed to re-join for 12-months.

- Failure to bid within the last 12 months.
- Does not reply to a housing register review letter within four weeks.
- People who complete a Right to Buy application.
- Is granted a tenancy by a council or housing association and has voluntarily terminated their secure tenancy.
- Has abandoned a council or housing association home.
- Has more than one application registered.
- Has been nominated to a Shared Ownership property.
- Has succeeded or been assigned a council tenancy.
- On accepting and signing a mutual exchange.
- Has applied and accepted major adaptation work that meets their long-term needs.
- Has refused two suitable offers of council or housing association accommodation.
- Has told us to do so.
- Has provided false information on their housing application.

Where no bids have been placed within 12 months, the application will be automatically cancelled. Applicants will be advised of this in writing. Where applicants re-approach within a six-month period, if there have been extenuating circumstances such as bereavement, or long-term illness, which has led to no bids being placed, their application will be reinstated to their original band and effective date.

Part 5. How the banding system works

5.1 Housing register of need

We do not have enough properties to meet the demand from everyone who has registered to move to one of our homes, therefore we need to have a system in place which aims to give priority for housing to those who are most in housing need.

Applicants in housing need, including reasonable preference categories (as required by the Housing Act 1996 part VI) will be placed in either Band One, Band Two, or Band Three. Applicants in no housing need will be placed in Band Four.

As detailed in Section 4.4 it is the applicant's responsibility to notify the Council of any changes to the household's circumstances as this could affect the level of priority awarded, and subsequent offers of accommodation.

In certain circumstances properties may not necessary be allocated in date order but be considered against pressing need and waiting time, such as adaptations within a property, associated risks and where the assessment recommends specific streets, or where a Band Two application has been waiting for a long period due to being restricted to certain areas due to support needs.

5.2 Bands One, Two and Three

All cases for Band One will be heard at Housing Assessment Panel. The household will be advised by letter of the Housing Assessment Panel decision, including details of the property type and area/s they can bid for. Where necessary, offers of accommodation will be dependent on confirmation that care, and support services are provided and funded.

Band One – Housing need categories.

Applicants who are assessed as being statutory homeless under Part VII of the Housing Act 1996 and are owed the full housing duty.

Note that:

- Homeless households will be supported by the Homeless team. Applicants will be required to consider all housing options including bidding for suitable properties to relieve their homelessness. The homeless team will also check available properties, if a suitable property becomes available, a bid will be made via auto-bid on behalf of the applicant.
- If a suitable property is offered to the applicant and either accepted or refused, the homeless duty will be discharged.

Care Leavers

- Rotherham Care Leavers under the age of 25 and in need of rehousing and are ready to live independently.

Severe social and welfare circumstances

These include:

- Adult or child safeguarding concerns following a multi-agency meeting and the recommendation is re-housing.
- Witness protection programme.
- High risk domestic abuse subject to multi-agency risk assessment conference (MARAC), and the recommendation is re-housing.

High risk offenders subject to multi-agency public protection arrangements (MAPPA), and the recommendation is re-housing.

Housing management lettings

- Rotherham Council tenants who are displaced from their tenancy and placed in temporary accommodation and cannot return home.

Severe medical need

These include:

- Delayed discharge from hospital.
- Severe medical need as assessed by the Housing Occupational Therapist.
- Applicants with a terminal illness where their current accommodation is not suitable, and aids and adaptations cannot be provided. Confirmation from a health professional will be required advising that re-housing is necessary for the patient.

Band One is time-limited to three months from the date of the panel meeting. If the applicant has not made a request and properties which meet the household size and area of choice have been available, the applicant will be contacted to determine their circumstances. If there are no valid reasons for not bidding, the Band One status will be removed, and their application will be reassessed and placed in a band to reflect their circumstances.

Only one offer of accommodation will be made in Band One. If the offer is refused the applicant will lose their Band One status, and their housing application will be reassessed and placed in a band to reflect their circumstances, where one remaining offer will be made.

5.3 Band Two - Housing need categories

Relief Duty

- Applicants who are homeless and who are owed a duty under section 189 (relief duty), have been assessed as priority need, and fulfil the local connection criteria in accordance with the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.

Prevention Duty

- Applicants who are owed a homeless prevention duty, have been assessed as priority need, and fulfil the local connection criteria in accordance with the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.

Medical priority

- Applicants who have been considered at Medical Assessment Panel.

Statutorily overcrowded

- Households that are statutory overcrowded as determined by the Housing Act 1985 definition (includes lounge as a sleeping space)

Households who are under occupying a council or housing association tenancy

These include:

- Households who are under occupying by at least one bedroom.
- Giving up a house to a bungalow or flat with the same amount of bedrooms
- The downsizing category will also be awarded 12 months before the expiry date of a fixed term tenancy.

Approved RMBC foster carers, adopters, guardians, and shared lives carers where they cannot resolve their own circumstances and require larger accommodation.

This includes cases where:

- Looked After Children in foster care can be returned home with parents or family members but the home does not meet their needs.
- Adults who are part of the councils shared lives scheme.

Confirmation is required from Social Care.

Households who live in a RMBC adapted property or disabled persons Unit (DPU) who wish to move once they no longer need the adaptation.

- This will only include households who were allocated the property due to a medical need for an adaptation and the member of the household that needed the adaptation no longer lives there.
- This includes tenancies both with and without a fixed term tenancy.

Applicants unable to succeed to a Rotherham council tenancy and have been granted use and occupation.

- This will only apply where occupants have been living at the property for more than 12 months and evidence has been provided.

Households living in supported accommodation commissioned by the Council.

- Households living in supported accommodation will register their application at the time of moving in to supported accommodation, their application will be suspended until they are ready for independent living and assessed at Moving on Panel.

Armed Forces Covenant

- As detailed in section 3.8

5.4 Band Three – Housing Need Categories

Relief Duty

- People who are homeless and who are owed a duty under section 189 (relief duty), have been assessed as not in priority need, and fulfil the Local Connection Criteria in accordance with the Housing Act 1996 as amended by the Homeless Reduction Act.

Prevention Duty

- People who are owed a homeless prevention duty, have been assessed as not in priority need, and fulfil the Local Connection Criteria in accordance with the Housing Act 1996 as amended by the Homeless Reduction Act.

Homeless households who have received an intentional decision.

Homeless cases in non-priority need when relief duty has ended.

Applicants living in non-commissioned supported housing.

Out of Borough Care Leavers who wish to move to Rotherham.

- Care Leavers under the age of 25 and in need of rehousing and are ready to live independently.
- Applicants are exempt from the residency test.

Out of Borough Care Leavers who are living in Rotherham.

- Reciprocal arrangements to be agreed with other placing Local Authorities

Applicants living with family & friends.

These include:

- Applicants living with family & friends on a permanent basis and ready to move on.
- Applicants living on a temporary basis with family & friends to alleviate their housing situation.

Households not statutory overcrowded, but where there are unsuitable sleeping arrangements.

These include:

- Children of a different sex who share a bedroom and one has reached their 10th birthday.
- The living room is being used as a sleeping space by a member of the household.

Living in an upper floor Council, or Housing Association Flat in Rotherham with dependants under the age of 10 years.

- The age will be assessed at the time of the application and retained.

Households who cannot afford to maintain the rent or mortgage or failure to move is causing hardship.

These includes:

- Private rented tenants
- Owner Occupiers
- Current Rotherham Council & Housing Association Tenants who need to move for work related reasons, and where failure to move closer to work would cause hardship.
- Current Council or Housing Association tenants who live outside Rotherham and are seeking to transfer to Rotherham to take up a job offer of long-term work and need to move to avoid hardship.

Applicants will be required to have a financial assessment where essential spend and priority debts will be considered.

Applicants are required to notify the Council if their income increases, or debts have reduced so that a further assessment can be completed.

5.5 Band Four – Applicants not in Housing Need

Applicants who do not meet the housing need categories in Bands One, Two, or Three will be placed in Band Four if they meet the qualification criteria set out in this Policy.

Band Four will only be applied if the applicant:

- has a residential connection to Rotherham.
- does not have any tenancy related debt to the Council or other landlord.
- has not been evicted from a council tenancy during the last 5 years.
- has not got a history of anti-social behaviour in the last two years.
- has no intention to make the property overcrowded.

Examples include:

- **Owner occupiers**
Applicants who have been accepted onto the housing register following an assessment as detailed in section 3.3.
- **Applicants in private rented accommodation not in housing need**
- **Applicants with savings over £16,000**
Applicants will be considered on a case-by-case basis as detailed in section 3.3. Where there is a joint housing application both individual savings will be considered.
This does not apply to existing Rotherham Council tenants.

- **Applicants owed a homeless duty and do not satisfy the local connection criteria in accordance with the Housing Act 1996 as amended by the Homelessness Reduction Act 2017.**
- **Applicants living in supported housing in Rotherham and do not satisfy the residency test.**
This does not include applicants who have been referred to supported accommodation by the Council's Homelessness Team to discharge a homeless duty.
- **Existing Rotherham social housing tenants not in housing need.**
Tenants will be required to have a clear rent account and no tenancy breaches within the last 12 months.

Part 6. Allocation and lettings

6.1 Choice-based lettings

Choice-based lettings allow applicants to choose from a range of available properties advertised online. Applicants can express an interest in any home that matches their eligibility criteria. Once the advert closes, a shortlist is generated based on band and effective date. Where the property is being advertised on behalf of a housing association, the Council will share the shortlist with them, and they make the letting.

In certain circumstances properties may not necessarily be allocated in date order but be considered against pressing need and waiting time, such as adaptations within a property, associated risks and where the assessment recommends specific streets, or where a Band Two application has been waiting for a long period due to being restricted to certain areas due to support needs.

6.2 Direct lets

There are certain circumstances when vacant properties may not be advertised via choice-based lettings scheme, and on some occasions, properties may have been advertised but the accommodation is required for an alternative purpose.

These will normally apply to the following situations where the Council and its partner landlords may need to use vacant properties for specific management purposes in urgent circumstances as set out in the Council's decant procedure. Some of the reasons include:

- Provision of temporary accommodation.
- Direct offer to homeless households.
- Direct offer to current Council tenants who are displaced from their Council tenancy and cannot return.
- Emergency re-housing, for example accommodation maybe required following fire, flood, or another major incident in Rotherham.
- Witness protection programme – this includes cross boundaries.
- Safeguarding Rotherham adults or children.
- Housing for Children & Young People's Service including, provision of temporary and dispersed accommodation, care leavers, or ensuring foster placements are available for Rotherham residents.
- Individuals re-housed through multi-agency public protection arrangements (MAPPA)
- Customers who are in hospital and are well enough to return home, but their current home in Rotherham is not suitable for their needs; this is known as delayed discharge and has direct financial consequences to the Council.
- Customers who live in Rotherham are experiencing violence and need to move to ensure their safety.
- Other exceptional housing management reasons assessed by the Housing Assessment Panel.

The Council does not set a target for direct lettings; however, they are monitored. There is a decision process which ensures transparency and accountability in the use of Direct Lets.

6.3 Adapted properties

Specialist adapted properties will be advertised via the choice-base lettings scheme, only applicants who require specific adaptations will be able to place an interest.

Specialist adapted properties are let on a five-year fixed term tenancy, these types of properties will be identified on the property advert. Specialist adapted properties include properties that have been extended, or have multiple adaptations i.e. through floor lift, stair lift, ground floor bedroom.

Households who live in a RMBC adapted property, or disabled persons unit (DPU) who no longer need the adaptations and wish to move, can be considered for Band Two.

Where a property has been offered with adaptations, these will not be removed if no longer required.

6.4 Advertising and bidding for properties

Properties advertised via the choice-based lettings scheme will be advertised online. Applicants can place an interest (bid) by logging on to their housing online account and have a maximum of three bids per letting cycle.

There are two lettings' cycles per week:

- Friday (00:15) – Monday (23:59)
- Tuesday (00:15) – Thursday (23:59)

Cycles may vary and can be extended during service closure including Christmas and Bank Holidays.

The advert will provide applicants with a range of information to be able to make an informed choice, including:

- Advertising quota
- Street and area (the property number will not be published on the advert).
- Weekly rent amount, including any additional charges such as service charge.
- Number of bedrooms.
- Property type (house, flat, bungalow)
- Floor level and number of steps.
- Heating type.
- Parking.
- Who the landlord is.
- Maximum occupancy.
- Adaptations and bathing facilities.
- Whether pets are permitted. Usually, properties with shared entrances do not permit pets.

Applicants only receive two offers of accommodation, if both offers are refused their housing application will be cancelled. It is important to give careful consideration before placing bids. Consider factors such as distance from support and family, employment, education, etc.

Properties are not offered on a first come first served basis, therefore when placing a bid on a property an applicant's position can change. Only once the advertisement has ended will the position be determined. Bids placed by auto-bid will be applied at the end of the letting cycle.

6.5 Advertising quotas

Most properties will be offered to Band One ahead of the other bands. Most properties (excluding bungalows and specialist adapted properties) will be advertised using the following advertising quota. The advertising quota is a target and may differ from the actual lettings results.

- 60% to Band Two
- 30% to Band Three
- 10% to Band Four

Shortlists will be generated in the following order:

Advertised with a preference to Band Two	Advertised with a preference to Band Three	Advertised with a preference to Band Four
Band One	Band One	Band One
Band Two	Band Three	Band Four
Band Three	Band Two	Band Two
Band Four	Band Four	Band Three

Bungalows

All bungalows are advertised with a preference to Band Two using the following quota:

- 50% of bungalows to applicants with an assessed medical need.
- 50% of bungalows to applicants aged 50+.

Larger properties

Both 3-bedroom parlour houses and 4-bedroom houses will be advertised with a preference to band two.

New build bungalows

The eligibility criteria for new build bungalows gives preference to those over the age of 60 with an assessed need for ground floor. If the shortlist is exhausted the property will be re-advertised to those over the age of 60 with no medical need.

In respect of couples, only one party needs to be over the age of 60. The tenancy will be held in joint names if their partner is over the age of 50 or has an assessed need for ground floor.

Rural lettings policy

Properties that are advertised with a Rural Local Lettings Policy will be advertised using the following quota:

- 50% to applicants with a rural connection
- 50% to applicants with no rural connection

6.6 Auto-bid

The Council operates a choice-based lettings scheme, and where possible applicants should be encouraged to place bids themselves on properties where they would like to live. However, vulnerable applicants who require support with bidding can be placed on auto-bid.

Additionally, applicants owed a homeless duty, or awarded Band one may be placed on auto-bid to assist them with re-housing.

If auto-bid is required, we will discuss with the applicant their requirements, including suitable localities for the system to bid on properties. Where there are known advocates or support services, we will also discuss re-housing preferences if consent has been given.

If a property is offered via auto-bid and it meets their requirements for re-housing and the applicant is wanting to refuse, contact will be made with them and any known advocates or supporting agencies to ensure that the applicant is supported in making this decision.

After a first refusal, we will review the requirements of their re-housing needs and amend auto-bid as appropriate so that a second offer should be suitable.

In the event of two suitable offers being made by auto-bid and refused, auto-bid will be removed from their application and applicants will be required to bid themselves and will have two remaining offers.

6.7 Viewing and accepting an offer of accommodation

Following the end of a property advertisement, only the applicant who is being considered will be contacted to begin the verification process.

Further verification will be carried out on all members of the household. These checks will be made to confirm:

- Identity
- Proof of address and residency test
- Landlord references.
- Affordability assessment
- Suitability of the offer being made.

Additionally further checks may be required including:

- An assessment with the Housing Officer.
- Home visit.
- Other services as appropriate including police, probation, and social services.

An income and expenditure check will be completed prior to all lettings to ensure that a property offer will be affordable to achieve tenancy sustainment.

Once verification has been completed, applicants will either receive a virtual viewing of the property being offered, or where an in-person viewing is required, this will be arranged. It may be necessary to view a property with the Housing Occupational Therapist to check suitability.

Once the verification and viewing has been completed, an appointment will be arranged for the applicant to sign their new tenancy agreement. Where there is a joint housing application, both applicants will be required to attend the appointment.

It is mandatory that all new tenants pay one week's rent in advance before signing the tenancy agreement. All new tenants must also have a bank account and sign a direct debit, a recurring debit card payment, or a standing order to pay their rent.

6.8 Refusing an offer of accommodation

All applicants will receive a maximum of two property offers. This includes offers from Registered Providers who have advertised their properties via the Council's choice-based lettings scheme.

However:

- Applicants owed a homeless duty will receive one offer, if a suitable offer is refused, the homeless duty will be discharged, and their homeless case will be closed. Applicants will then be re-banded in accordance with their circumstances and receive one further offer.
- Applicants in Band One will receive one offer, if a suitable offer is refused, they will lose their Band One award. Applicants will then be re-banded in accordance with their circumstances and receive one further offer.

Careful consideration must be made in deciding whether a property should be classed as a refusal. If there are no genuine reasons for a refusal, such as the garden is too large, or there is no off-road parking, then this will be classed as a refusal as the information should have been attained from the advert.

If two property offers are refused, the housing application will be cancelled, applicants will be required to re-join after a period of 12 months.

6.9 Type of tenancy that will be offered

The Council is committed to improving access to suitable accommodation. The Council tries to make the best use of its housing stock and ensures that all tenants live in suitable accommodation. The Council's Strategic Tenancy Policy sets out how the Council will continue to achieve these outcomes.

This Council favours the use of periodic (lifetime) or 'long term' tenancies and currently issues four types of tenancy agreement:

- 12-month introductory tenancies to new housing tenants.
- Periodic, lifetime tenancies to existing tenants who have satisfactorily seen out the period of their introductory tenancy without incident or breach of tenancy conditions.
- Demoted tenancies which are created when Court makes a demotion order against a tenant with a fixed term or periodic tenancy agreement; demoted tenancies are used to manage antisocial behaviour and offer similar rights to an introductory tenancy.
- Fixed term tenancies, sometimes referred to as flexible tenancies.

Further information is detailed in the Council's Strategic Tenancy Policy.

6.10 Local Lettings Policies

A Local Lettings Policy is an additional criterion (or quota) for a specific area, estate, or block of apartments. It means that the properties in scope of the Policy will be allocated in a different way to the usual approach.

Rural Local Letting Policy

The Rural Local Lettings Policy ensures that 50% of new vacancies will be offered to persons on the housing register with a local connection to that village. Properties in rural areas are in extremely high demand and rarely become available. Often families within villages wish to remain within the community for family support but when a property becomes vacant, they find they are competing in the choice-based letting process with other applicants with no local connection.

For the purpose of this Policy, the Council has classified a rural village as a village with a population of less than 3,500; with few or no facilities; surrounded by open

countryside. There are 35 rural villages in Rotherham, some with populations as small as 100. However, not all villages have any Council stock.

Rural Villages with Council stock include:

- Slade Hooton
- Firbeck
- Gildingwells
- Woodsetts
- Thorpe Salvin
- Harthill
- Todwick
- Ulley
- Harley
- Wentworth
- Hooton Roberts
- Hooton Levitt
- Treeton
- Ravenfield
- Laughton Common

Additional Local Lettings Policies

Where appropriate, the Council may wish to apply additional Local Lettings Policies including the allocation of new developments. Each Local Lettings Policies will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner housing associations, local councillors, and the community itself.

The Council will decide when a Local Lettings Policy may be appropriate and why. There must be a clear evidence base for adopting a Local Lettings Policy.

The Council will use the following framework to decide whether a Local Lettings Policy is appropriate:

- That there is a clear definition of the objective to be achieved by that particular Local Lettings Policy.
- That there is a clear evidence base to back up the need for a Local Lettings Policy.
- That any potential equality impact has been considered.
- How long the Local Lettings Policy is intended to operate.
- When the Local Lettings Policy should be reviewed.

A written record of each Policy adopted or rejected should be kept. The Strategic Director responsible for Housing and in consultation with the Cabinet Member for

Housing have delegated powers to introduce local lettings policies to specific allocation criteria to meet the needs of a local area, this includes new build schemes.

It is the intention that Local Lettings Policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that Policy has been met. Any property advert will state whether there are any local lettings restrictions or criteria.

Age restricted properties

There are several properties / complexes across Rotherham that are advertised with a preference to applicants of a minimum age.

Property / complex	Minimum age of applicant and occupants
Shaftesbury House	50 years
Hampstead Green	50 years
Dawson Croft	50 years
Wellfield Lodge	50 years
The Lanes (bungalows)	50 years
The Grange, Maltby - St Barbara's - St Phillip's - St Bartholomew's - All Hallows	50 years
Beeversleigh, Clifton	40 years

6.11 The right not to offer

In certain circumstances the Council reserves the right not to offer a property.

In some cases, the history of the applicant is not known until the applicant has made a bid and may appear at the top of the shortlist and be due to be made an offer. Where this will apply will include, but is not be restricted to, if the applicant:

- Requests an area where they may be unable to sustain a tenancy from lack of support. For example, in the case of an applicant with a medical priority on support grounds and the property requested is away from the support network.
- Requests a property that is too small for their family circumstances, and this would lead to an unacceptable overcrowding or cramped living conditions of the property including non-statutory overcrowding as per the Allocation Policy.

- Has specific needs for disability adaptations and the property does not meet these requirements.
- Where the applicant or members of the household have been involved in anti-social or criminal behaviour in the last 12 months.
- Where the applicant(s) has breached a condition of their current tenancy, e.g. rent arrears.
- Where the applicant cannot afford to take on the tenancy.
- Where the property or area has been deemed unsuitable to safeguard the applicant or neighbouring residents.

Individual cases that are being considered by Housing Assessment Panel for Band One status will also take the above criteria into account when making their decision.

Where the Council has reserved the right not to offer a property the applicant will be advised in writing of the reasons for this decision.

In some instances, there may be a requirement to undertake “sensitive lettings” in particular areas. Where this applies this will be clearly set out in the Property advertisement. Section 166(7)(a) of the 1996 Housing Act enables authorities to allocate accommodation to people of a particular description, whether or not they fall within a reasonable preference category.

Part 7. Furnished Homes

The Council offers new Council tenants the option to join the Furnished Homes scheme within the first 6 weeks of signing for a new tenancy.

There are four furniture packages available, which all have the option of adding a flooring package. The choice of package available depends on the size of the tenant's property and an affordability assessment.

If a tenant joins the scheme, a weekly charge will be applied to their rent, which is dependent on the furniture package chosen. The charge is added to the rent account and will show as a service charge on the account.

The furnished charge start date will begin on delivery of items/flooring and will be confirmed and entered onto the tenancy agreement at the point of sign up.

If the applicant is in receipt of housing benefit or Universal Credit, some or all the furnished charge may be covered and will require the applicant to update DWP when signing the tenancy agreement.

The charge includes any repairs, maintenance, and replacements to all flooring and furnished items caused by natural wear and tear. Any damages caused by misuse or accidental could result in recharges being raised.

If an applicant's financial circumstances change, there are options to review by upgrading or downgrading the size of the package. Where a tenant is suffering financial hardship due to the furnished charge, there is the option to return the items and terminate the furnished tenancy.

The furnished charge is subject to change, applicants will be notified of any changes in writing.

Part 8. Right of review

8.1 The review process

The Allocation Policy will also ensure that applicants have the right to request the Authority to inform them of any decision about the facts of their case which is likely to be, or has been taken into account in considering whether to allocate housing accommodation, and has the right to request a review of a decision and to be informed of the decision on the review and the grounds for it.

If the applicant(s) wishes to exercise their right of review, they must do so by providing reasons as to why they disagree with the decision in writing to the Council.

The review request must be submitted within 28 days of the applicant receiving the decision letter concerning their application.

The applicant has a right to request a review if an applicant(s) disagrees with the Authority's decision relating to applications to join the housing register and subsequent offers of properties including:

- if an applicant believes that they are in the wrong band, or that their band has been changed unfairly.
- cancellation following a review of the housing register.
- date of application.
- an offer has been withdrawn because the authority believes that the applicant has provided false information or has acted in a way that has made their circumstances worse.

- where applicants have been suspended or excluded unfairly in the applicants' view.
- offers of property made; if an applicant believes that a property has not been allocated according to the Allocation Policy. For instance, if they expressed an interest for a home, and were in the same priority band and had longer waiting time than the successful applicant.

The right of review will be considered by the Housing Assessment Panel within 42 days following receipt of review request.

The applicant(s) must be informed of any decision concerning their application in writing and given the reasons for the action taken. Applicants or their representatives should in all cases be encouraged to make oral as well as written representations.

Once a decision has been made, there is no further appeal process.

8.2 The role of the Housing Assessment Panel

The Housing Assessment Panel considers individual cases for re-housing. The Panel consists of Managers from across the Housing Service. Where appropriate, professionals from other services will be invited to attend the panel meeting to support a multi-agency approach.

The Housing Assessment Panel can consider the following cases:

- Band One cases.
- Requests for direct lets.
- Discretionary successions
- Requests made under section 3.6 that safeguards vulnerable adults in urgent housing need and are not eligible for the housing register.
- Right of review (as detailed in section 8.1).
- Requests to exclude applicants from the housing register.

There may be times when certain circumstances are not covered fully by the Allocations Policy or may need further assessment. These cases will be referred to the Housing Assessment Panel. We will look at each case individually and assess it on its own merits. We will involve the appropriate agencies before we reach a decision, including multi agency meetings where appropriate.

In extreme urgent circumstances where cases require an immediate decision, cases can be considered under delegated powers by the Head of Housing Options who can delegate to the Housing Advice & Assessment Manager. The Assistant Director of

Housing can also delegate this function to another Head of Service. In making a decision, the evidence included in a case will be considered.

Part 9. Other housing options

As detailed in section 1.2, the Council does not have enough properties to meet the demand from everyone who has registered to move to one of our homes, therefore we need to have a system in place which aims to give priority for housing to those who are most in housing need.

Applicants should therefore consider all housing options available to them to resolve their housing circumstances.

The Allocation Policy aims to work closely with applicants in providing information on all housing options with a focus on meeting the individual needs of applicants. We will promote a wide range of housing options based on comparing the applicant's housing need, preference, and financial resources with the range of housing options available to the applicant.

9.1 Nominations to housing associations properties

As well as Council housing, there are other housing associations with rented properties in Rotherham. Housing associations are not-for-profit organisations that have different types of property to rent, which includes homes for young people, families, and older people.

Most of the housing associations with properties in Rotherham are working together with the Council to provide a wider selection of properties for rent and advertise some of their properties via the Council's housing register. Where the property is being advertised on behalf of a housing association, the Council will share the shortlist with them. Before making an offer of a tenancy, the housing association will check whether the applicant meets its own rehousing rules.

Some housing associations also hold and manage their own waiting list. To increase housing options, we recommend applicants registering with as many providers as possible.

9.2 Mutual exchanges

Both secure council and housing association tenants in England, Wales, Northern Ireland, and Scotland, who occupy permanent accommodation, have the right to exchange their tenancies with their landlord's permission. Homeswapper is an online mutual exchange database, with an online self-service function that enables customers who are already tenants the facility to transfer both locally and nationwide. Homeswapper can be found at www.homeswapper.co.uk

Before a mutual exchange can take place both exchange partners must get their own landlord's permission. The landlord has 42 days to notify the tenant in writing if they agree to the exchange taking place. An exchange can only be refused on one of the following specified schedule grounds, which are set out in Schedule 3 of the Housing Act 1985.

The Council may refuse consent for an exchange in the following circumstances:

- When any rent lawfully due from a tenant under one of the existing tenancies has not been paid
- When an obligation under one of the existing tenancies has been broken or not performed.
- A court order for possession or a suspended possession order has been made for either property.
- The landlord has served a notice of seeking possession and the notice is still in force, or possession proceedings have commenced.
- The property is not reasonably suitable to the needs of the proposed assignee and their household.
- The property is part of or close to a building that is held for non-housing purposes, or it is situated in a cemetery and was let in connection with employment with the landlord or with a local authority, a new town corporation, housing action trust, an urban development corporation, or the governors of a grant-aided school.
- The landlord is a charity and the proposed assignee's occupation of the property would conflict with the objects of the charity.
- An injunction order under Section 153 of the Housing Act 1996 or an anti-social behaviour order or a Demotion Order or a possession order under Ground 2 for secure tenancies or Ground 14 for assured tenancies is in force or an application for one of those is pending either against the tenant, the proposed assignee or a person who resides with either of them.
- Ground 2B(schedule 3) also allows for consent to be refused where properties are subject to closure notices/orders.

- The property has been substantially adapted for occupation by a physically disabled person, and if the assignment went ahead a physically disabled person would not be living there.
- The landlord lets properties to people in difficult circumstances (other than merely financial circumstances) and the proposed assignee would not fulfil these criteria.
- The property is let to people with special needs and there is a social service or special facility nearby to the properties to assist people with those special needs, and if the assignment were to go ahead no person with those special needs would be living there.
- The dwelling is the subject of a management agreement where the manager is a housing association of which at least half the members are tenants subject to the agreement and at least half of the tenants of the dwellings are members of the association, and also that the proposed assignee is not such a member nor is willing to become one.
- The property is substantially larger than is reasonably needed by the proposed assignee.

9.3 Assigning or succeeding to a Council tenancy

Assigning to a Council tenancy

Assignment means you transfer your tenancy to someone else and they become the tenant. You can only assign a Council or housing association tenancy in certain situations:

- swap homes with another tenant (known as a mutual exchange).
- The court orders who keeps the tenancy if you and your partner have a relationship breakdown.
- pass your tenancy to a family member who would be entitled to succeed.

You can only assign your tenancy before you move out permanently, therefore always speak to the Area Housing Officer first. Additionally, you need to sign a document called a 'deed of assignment'.

Statutory successions - tenancies created prior to 1 April 2012:

Under the terms of the Housing Act 1985, where no succession to a tenancy has already taken place, specified family members may succeed to a secure tenancy on the death of the tenant if certain conditions are met. This is known as a statutory succession. Where the successor is under-occupying, they will not be required to move.

Statutory succession - tenancies created from 1 April 2012:

The Localism Act 2011 introduced changes to the law on succession rights. For tenancies created from 1st April 2012, the statutory right to succeed to a tenancy rests only with a spouse, partner, or civil partner of the tenant, who was residing with the tenant as their only or principal home at the time of the tenant's death. Other family members will not have a statutory right to succeed to a tenancy.

Discretionary successions

Where a statutory succession to a tenancy has already taken place, or for a post April 2012 tenancy where there is no spouse, partner or civil partner eligible to succeed to the tenancy, the Council will consider a request to remain in the property in accordance with the Succession Policy (section 6.4 and 6.5), and be offered a new tenancy from certain family members or live-in carers who were living with the deceased tenant at the time of their death, and had done so as their only or principal home for a minimum period of 12 months.

The applicant must also be eligible to join the Housing Register and qualify for an offer of accommodation in their own right and satisfy the qualifying conditions including the property type and occupancy levels as set out in section 4.5 of this Policy. In certain circumstances if the property becomes under occupied, Housing Assessment Panel will consider individuals cases to allow a discretionary succession if it is considered there are exceptional housing management reasons to do so.

When a succession to a Rotherham Council tenancy is not agreed, applicants who have lived in the property for more than 12 months will be awarded Band 2. (Section 5.3 of the Allocation Policy).

Where an applicant does not qualify for the type of accommodation they are living in, they will be supported to join the housing register and awarded Band Two. Applicants will still be allowed to bid under the choice-based lettings, but a reasonable direct offer is more likely to be made and can be made at any time. Only one offer arising out of a successful bid, or one direct offer will be made and if this is refused, the Council will consider that the discretion is no longer justified, and the applicant will be required to leave the property and make their own arrangements for their future housing. The Council will take legal action to recover possession of the property in occupation by the applicant if they refuse to leave the property.

9.4 Right to Buy

Council tenants have the Right to Buy their home, and housing association tenants may have the Right to Acquire or the Retained Right to Buy. There are rules about who can do this. Your landlord will be able to advise which people qualify to purchase their home. Where an application is submitted for a Right to Buy or Right to Acquire or Retained Right to Buy, the housing application will be cancelled.

9.5 Shared Ownership

Shared Ownership is a form of home ownership designed for people who choose to buy a home but cannot afford to make the full mortgage payments. It is designed to give applicants the chance to own their own home in stages. Shared ownership is where the applicant can buy a share of a property, paying a mortgage on that share and rent on the remaining share. The initial share is normally between 25% and 75%. The applicant must be made aware that in addition to making rent and mortgage payments; the applicant is responsible for most of the normal costs of home ownership.

9.6 Extra Care Housing

Extra Care Housing offers a way of helping individuals over the age of 55 to live independently and gives the security and privacy of a home with a range of facilities on the premises. A medical assessment of need is required to access Extra Care Housing. The letting of extra care properties may be carried out by the landlord in accordance with their allocation criteria.

9.7 Landlords and letting agents

The Council can provide applicants with a list of landlords and letting agents within the Rotherham area.

Applicants owed a homeless duty will be assisted in private rented searches. If a suitable home is sourced, your homeless duty will end.

Part 10. Monitoring and review

This Allocation Policy will be reviewed on a regular basis to ensure that it meets its stated objectives, complies with existing and proposed legislation and guidance, and

does not operate in a manner that disadvantages, or discriminates against, any particular group.

Part 11. Complaints

Complaints are separate to the circumstances in which an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure as detailed in section 8 of this policy.

Where an applicant wishes to make a complaint, this should be made under the Council's complaints policy. Information about how to make a complaint and how the Council will deal with it can be found at [Complain about Council Services – Rotherham Metropolitan Borough Council](#).