

# Birmingham Choice

## Birmingham City Council Housing Allocation Scheme

January 2023



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## 1.0 Overview

### 1.1.0 Introduction

1.1.1 Birmingham City Council has chosen to operate a housing allocation scheme, under the name Birmingham Choice.

1.1.2 Throughout this document, a reference to the “**Local Authority**” means Birmingham City Council. A reference to “**Scheme**” means Birmingham Choice.

1.1.3 There is a legal requirement for all English local housing authorities to have a scheme for the allocation of social rented housing, regardless of whether they own or manage any social rented housing. There were 14,208 applicant households on the Local Authority’s housing waiting list in 2020, 10% higher than the previous year and the highest number since 2016. The Local Authority owns and manages 60,576 units of social rented housing, of which:

1. 53,844 (88.8%) are social rent general needs
2. 4,797 (7.9%) are social rent supported housing
3. 1,931 (3.1%) are affordable rent general needs
4. 4 (0.2%) are affordable rent supported housing

1.1.4 The Local Authority’s housing allocations functions are regulated by the Local Government and Social Care Ombudsman and for those local authorities that retain their stock, there is also oversight from the Housing Ombudsman and Regulator of Social Housing.

1.1.5 This document explains how people can apply for an allocation of social rented housing, how the Local Authority will allocate social rented housing and the extent of choice applicants will be offered.

1.1.6 The Local Authority is permitted to contract out the administration of specific public law housing allocation functions to a third party. Any such arrangements that might be in force are outside the scope of this document. Where such arrangements have been established, any reference made in this document to the Local Authority automatically extends to any third party appointed to undertake such administration.

### 1.2.0 Purpose of this document

1.2.1 The Housing and Regeneration Act 2008 defines social housing as low-cost homes for rent and sale to people whose housing needs cannot be met by the general housing market. This document will explain how the Local Authority will allocate social rented housing to:

- a. persons applying to become social housing tenants; and
- b. secure/assured tenants seeking to move to another dwelling house (“**Transfer Applicants**”), let under secure/assured tenancies.

The Local Authority intends to allocate homes in a fair, transparent, and effective way, that prioritises applicants who are most in need, is lawful and makes best use of the homes available.

- 1.2.2 This document explains how priority between applicants will be determined and the arrangements for making an offer of home owned by the Local Authority and for nominating applicants to private registered providers of social housing (“**Registered Providers**”), who own and/or manage social rented housing in the Local Authority area.
- 1.2.3 A copy of this document will be made available to any person who requests one. A summary is also available. A copy has been sent to the Regulator of Social Housing, the Housing Ombudsman, and the Local Government & Social Care Ombudsman.
- 1.2.4 This Scheme has been framed with consideration of the housing requirements of current and future potential tenants. Most applicants will be afforded choice in the dwellings offered to them; in that they will be able to express a preference in respect of the available properties that meet their housing needs.

### **1.3.0 Principles of this Scheme**

- 1.3.1 This Scheme has been formulated with regard to the law and regulatory requirements, including:
  1. Housing Act 1985
  2. Housing Act 1996
  3. Homelessness Act 2002
  4. Homeless Reduction Act 2017
  5. Housing and Regeneration Act 2008
  6. Localism Act 2011
  7. Armed Forces Act 2006
  8. Asylum and Immigration Act 1996
  9. Immigration and Asylum Act 1999
  10. Children Act 2004
  11. Equality Act 2010
  12. Data Protection Act 2018
  13. European Union (Withdrawal Agreement) Act 2020
  14. Statutory guidance:
    - a. Allocation of accommodation: guidance for local authorities, June 2012, updated, September 2021
    - b. Providing social housing for local people, December 2013
    - c. Right to Move and social housing allocations, March 2015
    - d. Improving access to social housing for victims of domestic abuse, November 2018
    - e. Improving access to social housing for members of the Armed Forces, June 2020

15. The regulatory standards for registered providers of social housing in England:
- a. Tenancy Standard, published April 2012

1.3.2 Case law from the English and Welsh Courts has also been taken into consideration.

1.3.3 This Scheme only relates to the allocation of social rented housing in the Local Authority area, which extends to:

1. Affordable rent social housing.
2. General needs social housing.
3. Extra care social rented housing.
4. Affordable rent supported housing.
5. General needs supported housing (i.e., sheltered).

1.3.4 For the purpose of this Scheme, an “**allocation**” is defined as occurring when the Local Authority select an applicant to be a secure or introductory tenant of social rented housing held by the Local Authority, or nominates a person to be an assured tenant (encompassing fixed term and affordable tenancies) of social rented housing held by a Registered Provider, subject to certain exceptions that are set out in 1.3.6 below.

1.3.5 Actual entry by an applicant into a tenancy agreement for a particular property is beyond the scope of this Scheme which concerns the principles and procedures by which the selection of applicants for an allocation will be undertaken. The law requires Local Authorities and Registered Providers to publish rules and policies about how housing allocations will be made. Applicants should consult individual Registered Providers about their rules and policies concerning allocation of social rented housing. Copies of this allocation scheme are available from the Authority as described at the end of this document.

1.3.6 The main exceptions to the position set out above in 1.3.4 are as detailed below. An allocation of social rented housing will not occur in any of the following cases. The Local Authority and/or Registered Providers shall have their own rules and policies for these matters, which should be referenced for further details:

1. The granting of a tenancy that is not of the type specified in the legal definition of allocation, such as one without security of tenure (e.g., a ‘family intervention tenancy’, temporary accommodation provided to homeless households that are owed a duty of assistance, etc).
2. Granting a tenancy to a person who is currently and lawfully occupying a property held on a family intervention tenancy.
3. The vesting (by succession) of a periodic secure or introductory tenancy on the death of the current tenant.
4. The devolution of a fixed term secure tenancy on the death of a tenant.
5. The assignment of a secure tenancy as part of a mutual exchange.
6. The assignment of a secure or introductory tenancy to a person who would have been qualified to succeed to the tenancy on a tenant’s death.

7. The vesting or disposal of a secure or introductory tenancy pursuant to a court order made under the following provisions of family law statutes:
  - a. section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings).
  - b. section 71 of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce).
  - c. paragraph 1 of schedule 1 of the Children Act 1989 (orders for financial relief against parents); and
  - d. schedule 7, Part 2 of the Family Law Act 1996 (orders for moving a tenancy from an existing tenant to a new tenant).
8. The vesting or disposal of a secure or introductory tenancy pursuant to an order made under Part 2 of schedule 5, or paragraph 9(2) or (3) of schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership).
9. A transfer initiated by a private registered provider of social housing of a secure or introductory tenancy (i.e., not initiated by an application for a transfer by the tenant).
10. A tenancy being granted as part of a surrender and re-grant where two social housing tenants wish to exchange their homes and one tenant holds a flexible tenancy or an assured shorthold tenancy.
11. Where a tenant has been displaced from previous accommodation and has been provided with suitable alternative accommodation under the Land Compensation Act 1973.
12. The granting of a secure tenancy to a former owner-occupier or statutory tenant of a defective dwelling house acquired by the Local Authority.
13. The granting of a secure tenancy to a person who is already a secure tenant or an assured tenant of a private registered provider of social housing unless the person applies for a transfer and is entitled to a statutory reasonable preference.

1.3.7 When drawing up this Scheme, the Local Authority has consulted with the following bodies and persons; other local housing authorities within the West Midlands Combined Authority and county area, registered providers (who hold stock in the Birmingham local authority area), other public authorities, voluntary organisations, and other persons, plus previous, current and future potential tenants. Regard was had to:

1. Birmingham Homelessness Strategy 2017 +
  - a. Rough Sleeping Action Plan 2020-23
2. Birmingham Tenancy Strategy

1.3.8 The Local Authority will take such steps as it considers reasonable (e.g. by making contact via email, telephone, or letter, or by placing a notification on the Scheme or the Local Authority website, or via another suitable form of communication), within a reasonable period of time, to bring to the attention of those likely to be affected by it:

- a. any alterations made to this Scheme.

- b. any subsequent alteration to this Scheme that would affect the relative priority of a large number of applicants; and
- c. any significant alteration to any associated procedures for administering this Scheme.

1.3.9 Elected Councillors of the Local Authority, are prohibited from making decisions about any individual allocation, pertaining to any accommodation situated in their electoral ward area, or any person who is resident in their electoral ward area. Elected Councillors may seek to obtain general information about the allocation of housing, can represent their constituents and discuss their cases with Local Authority Scheme administrators. Elected Councillors participate in making decisions about the overall content of this Scheme. Elected Councillors will consider whether the Local Authority's Code of Conduct requires them to declare an interest before participating in such deliberations. If in any doubt, the advice of the Local Authority's Monitoring Officer will be obtained. The Local Authority arranges for Elected Councillors to be provided with suitable training in these matters.

1.3.10 Copies of this document are made available by the Local Authority to any person who requests one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. People will be informed about their rights to information, advice and assistance concerning this Scheme. For further information, see section 2 of this document.

1.3.11 People will not be able to join the Scheme if they are either not eligible for an allocation of social housing, and/or are of a class of person matching the disqualification criterion set out in this document. For further information, see section 3 of this document.

1.3.12 Applicants will be prioritised for an allocation by Band. Within bands, applicants will be prioritised by waiting time, from the date that their application was placed in the current band that they have been afforded, for further information, see section 4 of this document.

1.3.13 Applicants will be allowed to express a preference for the homes available to let. This will be subject to certain limitations. Applicants will be penalised for refusing reasonable offers. For further information, see section 5 of this document.

#### **1.4.0 Consultation**

1.4.1 The Local Authority carried out consultation on how it intended to prioritise the allocation of social rented housing. Applicants who were members of this Scheme and other people, such as advocates for people from protected characteristics groups and Registered Providers, etc, were consulted before finalising this Scheme.

- 1.4.2 The Local Authority has published a report on the consultation of this Scheme, on the outcomes of the consultation and any changes that have been made to the scheme.
- 1.4.3 A variety of consultation methods, such as focus groups and online surveys, were used to solicit opinions. The Local Authority has taken account of the needs of specific groups, such as persons with a disability, or learning and support need. An Equality Impact Assessment has been completed in conjunction with adopting this Scheme.
- 1.4.4 This Scheme will be reviewed by the Local Authority at least every two years (and more often if required, for example due to legislative or regulatory changes) in conjunction with applicants and other appropriate persons or organisations.
- 1.4.5 Any major changes to this Scheme that will affect the relative priority of a large number of people have been communicated in writing (using email, letter or notification via the Scheme or Local Authority website) to potential applicants that might be affected.



## **2.0 Information, Applications and Decision-Making**

### **2.1.0 Information**

- 2.1.1 The Local Authority will provide a summary of this document free to any person who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The whole of this document will be kept available for inspection by any person at the principal offices of the Local Authority. The Local Authority will provide a copy to anyone who asks for one. Electronic copies will be provided, copies in alternative formats will be considered on an individual basis. The Local Authority will also publish this document on its websites, including the Scheme website. The Local Authority will provide, information via the Scheme website, about:
1. The rules associated with initial consideration of an applicant's application.
  2. Potential stock availability.
  3. Eligibility, qualification, and prioritisation criterion for joining the Scheme and being offered or being nominated social rented housing.
- 2.1.2 The Local Authority will provide general information via the Scheme website about the social housing stock in its area, including that owned the Local Authority and that of Registered Providers.
- 2.1.3 The Local Authority will provide the following information via the Scheme website for any given dwelling, wherever it is made available by the Local Authority or Registered Providers:
1. Type (e.g. house, flat, bungalow, etc), size (e.g. number of bedrooms, bathrooms, etc) and location (e.g. by electoral ward).
  2. Whether it is already accessible for people with disabilities or could be adapted to be so dependent upon the needs of the applicant.
  3. Whether there is access to a shared or private garden.
  4. Heating type and an indication of the cost of running it (e.g. energy rating).
- 2.1.4 The Local Authority will consider requests for information in translated and alternative formats (e.g. Braille, large print, audio etc) and provide materials as relevant. The special needs of specific groups of prospective applicants (e.g. the housebound, prisoners, gypsies, and travellers, etc), will be taken account of when making any arrangement to access and provide information and advice. Information and advice will be made available via the Scheme website and/or the website of the Local Authority and via other formats (e.g. other electronic formats, print or orally), as relevant.
- 2.1.5 The Local Authority will provide any person who requests it with information and advice about their rights to make an application for an allocation of social rented housing. Furthermore, the Local Authority will freely help any person who is likely to have difficulty in making an application to join the Scheme. This assistance will include (this list is not intended to be exhaustive):

1. Help to complete any form that might exist
2. Explaining what evidence might be required for the Local Authority determine any eligibility and qualification criterion that might be in force and help with collecting this evidence for assessment
3. Explaining what evidence might be required to determine the degree of priority to be given to an application and help with collecting this evidence for assessment
4. Explaining what evidence might be required to help determine the type of property that should be allocated and help with collecting this evidence for assessment

2.1.6 The Local Authority will provide every applicant with the following general information, accompanied by a free summary of this document:

1. How their application is likely to be treated.
2. Whether or not they have been accepted as being eligible for an allocation or any reasons for being determined as ineligible.
3. Whether or not they qualify to join the Scheme and the reasons for being disqualified.
4. The type of property they are likely to be allocated and the number of bedrooms they might be entitled to have.
5. The method that will be used in assessing their needs.
6. The number of other applicants with equal or greater priority.
7. An assessment of the likely time that they will have to wait to receive an offer by reference to average waiting time or the number of allocations of similar properties, based on data available for the most recent 12-month period.
8. Any facts about the applicant's case which have been or will be taken account of when making decisions.
9. The right to request a review of any decision that they are not eligible and/or do not qualify to join the Scheme or concerning an allocation of or nomination to social rented housing (see section 2.4.1 for further details).
10. A written review decision, where a review has been requested along with the reasons for that decision.

2.1.7 The Local Authority will advise all persons that equalities information will be collected, to enable a better understanding of people's housing needs and to ensure that no one is discriminated against as a result of the way this Scheme has been framed, or during the administration of it. People will be informed either orally or in writing as to how such data will be used, handled, and stored.

2.1.8 The Local Authority is subject to the information disclosure requirements of the Data Protection Act 2018. The administration of this Scheme will ensure compliance with this legislation. For further information please reference the Local Authority's *Data Protection Policy*.

2.1.9 All persons making an application to join the Scheme, have the right to confidentiality. An application will not be divulged to any other party without an applicant's consent

unless it gives rise to a safeguarding concern. An applicant will be asked to give consent to share relevant details of their application, with relevant third-party organisations, such as public authorities, registered providers, voluntary organisations, and others. Where consent is given, this only extends to those who can provide evidence that can help to determine an application and/or who need to know to process an allocation (e.g. employees of health, social care, criminal justice, social housing organisations, etc). For further information, please refer to the Local Authority's *Information Sharing Protocol*. Where consent is not given, this may affect the ability of the local authority to process an application. The authority may not be able to process an application if it is unable to make the necessary enquiries due to a failure to of refusal of consent.

## **2.2.0 Applications**

- 2.2.1 Each applicant will be provided with a user account that they will be able to securely log into via the Scheme website. The Local Authority will primarily communicate with applicants via their user account, to provide them with information and advice, give assistance, issue warnings about fraud, seek further evidence or clarify matters relating to evidence already submitted, make notifications as whether someone is eligible and qualifies to join the Scheme, make an offer of an allocation, confirm whether an applicant wish to accept an offer of an allocation and other matters relating to their application. Whenever necessary, the Local Authority will also communicate with applicants via other means, such as email, telephone/videotelephone, letter/leaflet or in-person, etc, such as when they are having difficulty using their Scheme user account, this includes where a person with a protected characteristic, needs or asks for an alternative.
- 2.2.2 All applications must be made using the prescribed online form published by the Local Authority. Whenever necessary, the Local Authority will also arrange for applications to be completed by other means, such as when an applicant is having difficulty completing the prescribed online form, this includes where a person with a protected characteristic, needs or asks for an alternative. Applications can only be made by a sole individual, all other persons who might presently live with an applicant can feature as usual household members. Applications are welcomed from persons who live at two separate addresses, but who wish to live together at one single address, one person will have to feature as the applicant with the other person(s) featuring as usual a household member. Anyone who might usually reside with an applicant, or who might reasonably be expected to reside with an applicant, can feature as part of the application. A usual household member is a person who normally lives with an applicant. People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (e.g. they are in prison, care of a local authority, staying in hospital, away serving in the armed forces, etc), are also considered a usual household member. People who do not currently live with the applicant may only be included if the applicant satisfies the authority that they might reasonably be expected to do so. Separate guidance exists to aid the completion of an application,

for further information please refer to *Guidance for Making an Application to join Birmingham Choice*.

- 2.2.3 In addition to the application, the following documents (where available) must be submitted as evidence, via the Scheme website to verify the information provided by the main applicant, plus any other person who might reside with the applicant who might wish to become a joint tenant:
1. Passport, to help determine eligibility to rent social housing in England.
  2. A utility or Council Tax bill from the past three months, to help determine eligibility to rent social housing in England.
  3. Birth certificate, to help determine qualification to join the Scheme.
  4. Details of any relevant unspent convictions (see section 3.2.4), to help determine qualification to join the Scheme.
  5. All financial records from the past three months relating to income and savings, to help determine qualification to join the Scheme.
  6. All legal records relating to property ownership to help determine qualification to join the Scheme.
  7. Any other information that helps to determine eligibility to rent social housing in England (see section 3.1.0 for further details), qualification to join the Scheme see section 3.2.0 for further details) or making a community contribution
- 2.2.4 All applicants will be required to renew their application annually, from the anniversary of being accepted to join the Scheme. Failure to renew an application will result in an application being closed and membership of the Scheme being discontinued. Applicants will be reminded of the requirements to renew their application and will have 28 days from receipt of a notification information to comply with the renewal request. If an applicant fails to comply with the renewal request within the allotted timeframe, further contact, will be made and they will be afforded a further 28 days to renew their application, Failure to comply during the second 28-day period will result in an applicant being removed from the Scheme. If an applicant then wishes to re-join the Scheme, they will need to make a fresh application and will start at the back of queue.
- 2.2.5 Every applicant will be provided with advice about offences in relation to applications, prior to making an application. Applicants will be disqualified, and might be prosecuted, if they deliberately withhold information, provide misleading information, or do not notify the Local Authority of any change in circumstances (e.g. change in income, change in household formation). A warning will include the following facts: a person guilty of such an offence could be liable to pay a fine and may also face prosecution for fraud which can result in imprisonment.
- 2.2.6 The Local Authority will provide every applicant with information and advice about their rights to make an application for an allocation of social rented housing. Furthermore, assistance (such as (i) explanation of the steps for making and determining an application, (ii) collecting evidence to determine eligibility and qualification for an allocation, (iii) the degree of choice they are entitled to and (iv)

how applicants are prioritised for an allocation) will be provided free of charge to any person who is likely to have difficulty in making an application (e.g. due to mental or physical impairment, or because of any other special characteristic) to join the Scheme. This assistance will be extended to those who might require help to express a preference for an available property to let. The Local Authority is subject to the Equality Act 2010, which has been duly considered when formulating this Scheme (and any associated rules, procedures, policies and processes). A separate *Equality Impact Assessment* has been completed and copies can be requested from the Local Authority or downloaded from the Scheme website. The *Equality Impact Assessment* has identified any potential impact on people with a protected characteristic, showing these as positive, negative, or negligible, plus includes actions to mitigate any such negative impacts. This Scheme aligns with the Local Authority's *Strategic Equalities Plan*. To ensure compliance with Equality Act duties, reasonable alternative arrangements will be made by the Local Authority and/or Registered Providers for each individual applicant and property, including:

1. A mechanism (e.g. assistance provided via the Scheme website, phone, or in person, or by any other necessary means) for providing support in making applications.
2. A mechanism (e.g. a specific question on the online application) to identify the requirements of disabled applicants.
3. Informing an applicant of a property's accessible features (e.g. via the Scheme website, or by email or letter, on the phone or in person, or by any other necessary means). Whenever properties with accessible features are advertised via the Scheme website, they will be marked as such.
4. A mechanism (e.g. at the stage of offer or nomination) to allow extra time, (of a duration relevant to the circumstances of any given case) for disabled applicants
5. A mechanism (e.g. at the stage of offer or nomination) to allow extra time, (of a duration relevant to the circumstances of any given case) for disabled applicants if they need it to accept an offer.

2.2.7 The Local Authority will process applications; this will involve a preliminary assessment. Firstly, consideration will be given to whether the applicant is eligible for social rented housing in accordance with the law. It will then be determined if an applicant qualifies to join the Scheme under the terms set out in this document. For further information on eligibility and qualification, please see section 3 of this document. Detailed scrutiny will take place when an applicant is due to be allocated or nominated for a particular property, to determine whether the applicant:

1. Is still eligible.
2. Is still a qualifying person.
3. Meets any specific lettings criteria for the particular property (e.g. due to a Local Lettings Scheme being in force (see section 4.3.0 for further details), or the having accessible features suitable for persons with a disability).
4. Has a household size that matches any size criteria for the property (see section 4.2.3.5 for further details).

2.2.8 The Local Authority will process applications within a reasonable period of time (relative to the particulars of any given application) after all documentation has been received from an applicant. Upon receipt of an application, the Local Authority will inform the applicant of its complaints procedure and how they may seek the help of the Local Government & Social Care Ombudsman.

2.2.9 The Local Authority will accept applications from current tenants of Birmingham City Council (including tenants of Registered Providers), for transfers (“**Transfer Applicants**”) to alternative social rented housing available in Birmingham. Such applicants have the right to:

1. Make applications.
2. Have their applications considered.
3. Be notified as to their rights to information and review.
4. Confidentiality of the fact of their application.

2.2.10 The Local Authority will initially treat Transfer Applicants in the same way as all other applicants, except that there will no inquiries made about eligibility. This is because the law dictates that all current tenants of social housing are eligible for a further allocation of social housing accommodation regardless of their immigration or habitual residence status. Transfer Applicants will be prioritised in the same way as new applicants (e.g. by housing need and then date of banding. Transfer Applicants will not be offered an allocation that would result in them under-occupying the dwelling against the Bedroom Standard, being overcrowded by the Bedroom Standard or being unable to afford rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment completed at the same time an offer is made, but prior to a letting being agreed. Transfer Applicants will be required to satisfy the qualification criterion for this Scheme set out in section 3.

2.2.11 The Local Authority will handle applications as per the provisions set out in this document. Any application which gives the Local Authority a reason to believe a person may be homeless or threatened with homelessness, will trigger inquiries as to what duty of assistance, if any, is owed under Housing Act 1996, Part 7 (as amended). Such inquiries and any subsequent assistance a person might be entitled, to are outside the scope of this Scheme. The Local Authority has separate arrangements in force to administer public law homelessness duties. Contact details for which are as follows

1. Housing Solutions and Support Service
2. New Aston House, Newtown Shopping Centre, Newtown, Birmingham, B19 2SW
3. 0121 303 7410  
[https://www.birmingham.gov.uk/info/50094/housing\\_options/1191/newtown\\_housing\\_options\\_centre](https://www.birmingham.gov.uk/info/50094/housing_options/1191/newtown_housing_options_centre)

2.2.12 Decisions about whether an applicant is eligible for an allocation of social rented housing and qualifies to join the Scheme will be made in strict accordance with the rules established in this document. Reviews will be carried out in strict accordance with the rules established in this document. The discretionary power (which is set out below) to allow an applicant to be treated as qualified to join the Scheme outside the criteria set out below, and/or prioritise them for a nomination of social rented housing, is limited to a designated senior officer with responsibility for administering housing allocation functions for the Local Authority, Strategic Lead and/or Team Manager, Applications and Allocations. In all cases the Council reserves the right for a more senior officer than detailed above to make decisions on applications. References to officer titles include equivalent officers following any changes to organisational structures. The aforementioned senior employee(s) will be responsible for minimising the risk of employee fraud and errors, including the vetting of junior employees and randomly checking and validating decisions on applications. Consideration of an application will be based on the information provided on the application form, plus any evidence supplied by an applicant (e.g. proofs of identify, etc), or information gained from public bodies (e.g. prisons, young offender institutes, secure training centres, secure colleges, youth offending teams, probation services, DWP/Jobcentre Plus, social services authorities (adult social services and child social care), NHS Trusts and NHS Foundation Trusts, Ministry of Defence, general medical practitioners, schools, police, etc) Registered Providers, voluntary organisations and any other persons or organisation that might be able to provide or verify evidence relevant to a person's application.

2.2.13 Unsuccessful applicants, who have been declared not eligible for an allocation of social rented housing or fail to satisfy the qualification criteria, will be informed that they can make a further application, whenever they believe there has been a material change to their circumstances. They will also be informed of their right to a review (see below).

2.2.14 Upon initially receiving an application, the Local Authority will:

1. Confirm accuracy of all information provided by an Applicant. Where information is inaccurate or missing, the Local Authority will contact the applicant notifying them of this and requesting that they provide further relevant information. Where information requires verification by a third party (e.g. housing, health, social care or other professional), the local authority will contact the relevant party and seek their opinion about the applicant's circumstances at the date of their application and how this affects their housing needs.
2. Confirm whether an applicant is eligible for an allocation of social rented housing, in accordance with the criteria set out in section 3.1.0.
3. Confirm whether an applicant is qualifying or is disqualified for an allocation of social rented housing, in accordance with the criteria set out in section 3.2.0:
  - i. If the applicant has applied on the grounds of being homeless or owed a homelessness duty, ascertain whether the applicant has already made an application for homelessness assistance.

- ii. If yes, access the Local Authority's homelessness database for information relevant to the applicant's application for an allocation of social rented housing.
  - iii. If no, subject to the applicant's acquiescence, arrange for the applicant to make an application for homelessness assistance and share any information from the applicant's application for an allocation of social rented housing that might be relevant to their application for homelessness assistance.
  - iv. If an applicant has applied on the grounds that their existing accommodation is overcrowded, follow the steps set out in Appendix 2, section 2.1.0.
- 4. Confirm an applicant's priority for an allocation of social rented housing, in accordance with the criteria set out in section 4.2.0.
- 5. Confirm the best interests of any children that might need to be taken into account, promoted and/or safeguarded, in accordance with the arrangements set out in section 4.5.0.
- 6. Confirm whether an applicant's; circumstances warrant the exercise of any discretion, in accordance with the arrangements set out in section 4.6.0.
- 7. Confirm the degree of choice an applicant is entitled to express, in accordance with the arrangements set out in section 5.1.0.
- 8. Confirm what would constitute a reasonable offer of accommodation, in accordance with the criteria set out in section 5.2.0
  - i. Affordability will be determined in accordance with the criteria set out in Appendix 1.
  - ii. Bedroom entitlement will be determined in accordance with the criteria set out in Appendix 2, section 2.2.0.

2.2.15 Subsequent to completing the steps set out in section 2.2.14, the Local Authority will inform an applicant:

- 1. Whether they are or are not eligible for an allocation of social rented housing and of their right to request a review of this decision, in accordance with section 2.4.0.
- 2. Whether they are qualifying or disqualified from joining the Scheme and of their right to request a review of this decision, in accordance with section 2.4.0.
- 3. The priority they have been afforded (e.g. the Band they have been placed in) for an allocation of social rented housing and of their right to request a review of this decision, in accordance with section 2.4.0.
- 4. The account that has been taken of the need to safeguard and/or promote the best interests of any children.
- 5. Whether or not their circumstances warrants the exercise of any discretion.
- 6. The degree of choice they will be entitled to express.
- 7. The extent of their household and the type of social rented housing they will be considered for and of their right to request a review of this decision, in accordance with section 2.4.0



2.2.16 The Local Authority will then command the database to allow an applicant to express choice relevant to them and their households needs.

2.2.17 The above steps will be repeated whenever the applicant notifies the Local Authority of a change of circumstances and also at the point the Local Authority will make an offer of social rented housing to an applicant.

### **2.3.0 Decision-Making**

2.3.1 The Local Authority will notify applicants in writing of any decisions about their applications, regardless of whether they are adverse or successful. Where the notification confirms a successful decision, applicants will also be told when realistically they might be made an allocation of social rented housing.

2.3.2 Where the notification confirms a decision that an applicant is ineligible for an allocation of social rented housing or disqualified from joining the Scheme, an applicant will be given reasons for the decision based on the relevant facts of the case. Additional arrangements will be made for applicants who might have difficulty understanding the implications of the decision, to be informed orally (e.g. via telephone/videotelephone or in person). Copies of all adverse decisions will be made available for a reasonable period of time for collection by the applicant, or by someone on their behalf, at the main offices of the Local Authority, when an applicant has not does not have an active user account on the Scheme website nor has provided either an email address or postal address.

2.3.3 Decisions about applications made by employees of the Local Authority, will be made in accordance with the rules set out in this document. However, all such decisions will be verified via a series of checks by a designated senior officer, who has responsibility for administering housing allocation functions for the Local Authority. Applicants will be asked at the point of making an application, whether they (or anyone who lives with them or might reasonably be expected to live with them) are an employee of the Local Authority. Where a person affirms on their application that they (or a usual household member), is an employee of the Local Authority, they will be notified of the process to deal with any conflicts of interest which will involve a senior officer processing the application and ensuring that it is dealt with impartially without any reference to the relevant employee. The same principle will be applied to relatives of persons who are employed by the Local Authority.

### **2.4.0 Reviews**

2.4.1 Applicants will be informed in writing, of their right to request a review, within 21 calendar days of receiving a decision about their housing application, of any of the decisions shown below:

1. That an applicant is not eligible for an allocation of social rented housing, due to being subject to immigration control or being an ineligible person from abroad.
2. That an applicant is not within a class of persons qualifying to join the Scheme.
3. The degree of preference they have been afforded for an allocation of social rented housing, including any changes made (either adverse or positive) to the degree of preference they are entitled to.
4. The facts of their case which are likely to be, or have been, taken account of when deciding whether to making an allocation, or a nomination to a Registered Provider, including their medical condition or other welfare needs.
5. The type of social rented housing for which an applicant will be considered.
6. The extent of an applicant's household.
7. Whether an offer or a nomination constitutes a final offer within the terms of the Scheme.

2.4.2 The review will be a re-consideration of all the relevant facts and the legal requirements at the date the review is carried out. Upon receipt of a review request from an applicant, the Local Authority will complete the review within eight weeks (56 days), notifying the applicant of date when they can expect to receive a review decision. This timeframe can be extended by mutual agreement by the Local Authority and the applicant. The review will be carried out by designated senior officer of the Local Authority, Team Leaders and/or Team Managers., who was not previously involved in making the original decision.

2.4.3 If the reviewing officer concludes that there was a deficiency or irregularity in the original decision, or in the manner in which it was made, but is minded to make a decision against the interests of the applicant anyway, the reviewing officer shall notify the applicant of their intentions and the reasons for them.

2.4.4 Notification of all review decisions, including reasons for decisions made, will be made in writing via the Scheme website. Whenever necessary, the Local Authority will also communicate with applicants via other means, such as email, telephone/videotelephone, letter/leaflet or in-person, etc, such as when a person is having difficulty using their Scheme user account, this includes where a person with a protected characteristic, needs or asks for an alternative.,

2.4.5 Where there is no right to request a review of a decision, or if an applicant is dissatisfied with a decision on review, that decision may be challengeable by way of judicial review. Applicants should seek their own legal advice if they are dissatisfied with any decision made by the authority in relation to an application made under this Scheme. If an applicant is dissatisfied with how their application and any subsequent complaint has been handled by the Local Authority, they will be informed of their right to make a claim of maladministration to the Local Government & Social Care Ombudsman.

## **3.0 Eligibility and Qualification**

### **3.1.0 Eligibility**

3.1.1 The following classes of persons, subject to the satisfying a habitual residency test (see section 3.1.7), will be eligible to join the Scheme:

1. British citizens (constituting the nations of England, Scotland and Wales).
2. Commonwealth citizens with a right of abode in the UK immediately before 01 January 1983 who have remained commonwealth citizens throughout (excluding non-British citizens from Pakistan and South Africa, but inclusive of citizens from Gambia and Zimbabwe).
3. Irish citizens (constituting the nations of Northern Ireland and Republic of Ireland)
4. EEA Nationals (other than those from Ireland) and their family members, who
  - a. have acquired limited leave to enter and remain in the UK
  - b. were frontier working before 31 December 2020, or
  - c. are lawfully residing in the UK by 31 December 2020, but still have to apply to, or acquire status under the EU Settlement Scheme before the deadline of 30 June 2021, and are covered by the “Grace Period statutory instrument”
5. Persons exempt from immigration control (e.g. diplomats and their family members based in the UK and some military personnel).
6. Persons granted refugee status by the UK Government.
7. Persons granted exceptional or limited leave to enter or remain in the UK with condition that they and any dependents have resource to public funds (e.g. humanitarian or compassionate circumstances).
8. Persons with current leave to enter or remain in the UK with no condition or limitation, and who are habitually resident in the UK, The Channel Islands, the Isle of Man or the Republic of Ireland (defined as the Common Travel Area) (a person whose maintenance and accommodation is being sponsored must be resident in the Common Travel Area for five years since date of entry or date of sponsorship, unless the sponsor has died).
9. Persons who have humanitarian protection granted under the Immigration Rules (e.g. a person whose asylum application has failed, but they face real risk of harm if they returned to their state of origin).
10. Persons who are Afghan citizens with limited leave to enter or remain in the United Kingdom, who are habitually resident in the Common Travel Area.
11. Persons who are habitually resident in the Common Travel Area, who have Calais leave to remain under the Immigration Rules
12. Persons who are habitually resident in the Common Travel Area, who have been granted leave to remain as a stateless person under Immigration Act 1971

13. Persons who have limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland by virtue of the Immigration Rules.

3.1.2 EEA Nationals means nationals of any of the EU member states, and national of Iceland, Norway, Liechtenstein and Switzerland.

3.1.3 The following classes of person will not be eligible to join the Scheme:

1. Persons not habitually resident in the Common Travel Area (see section 3.1.1 subsection 8 for definition):
2. EEA nationals whose only right to reside in the UK is:
  - a. Derived from their status as a jobseeker (or their status as a family member of a jobseeker
  - b. An initial right of residence for 3 months.
  - c. Derivative right of residence because the person is the primary carer of a British citizen.
  - d. Right to reside as a result of the person's deportation, expulsion or other removal by compulsion of law from another country to the UK (including EEA nationals exercising EU Treaty rights, who were previously settled in the UK prior to deportation).
3. Persons whose only right to reside in the UK is an initial right for no more than 3 months, including those who would become an unreasonable burden on the social assistance system of the UK.
4. Persons who are excluded by section 115 of the Immigration and Asylum Act 1999 to entitlement to universal credit under Part 1 of the Welfare Reform Act 2012 or to housing benefit.
5. Persons who have no recourse to public funds.

3.1.4 The granting of a tenancy agreement will be determined by the Local Authority or, in the case of a nomination by a Registered Provider, in accordance with their respective allocations policy and/or tenancy policy. Notwithstanding this, a joint tenancy cannot be granted to two or more people if any one of them is not eligible for an allocation. If one person is eligible, a tenancy may be granted to the eligible person.

3.1.5 Eligibility provisions do not apply to applicants who are already secure, introductory, assured shorthold or assured tenants of the Local Authority or a Registered Provider seeking to transfer.

3.1.6 Confirmation of immigration status of an applicant from abroad will be obtained, where necessary, from the Home Office by emailing [EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk)

3.1.7 Even when a person is eligible for an allocation of social rented housing, only persons who are habitually resident in the Common Travel Area will be eligible for an allocation (except persons who are exempt from the requirement to be habitually

resident, as defined in law or statutory guidance). If it is apparent that an applicant came to live in the UK during the previous two years, the following tests will be carried out to confirm if an applicant is habitually resident:

1. The degree of permanence in the person's residence in the United Kingdom of Great Britain & Northern Ireland, Republic of Ireland, Isle of Man, or the Channel Islands.
2. The association between a person and their place of residence.
3. Why a person has come to live in the UK
4. Whether a person is joining family or friends in the UK
5. Whether a person has accumulated a continuous period of residence prior to making their application.
6. The length of residence in another country
7. Visits abroad for holidays or to visit relatives and other temporary periods of absence will be disregarded.
8. A person's future intentions, employment prospects and centre of interest
9. Exemptions from the habitual residence test include EEA nationals and their family members who are workers or self-employed, or have certain permanent rights of residence, or have been removed from another country to the UK.

3.1.8 Persons who are subject to immigration control or are an ineligible person from abroad, will not be eligible for an allocation of social rented housing.

3.1.9 The Local Authority will carry out appropriate checks on an applicant's eligibility to be allocated social rented housing but will ensure these checks are not discriminatory on the basis of race, nationality, ethnic origin, or any other protected characteristic as defined by the Equality Act 2010. The Local Authority will monitor performance in screening housing applications for immigration status to ensure that members of ethnic minorities, who are eligible for an allocation of social rented housing, do not experience unreasonably long delays while their application is being considered. Where there is any uncertainty about an applicant's immigration status, the Local Authority will contact the Home Office. Before doing so, applicants will be advised that such inquiries will be made in order to comply with data protection legislation. Local Authority administrators will be given training about housing allocation law and practice and the duties and responsibilities under the Equality Act 2010. The Local Authority will ensure that language and interpretation support is available for applicants who have difficulty reading or speaking English.

3.1.10 The Local Authority is not subject to the duty arising from the Immigration Act 2014, part 3, chapter 1, to carry-out a 'right to rent' check on each letting. The Local Authority will only perform checks on the eligibility of any applicant, as per sections 3.1.1 – 3.1.9 of this document.

### 3.2.0 Qualification

3.2.1 The following paragraphs, which are equally applicable to both new applicants and Transfer applicants, explain those applicants who will qualify and be disqualified from joining this Scheme.

3.2.2 To qualify to join the Scheme, any of the following circumstances must be relevant to an applicant or a member of their household (see section 2.2.2 for how a member of a household will be determined). (see section 4.2.3 – 4.2.4 full definition):

1. Homeless, as defined by the Housing Act 1996, Part 7 (as amended):
  - a. section 175 (regardless of whether an applicant for homelessness assistance has been made) and including those owed the section 189B initial duty, owed to all eligible persons who are homeless.
2. Owed a homelessness duty under Housing Act 1996, Part 7 (as amended):
  - a. section 190 duty, owed to all eligible persons who are intentionally homeless and having a priority need for accommodation,
  - b. section 193 duty owed to all eligible persons who are not intentionally homeless and having a priority need for accommodation,
  - c. section 195 duty owed to all eligible persons who are threatened with homelessness.
3. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory living conditions:
  - a. Lacking a bathroom or kitchen, inside WC, cold or hot water supplies, electricity, gas, or adequate heating
  - b. Severely overcrowded due to lacking three or more bedrooms. For the purposes of determining overcrowding, an assessment will be made against the Schemes Bedroom Standard which allows a separate bedroom each for:
    1. A married or cohabiting couple
    2. Main applicant aged 16 or more
    3. Adult aged 21 years or more
    4. Pair of adolescents aged 10-20 years of the same gender
    5. Pair of adolescents aged under 10 years regardless of gender
    6. An adolescent aged 10-20 years paired with a child aged under 10 years or the same gender
    7. An unpaired adolescent aged 10-20 years
    8. An unpaired adolescent aged under 10 years
  - c. Property is disrepair
  - d. Under-occupying social rented housing by three or more bedrooms, as per the criteria set out above in section 4.2.3.5
  - e. Occupying significantly adapted social rented housing whereby the applicant or any usual households' member (or any person reasonably expected to live with the applicant) no longer requires to reside in a property with such adaptations and wish to move.

4. Needing to move on medical or welfare grounds (including grounds relating to a disability):
  - a. A mental illness,
  - b. including former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
  - c. A physical or learning disability of any member of the applicant's household.
  - d. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
  - e. Frailty due to old age.
  - f. The need to give or receive care.
  - g. Victims of domestic abuse.
  - h. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional, or sexual abuse.
  - i. A restricted ability to fend for self.
  - j. Experiencing or at risk of abuse, harm, or self-neglect from others or from self.
  - k. Young adults at risk of financial and/or sexual exploitation
  - l. People with behavioural difficulties.
  - m. Need adapted housing and/or extra facilities, bedroom, or bathroom.
  - n. Need improved heating.
  - o. Need sheltered housing.
  - p. Need ground floor accommodation.
  - q. Need to be near friends/relatives or medical/social care facilities.
  - r. Need to move following hospitalisation or long-term care.
  - s. Moving on from drug or alcohol recovery programme.
  - t. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues.
5. Needing to move to a particular locality in the local authority area, where failure to meet that need would cause hardship (to themselves or others):
  - a. Victims of racial harassment.
  - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
  - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
  - d. Escaping anti-social behaviour such as harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
  - e. Give or receive care
  - f. Access specialised medical treatment.

- g. Take-up a particular employment, education, or training opportunity and in respect of Transfer Applicants, be closer to work (see section 3.2.5.2 for definition)
- h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

3.2.3 An applicant that satisfies the above qualifying conditions, will be awarded priority according to the criteria set out in the scheme taking into consideration an applicant's statutory and local housing needs.

3.2.4 The following classes of person/s will not normally qualify for an allocation:

1. An applicant that is incapable of holding a tenancy agreement, unless the person:
  - a. Is in the care of the Council, or a care leaver
  - b. Has been defined as a child in need as a result of a s17 Children Act 1989 statutory assessment
  - c. Is owed a full statutory homeless duty following a s20 Children Act 1989 statutory assessment or has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends.
  - d. lacks mental capacity as defined in the Mental Capacity Act 2005.
2. Applicants and/or any member of an applicant's family who have had a possession order made against them for arrears of rent regardless of tenure.
3. Applicants and/or any member of an applicant's family who have significant housing related debt such as outstanding recharges, service charges and current or former rent arrears amounting to 8 weeks (or 2 months) rent or more unless:
  - a. There is a payment plan in place to repay the debt owed and it can be demonstrated that regular payments are being made.
  - b. It can be demonstrated that the debt has been repaid in full or that regular payments are ongoing at the point of offer
  - c. A statutory homeless duty has been awarded.
4. Applicants and/or any member of the applicant's household who have been served with a Notice of Seeking Possession [or equivalent notice] in relation to behaviour or conduct of tenancy, excluding non-payment of rent, regardless of tenure.
5. Applicants and/or any member of an applicant's household who have been given an order made in a civil court that is linked to a property or the locality of a property
6. Perpetrators of domestic violence who are subject to a non-molestation order, an injunction order, an occupation order, or a restraining order
7. Applicants and/or any member of an applicant's household who have been evicted from a tenancy due to a breach of any tenancy condition
8. Applicants and/or any member of an applicant's household who have been convicted of using a property for immoral or illegal purposes
9. Applicants and/or any member of an applicant's household who have an unspent criminal conviction committed in, or in the locality of a property



10. Applicants and/or any member of an applicant's household who have committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds and/or services
11. Applicants and/or any member of an applicant's household who have displayed threatening, violent, or otherwise abusive behaviour towards a Council or partner registered provider employee or person employed to undertake work on their behalf.
12. or using or allowing their property to be used for illegal or immoral purposes.

3.2.5 An applicant, or a member of their household, who is not resident in the Local Authority area and does not have a minimum of two years continuous connection to the area, by virtue of any of the following factors (exemptions apply to survivors of domestic abuse and Armed Forces personnel, see sections 3.2.10 and 3.2.11):

1. Residence – a connection is established by being normally resident within the Local Authority area, by their own choice for a minimum period of two years. Being normally resident includes permanent housing but also includes anyone who has nowhere to live, occupying interim accommodation provided under the Local Authority's homelessness duties, community care duties, or other duties. Persons who have been detained in the Local Authority (e.g. in prison or hospital), will not be able to establish a local connection as this does not constitute a choice of being resident in the area. Nor will former asylum seekers who were previously accommodated under Immigration and Asylum Act 1999, section 98 (temporary support) or section 4 (hard cases support), or former asylum seekers previously accommodated under the Asylum Seekers (interim Provisions) Regulations). Exemptions to residence conditions will apply to:
  1. Homeless households, as defined by the Housing Act 1996, Part 7 and care leavers owed a duty by the Local Authority placed outside the local authority area.
  2. Transfer applicants who have not been resident in the Local Authority area for a minimum of 2 years who are under-occupying and wish to downsize to a smaller home.
2. Employment – a connection established by employment (including an apprenticeship) will be limited to the usual place of work. Any work that is short-term (e.g. a contract of employment is less than 12 months), marginal (e.g. less than 16 hours per week and earnings allow for claiming Universal Credit or entitlement to Working Tax Credits), ancillary (e.g. occasional (even regular) work that is undertaken in the Local Authority area, but the main place of work is outside the Local Authority area, or voluntary (e.g. where no payment is received, or payment is made only for expenses) will not be taken account of. An exemption will apply for applicants who need to move to take-up an offer of work. When deciding whether to apply an exemption, the Local Authority will consider evidence (the following list is not exhaustive, and the Local Authority will consider any other appropriate factors and local circumstances)
  1. The distance and/or time taken to travel between work and home

2. The availability and affordability of transport, taking account the level of earnings
  3. The nature of the work and whether similar opportunities are available closer to home
  4. Other personal factors, such as medical conditions and childcare, which would be affected if a move could not take place
  5. The length of the work contract
  6. Whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, such as taking a better job, a promotion, or an apprenticeship
  7. In circumstances where a job is being offered, and there is a need to move to take it up, and their intention to take up an offer of employment
  8. Verification of employment, or an offer of employment, and acceptance of it from the employer, such as:
    - a. a contract of employment
    - b. wages/salary slips or bank statements in cases of zero hours contracts
    - c. proof of receipt of tax and benefit information
    - d. a formal offer letter
3. Family associations – a connection established by family relationships will be limited to near relatives (e.g. parents/other guardians, siblings, adult children where there is sufficiently close links in the form of frequent contact) and their residence being within the Local Authority for a minimum period of five years. Applicants who can prove they have a continuing caring responsibility for someone who is resident in the Local Authority area, and that this care could not be provided unless they were resident in the Local Authority area, will be exempt from local connection requirements.
  4. Other special reason – persons who need to be near special medical or support services which are only available in the Local Authority area will be exempt from local connection requirements.
  5. Care leavers – persons aged 18-21 or 25 if they are pursuing a programme of education agreed in their pathway plan, who are owed a duty under Children Act 1989, section 23C, by the Local Authority will be deemed to have a local connection to the Local Authority area.

3.2.6 An applicant, or a member of their household who are homeowners, (disregards apply to applicants who have survived domestic abuse, see sections 3.2.9). Applicants who own property will be able to qualify for an allocation of social rented housing in the following circumstances:

1. Property has been valued as having negative equity (or limited equity in respect of disabled adaptation to be made).
2. Where it is probable that occupying the property will lead to abuse from someone living in the property.
3. Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere.

4. Where the Local Authority has issued a Prohibition Order under the Housing Act 2004 due to continued occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by an applicant to prevent that danger (e.g. where it is not possible to adapt a property due to the physical arrangements of a dwelling, or the cost of adaptations is prohibitive, or an applicant is in negative equity).

3.2.7 Persons (whether the applicant or anyone included within their application live with them) with financial resources consistent with the UK Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (disregards apply to Armed Forces personnel, see sections 3.2.10).

3.2.8 Where there is clear evidence, and a conclusion can be properly drawn that applicants or a member of their household have contrived an overcrowding or under-occupation situation or worsened their housing conditions.

Examples of deliberate worsening of circumstances might include:

1. Selling a property that is affordable and suitable for an applicant or a member of their households needs
2. Moving from a secure Assured Tenancy to insecure, overcrowded accommodation with family or friends, where there is no good reason for this move
3. Where there is evidence that it was reasonable that an applicant or a member of their household could have remained in their original accommodation.
4. Where an applicant is intentionally homeless unless they are owed a duty as defined by the Housing Act 1996, Part 7 and for the period of time for which that duty is owed.

Where an applicant has little or no control over their move to alternative accommodation, this should not be considered as a deliberate worsening of circumstances.

3.2.9 Persons who are victims of domestic abuse or threats of domestic abuse, or escaping domestic abuse or harm, will be exempt from local connection requirements, as will those who have sought a place of safety in a refuge or other form of temporary accommodation in the Local Authority area. Property ownership conditions will also be disapplied.

3.2.10 Any compensation for an injury or disability sustained on active service with the Armed Forces or Reserve Forces, will be disregarded when calculating financial resources. Any mesne profit debts accrued by occupants of service families accommodation will be disregarded, subject to them providing a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation (the Local Authority may contact the Ministry of Defence Loss of Entitlement team by emailing [DIORDAccn-LOETeam@mod.gov.uk](mailto:DIORDAccn-LOETeam@mod.gov.uk) with any queries

about the status of such applicants). The following applicants who are members of the Armed Forces community are exempt from local connection

1. Persons who are currently serving in the Regular Armed Forces or were serving in the Regular Armed Forces at any time in the five preceding years of their application, and their spouses.
2. Bereaved spouse or civil partners of persons who are serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner and the death was wholly or partially attributable to their service.
3. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partially attributable to their service.
4. Divorced or separated spouses or civil partners of Service personnel, who are required to move out of accommodation provided by the Ministry of Defence.
5. Adult children of service personnel who are no longer able to remain in the family home due to the impact of their family moving from base-to-base.

3.2.11 An applicant whose qualification would solely derive from a household member who is not eligible for social housing (see above, para.3.1.3) will not qualify to join the Scheme.

### **3.3.0 Determining eligibility and qualification**

3.3.1 The Local Authority will check an applicant's eligibility and qualification to join the Scheme when they initially apply, plus (assuming satisfaction of the tests at that stage) again when an allocation of a specific property is made. This will allow the Local Authority's administrators to be aware of any changed circumstances that might have occurred subsequent to the initial application, which might render an applicant not eligible or disqualified for an allocation of social rented housing. Written notification whether an applicant is eligible and/or qualifies will be provided at both stages when this assessment is completed.

### **3.4.0 Notifications of decisions and right to a review**

3.4.1 The Local Authority will provide all applicants found to be not eligible or disqualified with written notification and the grounds for the decision (see 2.3.1 to 2.3.2). Information will also be provided on any rights they have to request an internal review (see 2.4.1 to 2.4.4).

### **3.5.0 Re-application**

3.5.1 Any person may at any time make a further application to join Birmingham Choice, if they have cause to believe they should no longer be treated as ineligible and/or disqualified, because their circumstances or behaviour has changed. Applicants will

be expected to evidence the changes in their circumstances or behaviour. There is no limit on the number or frequency of times a person may re-apply. No person will be excluded from making an application.

## **4.0 Allocations**

### **4.1.0 Adopting this Scheme**

- 4.1.1 This Scheme has been subject to an equality impact assessment required under equalities legislation, carried-out in accordance with the Local Authority's own equalities policies and procedures. Other local housing authorities, registered providers, public authorities, voluntary organisations and other people and organisations were afforded a reasonable opportunity to comment on this Scheme. Prior to adopting this scheme, views were elicited from former, current, and future potential applicants.
- 4.1.2 The Local Authority will review this Scheme at least every two years, however amendments will be made as result of any significant change in legislation, regulations and/or circumstances. Any major change to this Scheme will be subject to further consultation or notification.
- 4.1.3 All applicants who are members of the Scheme under previous rules administered by the Local Authority, will have their applications transferred from being handled under the previous rules to the new rules set out in this document, at the commencement date of [insert date], unless the Local Authority is otherwise instructed by the Applicant.
- 4.1.4 An annual report will be published by the Local Authority about allocations made as result of this Scheme. The report will inform whether the purpose and principles set out in section one of this document are being accomplished. The report will consider matters such as:
1. Who was allocated social rented housing
    - a. characteristic (e.g. age, gender, household formation etc)
    - b. eligibility and ineligibility
    - c. qualification and disqualification
  2. What social rented housing was allocated
    - a. number of bedrooms
    - b. property types
    - c. tenure type (e.g. affordable rent, social rent, supported, etc)
  3. When was social rented housing allocated
    - a. waiting times by band
  4. Where was social rented housing allocated
    - a. by electoral ward
  5. With whom was social rented housing allocated
    - a. by Local Authority and registered provider
  6. Why was social rented housing allocated
    - a. reasonable preference
    - b. victims of domestic abuse
    - c. armed forces veterans

- d. local connection
- e. right to move criteria
- 7. How was social rented housing allocated
  - a. choice
  - b. direct let
  - c. final offer
  - d. review

#### **4.2.0 Determining priority for an allocation for housing**

4.2.1 Individual applicants will be prioritised for an allocation of social rented housing according to the following criteria:

1. Bands, in the order of A to D. Band A has the highest priority and Band D the lowest.
2. Where two or more applicants might have the same priority under 1 above, then they will be prioritised by the date they were accepted into the Band they are in at the time an offer is made, with earlier dates taking priority over later dates.
3. Where two or more applicants still might have the same priority, then priority will be given to the applicant who applied to join the housing register, by earliest date and time first.

4.2.2. In determining in which band to place an application, the following priorities will apply:

1. Applicants that have been awarded an additional preference by the Local Authority, in addition to statute requiring them be afforded a reasonable preference for an allocation of social rented housing, as defined in section 4.2.3.
2. Applicants that statute stipulates must be afforded a reasonable preference for an allocation of social rented housing, as defined in section 4.2.4.
3. Applicants who have exhausted their right to refuse an allocation of social rented housing, as defined in section 4.2.5.

4.2.3 **Band A** will consist of applicants in the following circumstances:

1. Homeless, as defined by Housing Act 1996, Part 7, and owed both the section 189B initial duty (owed to all eligible persons who are homeless) and the section 188 interim duty to accommodate due to having an apparent priority need
2. Owed a duty under Housing Act 1996, Part 7, due to being not intentionally homeless and have a priority need for accommodation, owed the section 193 duty.
3. Victims of domestic abuse (defined as any incident or pattern of incidence of controlling, coercive, threatening behaviour, violence, or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender. The abuse can encompass, but is not limited to, psychological, physical, sexual, financial and emotional abuse),

including those have been provided temporary protection in a refuge or other form of temporary accommodation, who are homeless or owed any homelessness duty and/or have been identified as high-risk victims of domestic abuse at a local MARAC within the last 3 months.

4. Sudden loss of existing home as a result of a natural or civil disaster, such as those who are required to leave their home due to fire safety concerns identified by the West Midlands Fire & Rescue Service.
5. Severely overcrowded due to lacking three or more bedrooms. For the purposes of determining overcrowding, an assessment will be made using the Schemes Bedroom Standard for any other type of dwelling, which allows a separate bedroom each for:
  - i. A married or cohabiting couple,
  - ii. Main applicant aged 16 or more
  - iii. Adult aged 21 years or more,
  - iv. Pair of adolescents aged 10-20 years of the same gender,
  - v. Pair of children aged under 10 years regardless of gender,
  - vi. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
  - vii. An unpaired adolescent aged 10-20 years,
  - viii. An unpaired child aged under 10 years.
  - ix. An adult or child who cannot share due to a disability or medical condition which is detrimental to health, or due to fostering arrangements being facilitated by the Local Authority
  - x. An overnight carer for any usual household member if the carer isn't a usual household member
6. Under-occupying social rented housing by three or more bedrooms, as per the criteria set out above in section 4.2.3.5
7. Occupying significantly adapted social rented housing whereby the applicant or any usual households' member (or any person reasonably expected to live with the applicant) no longer requires residing in a property with such adaptations and wish to move.
8. Terminal or Life -threatening medical condition
9. Planned discharge from hospital is imminent and there is no accommodation available to them which is reasonable for them to occupy. See section 5.1.6 for definition of reasonable.
10. Persons leaving care of the Birmingham's Childrens Trust.
11. Persons approved by the Birmingham's Childrens Trust as foster carers or to adopt, who need to move to a larger home in order to look after a child under the care of the Birmingham's Childrens Trust, including those who require a larger property in order to secure a Special Guardianship order or
12. Child Arrangement Order in respect to a looked after child or for a child that is deemed at high risk of becoming looked after otherwise. The award will be given following a referral from the Council's Childrens Trust.
13. Members of the Armed and Reserve Forces, with an urgent housing need such as:



- a. Former members of the Regular Armed Forces
  - b. Serving members of the Regular Armed forces 6 months prior to discharge.
  - c. Serving members of the Armed Forces who need to move because of a serious injury, medical condition, or disability (encompassing a mental ill health condition) which is wholly or partially attributable to their service
  - d. Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partially attributable to their service
14. Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner, which was wholly or partially attributable to their service.
15. Threat to life, extreme violence, or extreme harassment - Applicants who are suffering extreme violence or harassment where there is strong police evidence that an urgent move is required to protect the life of an applicant or a member of their household and can demonstrate to the satisfaction of Birmingham City Council that it is not safe for the applicant / household to remain in their home.
16. Victims of racial harassment amounting to violence or threats of violence.
17. Victims of hate crime amounting to violence or threats of violence due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
18. Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes.
19. Those who require rehousing due to a clearance, demolition, compulsory purchase order and/or subject to a local authority approved regeneration scheme.
20. Where a child(ren) are part of the application where there is a need to move and the accommodation is a contributory factor to the risk to the child or children. This will occur where the child or children are the subject of a child protection plan and the Child Protection Conference recommends rehousing as being important for the welfare of the child

4.2.4 **Band B** will consist of applicants entitled to a reasonable preference with an urgent need to move for an allocation of social rented housing. These applicants are defined for the purpose of this Scheme as persons who are:

- 1. Homeless, as defined by Housing Act 1996, Part 7, section 175, and owed the section 189B initial duty
- 2. Owed a duty under Housing Act 1996, Part 7, specifically, those who are:

- a. Threatened with homelessness, owed the (prevention) section 195 duty.
  - b. Intentionally homeless and have a priority need for accommodation, owed the section 190 duty.
3. Needing to move on medical or welfare grounds (including grounds relating to a disability), due to effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant agencies. The following list is intended to be illustrative and in no way prescribed or definitive:
- a. A mental illness,
    - i. including former Armed Forces personnel suffering from depression, anxiety, post-traumatic stress disorder, a family member of victims of domestic abuse who are suffering the effects of violence or threats of violence.
  - b. A physical or learning disability of any member of the applicant's household.
  - c. Chronic or progressive medical conditions (e.g. MS, HIV/AIDS).
  - d. Frailty due to old age.
  - e. The need to give or receive care.
  - f. Victims of domestic abuse. See definition in section 4.2.3
  - g. The need to recover from the effects of violence (including racial attacks) or threats of violence, or physical, emotional, or sexual abuse.
  - h. A restricted ability to fend for self.
  - i. Experiencing or at risk of abuse, harm, or self-neglect from others or from self.
  - j. Young adults at risk of financial and/or sexual exploitation
  - k. People with behavioural difficulties.
  - l. Need adapted housing and/or extra facilities, bedroom, or bathroom.
  - m. Need improved heating (on medical and/or social care grounds).
  - n. Need Extra Care or sheltered housing (on medical and/or social care grounds).
  - o. Need ground floor accommodation (on medical and/or social care grounds).
  - p. Need to be near friends/relatives or medical/social care facilities on medical or social care grounds.

- q. Need to move following hospitalisation or long-term care on medical and/or social care grounds.
  - r. Moving on from drug or alcohol recovery programme -Council Accredited
  - s. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues. – Council Accredited
4. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. The Environmental Protection Act 1990 (in relation to premises which pose a statutory nuisance to the occupant), Part 3, Housing Act 1985, Part 10 (relating to overcrowding) and the Housing Act 2004, Part 1 (relating to hazardous housing) will be taken account of by the Local Authority when determining an applicant's housing conditions. The following list of is intended to be illustrative and in no way prescribed or definitive:
- a. Lacking a bathroom or kitchen, as verified by an Environmental Health Officer or equivalent.
  - b. Lacking an inside WC, verified by an Environmental Health Officer or equivalent.
  - c. Lacking cold or hot water supplies, electricity, gas, or adequate heating, as verified by an Environmental Health Officer or equivalent.
  - d. Overcrowded due to lacking two bedrooms. See definition in section 4.2.3.5 – i-vii.
  - e. Property in disrepair, as verified by an Environmental Health Officer or equivalent.
  - f. Under-occupying social rented housing by two bedrooms as per the criteria set out above in section 4.2.3.5.
  - g. Moving on from short-term supported housing and hostels, including specialist accommodation for those with mental health issues.
5. Needing to move to a particular locality in the district of the authority, where failure to meet this need would cause hardship (to themselves or others). The following list is intended to be illustrative and in no way prescribed or definitive:
- a. Victims of racial harassment.
  - b. Victims of hate crime due to their age disability, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, sexual orientation.
  - c. Witnesses of crime, or victims of crime, who would be at risk of intimidation if they remained in their current homes.
  - d. Escaping anti-social behaviour such has harassment, alarm, distress, as result of nuisance or annoyance in relation to the occupation of their premises, or as a result of housing-related nuisance or annoyance, from a person.
  - e. Give or receive care
  - f. Access specialised medical treatment.

- g. Take-up a particular employment, education, or training opportunity and in respect of Transfer Applicants, be closer to work (see section 3.2.2.5 for definition)
- h. Due to housing benefit restrictions or other constraints on income from benefits (e.g. benefit sanctions)

4.2.5 **Band C** will consist of applicants assessed as:

1. Homeless, as defined by Housing Act 1996, Part 7, section 175 and not included in the above.
2. Needing to move where there is low level medical or welfare need (including grounds relating to a disability), due to effects caused by present accommodation, either due to the location of the present accommodation and/or due to the physical conditions of that accommodation. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition. The Local Authority will consider whether an applicant's needs could be met by providing aids and adaptations to the current home, to enable them to remain in their present accommodation. Once accommodation is allocated to a person with medical or welfare needs, their support and care needs will be assessed jointly by social services, housing support providers, NHS Trusts, and other relevant agencies.
3. Overcrowded due to lacking one bedroom See definition in section 4.2.3.5 – i-viii
4. Under-occupying social rented housing by one bedroom as per the criteria set out above in section 4.2.3.5.
5. Members of the Armed and Reserve Forces without a housing need as per section 4.2.3.13
6. Applicants aged 55 and over with a local connection but without an identified need that are applying for sheltered or age restricted housing.

4.2.6 **Band D** will consist of applicants from Bands A or B, or C who have exhausted their right to refuse an allocation of social rented housing (see section 5.1.6) or have failed to bid on more than three occasions where a suitable property would be available. Applicants will remain in Band D for a period of 12 months from date of final refusal. After which time, applicants will be required to renew their application and will be reassessed. Failure to renew an application will result in an application being closed and membership of the Scheme being discontinued

4.2.7 Applicants whose circumstances change once they have been accepted onto the Scheme must notify the Local Authority of such changes. A failure to do so could result in an applicant becoming disqualified and facing prosecution for fraud. If as a result of a change in circumstances an applicant gains a higher banding preference for re-housing (e.g. they move from Band B up to Band A), their acceptance date will be amended to reflect the date of the change. If as a result of a change in

circumstances an applicant is assessed as having the same banding preference (e.g. they remain in Band B), the original acceptance date will remain in force. If as a result of a change in circumstances an applicant is assessed as having less banding preference (e.g. the move from Band A down to Band B), the original acceptance date will remain in force. If an applicant is moved from Band A or B down to Band C, their acceptance date will be amended to reflect the date of the change. If as a result of a change in circumstances an applicant becomes ineligible or disqualified, then they shall cease to be registered on the Scheme.

#### **4.3.0 Local lettings schemes**

4.3.1 The Local Authority and Registered Providers can use local lettings schemes to achieve a wide variety of housing management and policy objectives. The following list is intended to be illustrative and in no way prescribed or definitive:

1. Giving priority to applicants with a connection to a particular area
2. Creating more mixed and/or sustainable communities.
3. Dealing with a concentration of deprivation.
4. Ensuring properties that are particularly suited to being made accessible (e.g. ground floor flats) are prioritised for those with access needs.
5. Relocating essential workers such as teachers, nurses and police officers within a reasonable travelling distance from their work.
6. Supporting people in work/volunteering or who are seeking work or seeking volunteering opportunities.
7. Where a child to adult ratio could be lowered on an estate where there is high child density or, conversely, young single people could integrate into an estate where there is high ratio of older persons.
8. Where there are reasons to limit allocations to those with a particular characteristic such as age, where for example accommodation is only suitable for applicants under the age of 25 years, or where sheltered accommodation schemes are only suitable for applicants over a certain age.

4.3.2 Upon identification of particular types, clusters or locations of housing for particular types of applicants, a local lettings scheme will be used to deal with letting those homes. Local letting schemes will have clear evidence of need for the approach being taken. Any local lettings scheme will not dominate the Scheme and will overall give a reasonable preference to those in Band A and Band B over applicants in Band C or Band D. Any local lettings scheme adopted will set out the following:

1. A clear definition of the objective(s) to be achieved, backed up by evidence.
2. A method which is likely to achieve the objective(s).
3. An equality impact assessment.
4. How the scheme will be monitored and who will be involved.
5. Mechanisms of reporting and reviewing the scheme.
6. Consultation with the local community and relevant stakeholders, for example registered social providers and ward councilors.

7. The circumstances in which the local lettings scheme will be reviewed or will come to an end.

#### 4.3.3 Local lettings schemes will be adopted to set aside:

1. A proportion of properties for letting of new build properties for the first time, to be determined in accordance with the Local Authority's Local Plan.
2. A proportion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for serving and former members of the Armed Forces, based on the number of applications made by and allocations made to former members of the Armed Forces during the preceding 12 months.
3. A proportion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for households in types of employment where skills are in short supply.
4. A proportion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, for prospective and approved foster carers and adopters (endorsed by the Local Authority), so it can satisfy its duty under Children Act 1989, section 22G to ensure there is sufficient accommodation available to the needs of looked after children, based on intelligence provided by the Local Authority's Children Services.
5. A proportion of properties, to be determined annually (from date of adopting this Scheme) by the Local Authority, a minimum of which is one percent (1%) of all properties allocated, to Transfer Applicants who need to move for work related reasons, based on the number of applications made by and allocations made to Transfer Applicants who need to move for work related reasons, during the preceding 12 months.

- 4.3.4 A local lettings scheme will be adopted for specific types of specialist supported housing. For the purpose of this Scheme the UK Government's definition of specialist supported housing applies.

#### **4.4.0 Avoiding discrimination and enhancing equality of opportunity**

- 4.4.1 An equality duty is imposed on the Local Authority by the Equality Act 2010, section 149 (the "Public Sector Equality Duty"). Regard has been had to this public-sector equality duty and to the equality objectives that it sets out when formulating this Scheme and it will inform decision-making on individual cases so far as the law requires. Allocations of social rented housing will be monitored to determine whether equal opportunities obligations are being met, to identify any negative impact on people with protected characteristics. A plan will be adopted to mitigate any negative impacts.

- 4.4.2 This Scheme intends to ensure that at all times non-discriminatory decisions will be made about the allocation of social rented housing. Regard has been had to advice

on allocating housing to disabled people published by the Equality and Human Rights Commission, along with other associated research and guides that are available.

- 4.4.3 When formulating this Scheme, an equality impact assessment was undertaken to avoid discrimination and to demonstrate compliance with the public-sector equality duty. Particular attention has been paid to the housing needs of refugees, Gypsies and Travellers, people with disabilities, older people, people with mental health problems, and people who identify as lesbian, gay, bisexual, or transgender. Any substantial variation to this Scheme will also be subject to an equality impact assessment. For further information, please see *the Scheme Equality Impact Assessment*.
- 4.4.4 This Scheme has been formulated to ensure compliance with the Human Rights Act 1998, the Equality Act 2010 and the European Convention on Human Rights Article 14 and regard has been had to the advice and guidance published by the Equality and Human Rights Commission for social housing providers on housing discrimination. The administration of the Scheme will be undertaken, in a non-discriminatory manner so not to treat any person directly or indirectly less favourably than others because of a protected characteristic, with particular attention being paid to people with a disability.
- 4.4.5 The Local Authority will provide regular, accurate and generalised information on how the Scheme is managed, to actively dispel any misconceptions arising about the allocation of social rented housing and immigration, including data on nationality and immigration status, to strengthen public confidence in the Scheme.

#### **4.5.0 Best interests of children**

- 4.5.1 When formulating this Scheme, the Local Authority has considered and taken full account of the need to safeguard and promote the welfare of children, in accordance with the Children Act 2004, section 11.
- 4.5.2 This Scheme and administration will accord the objectives and actions set out in the Local Authority's joint working protocol agreed between its Housing Services and Children Services.
- 4.5.3 When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a relevant (but not overriding) consideration. Active involvement from the Local Authority's Children Services will be sought, when making decisions about housing allocations where there is involvement with an applicant or a usual member of their household, from the Local Authority's Childrens Trust. If there is some uncertainty about whether an applicant should qualify specifically due to matters relating to children services' duties, Children Services will be consulted.

## 4.6.0 Discretion

4.6.1 The Local Authority recognises that there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify. In such circumstances it may be necessary to award an applicant a higher band or to increase an applicants priority within a band. This will be limited only to individual cases where there are exceptional circumstances, the examples below are not exhaustive but such circumstances may include:

1. Providing protection to people who need to move away from another area, to escape violence, harm, or intimidation.
2. Enabling those who need support to rehabilitate and integrate back into the community
3. Where there is an urgent need for a particular type of property.

4.6.2 In some exceptional circumstances the Local Authority may wish to allocate accommodation outside of the established criteria and this is allowed under the Allocations Policy. Such allocations are known as Discretionary Lets.

Examples of such Lets below are not exhaustive but may include:

1. Letting an adapted property to a particular applicant whose needs particularly match the adaptations of such property.
2. Letting a property to an applicant in Temporary Accommodation who is Homeless, as defined by Housing Act 1996, Part 7, where the property meets the applicants needs but they have not bid on such property.

4.6.3 Discretion about qualification, choice, prioritisation (banding) or being allocated social rented housing will be exercised only by the Team Manager, Applications and Allocations and the Local Authority's Strategic Lead, Applications and Allocations

4.6.4 When assessing whether discretion should be applied, the Local Authority will consider:

1. All the circumstances of the applicant, including whether they would usually qualify to join the Scheme, the degree of choice they would be entitled to, the degree of prioritisation they would be entitled to and the type of social housing they might be allocated, if no discretion were applied.
2. What the exceptional circumstances are. They should be unusual or remarkable circumstances which indicate that the applicant's housing needs are more urgent than other applicants.
3. What will be the consequences if no discretion is exercised? This will include considering how serious the potential consequences are and how likely each potential consequence is.

4.6.5 When deciding, the Local Authority will have regard to:

1. The fact that decisions to exercise discretion will be kept to minimum



2. The need for consistency with previous decisions and whether or not to exercise discretion
3. What would be a fair outcome to ensure that there is no discrimination and
4. The likelihood and severity of the potential consequences of discretion is not exercised.

4.6.6 A decision as to whether or not to exercise discretion will be made at the point of receipt of application and again at the point of offer.

## **5.0 Being Allocated a Property**

### **5.1.0 Choice**

- 5.1.1 The Local Authority will inform applicants of their right to express a preference (place a bid) about a property which might be allocated.
- 5.1.2 The Local Authority will identify and support any applicants who may have a difficulty in expressing a preference. Applicants will be encouraged to self-identify that they require support to express a preference. The Local Authority will use its own judgement on initial contact with an applicant, based on whether they were able to complete an application to join the Scheme unaided. Applicants who are not expressing a preference will be contacted to determine if this is due to them having difficulties. Particular attention will be paid to ensuring those who are homeless, have a disability or are from a black or minority ethnic community, to provide any support that might be needed to express a preference.
- 5.1.3 Applicants will be able to express a preference of up to two properties that are available to let from the Local Authority and/or a Registered Provider in a bidding cycle. Applicants will be able to express a preference making a 'bid' for a property via the Scheme website. The Local Authority will make a bid on behalf of an applicant who requires support. Applicants will be sent reminders about opportunities to bid via their Scheme user account. The Local Authority will provide information on the likely level of priority or waiting time for any property available to bid on.
- 5.1.4 An applicant's right to express a preference of a property they wish to be allocated, does not extend to any social rented housing that is intended for occupation by persons with a specific characteristic which they do not possess, e.g. properties specifically for persons of specified age where an applicant is under minimum and/or maximum threshold, or properties adapted for people with a physical and/or sensory disability.
- 5.1.5 All applicants are subject to a limit on the number of properties offered, of which they are entitled to refuse. Auto-bidding will also be implemented for applicants who are owed the section 189B initial duty owed to all eligible persons who are homeless and persons with a priority need who are not homeless intentionally (owed the section 193 duty).
- 5.1.6 The Local Authority will consider the circumstances of each refusal on a case-by-case basis and confirm with an applicant they are refusing an offer prior to imposing a sanction.
1. Band A applicants are entitled to one refusal of a reasonable offer of accommodation, except those who are homeless or owed a homelessness duty who will have no entitlement to a refusal of a reasonable offer of accommodation.

2. Band B applicants are entitled to two reasonable refusals, except those who are homeless or owed a homelessness duty who will be entitled to one reasonable refusal
3. Band C applicants are entitled to two refusals of a reasonable offer of accommodation.
4. Band D applicants have no cap on the number of refusals of a reasonable offer of accommodation.

5.2.0 An offer of accommodation will be considered reasonable if the property being offered will meet the housing needs of an applicant, having had regard to the following matters at the date when the offer is made:

1. Whether the applicant and their household would be overcrowded or under-occupying. As a general rule, allocations will be made so that a property is fully occupied. If this is not possible, under-occupation will be considered, subject to an affordability assessment.
2. Affordability of the property when compared to the applicants' income and expenditure. See appendix one for the methodology that will followed to determine whether a property is affordable.
3. Location of the property in regard to essential journeys the applicants needs to make
4. Public sector equality duty in Equality Act 2010, section 149
5. When there is a child or children in the applicant's household, the duty to safeguard and promote the welfare of children in the Children Act 2002, section 11
6. In respect of school-age children, the duty in the Human Rights Act 1989, that no person should be denied the right to an education (Notwithstanding this, an offer of accommodation might necessitate a child having to move school).
7. Space and arrangement of the property
8. The standard of property
9. The specific health needs of the applicant their usual household members
10. The proximity and accessibility of family support
11. The proximity and accessibility of medical facilities and other support services which are currently used by or provided to the applicant or the usual family members that are essential to that persons' wellbeing
12. The proximity of alleged perpetrators or victims of domestic abuse.

5.2.1 Instances when an applicant who requires adaptations who are offered a property, that is subsequently deemed to be unable to be adapted, will not be deemed as a refusal. To reduce the risks associated with the use of compressed gases in Large Panel System (LPS) archetype high-rise residential buildings, as far as reasonably practicable, those prescribed or in receipt of home oxygen therapy (HOT) will not be allocated properties in this premise type. This allocation decision is based upon Industry Guidance and structural risk assessments together with a variety of other measures implemented over time to manage the risk of fire & explosion at these premises; ensuring a safe place to live for all.

- 5.2.2 Applicants will be informed of their right to seek a review of whether an offer of social rented housing they refused was a reasonable offer, or whether the final offer refused was a suitable offer.
- 5.2.3 The Local Authority will publish feedback on the outcome of bids on the Scheme website. Requests for this information to be provided in alternative formats will be considered on an individual basis.
- 5.2.4 The Local Authority will maintain a list of suitable homes for disabled people with access needs, to avoid potentially disadvantaging applicants who might require a home with such features.

## **6.0 Other General Points**

- 6.1.0 At the point the Local Authority will make an offer of social rented housing, it will repeat the steps set out in sections 2.2.14 and 2.2.15.
- 6.1.1 Following an offer for social rented housing by the Local Authority, applicants will be given a reasonable period to properly consider whether to accept it. Typically this will be 3 calendar days, however, the personal circumstances of each applicant, including those who are vulnerable, unfamiliar with the property being offered, in hospital, need to arrange a support worker to be present at the viewing, are working, or have childcare commitments, will be considered based in specific circumstances of an applicant. The actual letting will be handled by the Local Authority Lettings Service or a Registered Provider, who will complete the letting following the offer and acceptance of a tenancy agreement by the applicant.
- 6.1.2 Upon refusal of a final offer or nomination, applicants will be reduced in preference for a period of 12 months, resulting in a demotion from either Band A, B or C down to Band D.
- 6.1.3 Applicants will not generally be offered an allocation that would result in them under-occupying the dwelling (against the schemes bedroom standard), being overcrowded (against the schemes bedroom standard) or being unable to afford rental or service charges at the date an allocation or nomination is made. As a general rule, allocations will be made so that a property is fully occupied.
- 6.1.4 Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will have their need for a spare room taken account of whenever possible.
- 6.1.5 Properties on the ground floor, with an accessible bathroom or an additional bathroom or toilet will generally be offered to applicants who have an assessed need for such a dwelling, over an applicant who has no need for such accommodation.

- 6.1.6 Any particular needs of elderly applicants will be taken account, including evidence provided by an applicant, and of a health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health, for clarification on a point of accuracy of the prevailing circumstances of their condition and the impact on their housing needs, when the authority considers it appropriate to do so.
- 6.1.7 The needs of applicants who been approved by the Local Authority to adopt or foster and require a larger property will be taken account of. The extent and circumstances of an applicant's household will be taken account of, as to whether they would be eligible or qualify in their own right or not.
- 6.1.8 Bedrooms will be allocated to each (this includes students and members of the armed forces or reserve forces if they are away and intend to return home) (see appendix 2 for further details):
1. A couples who are married, have a civil partnership or who are cohabiting.
  2. The applicant and/or adult aged 21 years or more.
  3. A pair of adolescents aged 11-20 years of the same gender.
  4. A pair of children aged 01-10 years regardless of gender.
  5. An adolescent aged 11-20 years paired with a child aged 01 - 10 years of the same gender,
  6. A single adolescent aged 11-20 years,
  7. A single child aged 01- 10 years
  8. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
  9. An overnight carer for any usual household member, if the carer isn't a usual household member. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when the authority considers it appropriate to do so.
  10. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
  11. A new approved foster carer for up to 52 weeks of approval if no child has been placed with the applicant's household during that time.
  12. An adult or child where it would be detrimental to their mental health if they should share a room.

#### 6.2.0 The type of properties

To enable the best use of the Council and partner registered provider stock, properties will generally be allocated or nominated to those applicants who need that size and type of property.

6.2.1 Bedsits/studio apartments will be offered to single people and childless couples.

6.2.2 Flats, maisonettes, bungalows and houses will be offered to applicants who need that size of property.

6.2.3 Sheltered housing and extra care accommodation will be allocated to older people

6.2.4 Properties with adaptations will initially be allocated to persons with a physical or sensory disability. If no applicants are identified for a property with adaptations, bids will be invited from applicants who do not require but will accept the property with the adaptations.

6.2.5 Properties which may be suitable for adaptations will be indicated on the property advert and the applicants requiring adapted properties are able to bid. At the point the Local Authority will make an offer of social rented housing, it will repeat the steps set out in sections 2.2.14 and 2.2.15. If the property is subsequently identified as unsuitable for an applicant, see 5.2.1.

6.2.6 Birmingham City Council housing tenants releasing a property with three or more bedrooms may choose a property with one bedroom more than they need.

6.2.7 If a property is advertised through the Council's Choice Based Lettings cycle at least once and has not been allocated by any form of allocation method, the Council reserves the right to determine the most appropriate method of re-advertisement.

For low demand properties, providing an applicant is both eligible and qualifies in terms of acceptable behavior, the Council reserves the right to advertise and/or allocate outside of the normal rules of the scheme.

6.3.0 Applicants will not be made an offer of a property in a locality (e.g. electoral district in which he or she has previously been the perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, or where the perpetrator or victim now currently lives.

6.3.1 The letting of a property, including whether a joint tenancy will be granted, is beyond the scope of this scheme. The Local Authority have separate rules and policies that dictate how lettings will be agreed, as do Registered Providers.

6.3.2 This Scheme has been drawn up with regard to the Local Authority's Tenancy Strategy referred to above in paragraph 1.3.7. Tenancies will be offered by the Local Authority and Registered Providers in accordance with their own Tenancy Policy, which will have been formulated having had regard to the Tenancy Strategy.

6.3.3 Applicants will be informed by the Local Authority or the relevant Registered Provider, at the point of an allocation, if the property will be furnished or unfurnished.

6.3.4 Applicants will be provided with an opportunity to view the property prior to accepting or rejecting the dwelling being offered. Applicants can expect properties to be fit for

occupation at the date of the letting, or that any repairing obligations imposed on a Registered Provider, will be met within a reasonable time of commencement of the tenancy.

- 6.3.5 Transfer Applicants will be made an offer that ensures they do not inadvertently lose accrued rights and will be tenancy of equivalent form to that which they are transferring from. Arrears of rent outstanding on a previous tenancy may be transferred to the new one when both properties are held by the Local Authority or the same Registered Provider, subject to agreement with their Landlord as to how those arrears will be cleared (compliance with the arrears agreement will be a term of the new occupancy agreement).
- 6.3.6 The Local Authority and Registered Providers position on pets in social rented housing will be set out clearly in property advertisements and tenancy agreements.

## **7.0 Other Arrangements**

### **7.1.0 Direct applications to Registered Providers**

7.1.1 Registered Providers have a duty to maintain rules and policies concerning the allocation of social rented housing. The contents of such rules and policies should reflect the law and also regulations found in the Tenancy Standard, published by the Regulator of Social Housing. Information about housing allocation rules and policies of Registered Providers are available directly from these organisations. Copies are also available from the Local Authority and can be found on the Scheme website.

7.1.2 People who make an application to the Local Authority for social rented housing, are in no way restricted from also making separate additional applications directly to any Registered Provider, where their own housing allocation rules and policies allow this.

### **7.2.0 Nominations**

7.2.1 Nominations agreements have been adopted between the Local Authority and Registered Providers that own and/or manage social rented housing in the Local Authority area. All such agreements prescribe the portion of lettings that any registered provider will make available to the Local Authority. The agreements also have a criterion for how Registered Providers can accept or reject a nomination, plus describe how any disagreements about nominations will be resolved.

7.2.2 The Local Authority and any Registered Provider that have entered into a nomination arrangement, have agreed an information sharing protocol that accords with the General Data Protection Regulation and Data Protection Act 2018. The Local Authority will require written consent from an applicant to share their information with a Registered Provider.

7.2.3 A system has been adopted to monitor the effectiveness of the nominations agreements, to allow the Local Authority to satisfy itself that it is fulfilling its legal obligations to allocate social rented housing. An annual report on nominations agreements will be presented to elected councillors of the Local Authority and will be shared with Registered Providers who have entered into a nomination agreement with the Local Authority.

### **7.3.0 Transfers**

7.3.1 Registered Providers have published rules governing cases where their tenants wish to move from one dwelling to another. Copies of such rules are available directly from these organisations.



#### **7.4.0 Contracting-out**

7.4.1 Any arrangements by which the Local Authority has contracted-out the administration of housing allocation functions to a Registered Provider are subject to separate contractual terms which fall outside the scope of this document.

#### **7.5.0 Complaints, appeals and legal challenges**

7.5.1 Applicants will be informed by the Local Authority of their rights to make a complaint about a Registered Provider's decision to reject a nomination for an allocation of social rented housing. The methods by which complaints can be made are set out in the housing allocation rules and policies published by each Registered Provider. Applicants that have a dispute about the housing allocation rules and policies of a Registered Provider, will be informed of their right to make a complaint directly to the organisation, and when still dissatisfied after their complaint has been investigated, to the Housing Ombudsman. Applicants will also be informed of their right to seek judicial review on any point of law of a Registered Provider's decision to reject a nomination of social rented housing.

7.5.2 Additionally, applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed by the Local Authority of their right to seek assistance from the Equality and Human Rights Commission.

## **Appendix 1 – Determining an applicants’ ability to afford an allocation of social rented housing**

### **1.1.0 General principles**

- 1.1.1 An applicant for an allocation of social rented housing will be disqualified from joining the Scheme if they have outstanding rent arrears or other property related liabilities above a specified cap.
- 1.1.2 Property related liabilities shall be limited to outstanding rent arrears, service charge arrears and recharges for property related damage. Any liabilities that are statute barred, were not accrued by the applicant, or were accrued as result of financial abuse should be wholly disregarded.
- 1.1.3 The following criterion will be used when determining whether to disqualify an applicant with outstanding property related liabilities:
- An applicant’s liabilities exceed more than 1/12<sup>th</sup> the annual repayment amount, and
  - they have failed to make three consecutive payments
- 1.1.4 Notwithstanding the above, any allocation of social rented housing is contingent on an applicant being able to pay any charges levied for occupying a dwelling.
- 1.1.5 Any amount a prospective tenant is charged for occupying a dwelling, must demonstrated to be affordable for them.
- 1.1.6 What a prospective tenant can afford to pay will vary according to the type of dwelling and their personal circumstances.
- 1.1.7 Following a property being allocated, the Local Authority will wish to consider affordability as part of their processes for allocating a property.
- 1.1.8 When determining affordability, a Local Authority shall consider whether an applicant can afford the housing costs of the property they have been allocated, without being deprived of basic essentials.
- 1.1.9 All income should be taken account of when determining an applicants’ reasonable living expenses, other than rent, having regard to any children who might reside with them (the Local Authority and Registered Providers have a duty to promote and safeguard the welfare of children under Children Act 1989, which is relevant in the matter of determining affordability).
- 1.1.10 If an applicant is unable able to pay any or all of the housing costs, the Local Authority or a Registered Provider might arrange for another source of funding (e.g. Discretionary Housing Payment) to pay some or all of the housing costs. In cases

involving a child, this might be from the Local Authority's children services under Children Act 1989 under section 17. After housing costs, a tenant should be left with sufficient income to pay all other reasonable costs.

- 1.11 A applicant shall have the right to request a review of an affordability assessment, this should extend to the right to a review of any charges levied for occupying a dwelling. Should an applicant remain dissatisfied, they shall be informed of their right to make a complaint to the relevant ombudsman and/or pursue judicial review.

## **1.2.0 Formula for determining whether charges for a dwelling is affordable**

- 1.2.1 Evidence for an applicant their:

- a. Total income from all sources, including earnings, fees, other payments, savings, welfare benefits they are in receipt of or would be entitled to claim
- b. Total debts, including priority and non-priority debts

- 1.2.2 Ignore any:

- a. Tenancy related debts that are statute barred
- b. Not accrued by the applicant
- c. Accrued as a result of financial abuse

- 1.2.3 Once the above factors have been ignored, take note the total amount of outstanding income.

- 1.2.4 To determine whether an applicant can afford the housing costs of the property that has been allocated to them:

- c. Take not of their total income (see above 1.2.1a)
- d. Deduct from the total income received, housing costs (including rental charge and any service charge).
- e. Deduct from the total income received, other reasonable living expenses, equal to Universal Credit standard allowances, for items such as,
  - i. food,
  - ii. clothing,
  - iii. heating,
  - iv. transport,
  - v. other essentials, specific to the circumstances of the prospective tenant (and any other person that lives with them or might be reasonably expected to live with them).
- f. Deduct from the total income received, relevant expenditure to nurture and keep safe any child that lives in the household.
- g. Deduct from the total income received any priority debts, such as,
  - i. court fines,
  - ii. council tax,
  - iii. TV license,
  - iv. Child maintenance,
  - v. gas and electricity bills,

- vi. Income Tax, National Insurance and VAT,
- vii. Mortgage and any loans secured against a home owned by the Applicant (and any other person that lives with them, or might be reasonably expected to live with them),
- viii. Hire purchase agreements if what has been purchased is essential.

1.2.5 From the remaining amount of income, a calculation can be made as to whether prospective tenant can afford the housing costs of the property that has been allocated to them.

1.2.6 Where two or more people will hold a tenancy jointly, income and debts from all prospective tenants should be taken account of.

## **Appendix 2 – Determining an applicants’ entitlement to bedrooms, for assessing overcrowding, under-occupancy and for an allocation of accommodation**

### **2.1.0 Determining bedroom entitlement to assess overcrowding or under-occupancy**

2.1.1 For the purposes of determining overcrowding, an assessment will be made against the Scheme’s Bedroom Standard which allows a separate bedroom each for:

- i. A married or cohabiting couple,
- ii. The applicant and/or adults aged 16 years or more,
- iii. Pair of adolescents aged 10-20 years of the same gender,
- iv. Pair of children aged under 10 years regardless of gender,
- v. An adolescent aged 10-20 years paired with a child aged under 10 years of the same gender,
- vi. An unpaired adolescent aged 10-20 years,
- vii. An unpaired child aged under 10 years.
- viii. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority
- ix. An overnight carer for any usual household member, if the carer isn’t a usual household member
- x. An adult or child where it would be detrimental to their mental health if they should share a room.

2.1.2 Once an applicant’s bedroom needs are known, the Local Authority will confirm whether an applicant’s existing accommodation is overcrowded or under-occupied. The Local Authority will confirm the size and type of the existing accommodation and the usual members of the applicant’s household. This might include the Local Authority (or an agent on its behalf) carrying out an inspection of an applicant’s current accommodation or seeking evidence from their current landlord or other relevant parties.

2.1.3 Whilst determining whether an applicant is overcrowded or under-occupied, the Local Authority will consider whether any other services could assist an applicant in resolving their overcrowding or under-occupation and will advise the applicant accordingly.

2.1.4 The Local Authority will notify applicants as to whether they are overcrowded or under-occupying. Applicants that are overcrowded or under-occupied by three or more bedrooms will be placed in Band A. Applicants that are overcrowded or under-occupied by two bedrooms will be placed in Band B. Applicants overcrowded or under-occupied by one bedroom will be placed in band C. Applicants that are not overcrowded or under-occupied will not qualify to join the Scheme, unless there are any other grounds relevant to their applicant (see section 3.2.2).

2.1.5 Applicants who have contrived an overcrowding or under-occupation situation, will not qualify to join the scheme.

## 2.2.0 Determining bedroom entitlement for an allocation of accommodation

2.2.1 Applicants will each be entitled to separate bedrooms for the following household members (this includes students and members of the armed forces or reserve forces and any other person who is temporarily away and intend to return home):

1. A couple who are married, have a civil partnership or who are cohabiting.
2. The applicant and/or an adult or child aged 21 years or more.
3. A pair of adolescents aged 11-20 years of the same gender.
4. A pair of children aged 01 - 10 years regardless of gender.
5. An adolescent aged 11-20 years paired with a child aged 01 - 10 years of the same gender,
6. An unpaired adolescent aged 11-20 years,
7. An unpaired child aged 01 - 10 years.
8. An adult or child who cannot share due to a disability or medical condition, or due to fostering arrangements being facilitated by the Local Authority.
9. An overnight carer for any usual household member, if the carer isn't a usual household member.
10. Approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement.
11. A new approved adopter or foster carer for up to 52 weeks of approval if no child has been placed with the applicant's household during that time.
12. An adult or child where it would be detrimental to their mental health if they should share a room.

2.2.2 Properties will be allocated to the following household types:

1. Bedsit
  - a. A couple who are married, have a civil partnership or who are cohabiting, or an adult or child aged 16 years or more
2. One-bedroom properties
  - a. A couple who are married, have a civil partnership or who are cohabiting, or an adult or child aged 16 years or more
3. Two-bedroom properties
  - a. A couple who are married, have a civil partnership or who are cohabiting, or an adult aged 16 years or more, with any one of the following:
    - i. An adult or child aged 21 years or more
    - ii. A pair of adolescents aged 11-20 years of the same gender
    - iii. A pair of children aged 01 - 10 years regardless of gender
    - iv. An adolescent aged 11-20 years paired with a child aged 01 - 10 years of the same gender
    - v. An unpaired adolescent aged 11-20 years
    - vi. An unpaired child aged 01 - 10 years
    - vii. An overnight carer for any usual household member, if the carer isn't a usual household member
    - viii. Adoption or foster placement

- ix. An adult or child where it would be detrimental to their mental health if they should share a room.

#### 4. Three-bedroom properties

- a. A couple who are married, have a civil partnership or who are cohabiting, or an adult or child aged 16 years or more, with any two of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
  - i. An adult or child aged 21 years or more
  - ii. A pair of adolescents aged 11-16 years of the same gender
  - iii. A pair of children aged 01 - 10 years regardless of gender
  - iv. An adolescent aged 11-20 years paired with a child aged 01 - 10 years of the same gender
  - v. An unpaired adolescent aged 11-20 years
  - vi. An unpaired child aged 01 - 10 years
  - vii. An overnight carer for any usual household member, if the carer isn't a usual household member
  - viii. Adoption or foster placement
  - ix. An adult or child where it would be detrimental to their mental health if they should share a room.

#### 5. Four-bedroom properties

- a. A couple who are married, have a civil partnership or who are cohabiting, or an adult aged 16 years or more, with any three of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
  - i. An adult or child aged 21 years or more
  - ii. A pair of adolescents aged 11-16 years of the same gender
  - iii. A pair of children aged 01 - 10 years regardless of gender
  - iv. An adolescent aged 11-20 years paired with a child aged 01 - 10 years of the same gender
  - v. An unpaired adolescent aged 11-20 years
  - vi. An unpaired child aged 01 - 10 years
  - vii. An overnight carer for any usual household member, if the carer isn't a usual household member
  - viii. Adoption or foster placement
  - ix. An adult or child where it would be detrimental to their mental health if they should share a room.

#### 6. Five-bedroom properties

- a. A couple who are married, have a civil partnership or who are cohabiting, or an adult aged 16 years or more, with any four of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
  - i. An adult or child aged 21 years or more
  - ii. A pair of adolescents aged 11-20 years of the same gender

- iii. A pair of children aged 01 - 10 years regardless of gender
- iv. An adolescent aged 11-120years paired with a child aged 01 - 10 years of the same gender
- v. An unpaired adolescent aged 11-20 years
- vi. An unpaired child aged 01 - 10 years
- vii. An overnight carer for any usual household member, if the carer isn't a usual household
- viii. Foster placement
- ix. An adult or child where it would be detrimental to their mental health if they should share a room.

#### 7. Six-bedroom (or more) properties

- a. A couple who are married, have a civil partnership or who are cohabiting, or an adult aged 21 years or more, with any five (or more) of the following (multiples of the same bedroom entitlements or different bedroom entitlements are permitted):
  - i. An adult or child aged 21 years or more
  - ii. A pair of adolescents aged 11-20 years of the same gender
  - iii. A pair of children aged 01 - 10 years regardless of gender
  - iv. An adolescent aged 11-20 years paired with a child aged 01 - 10 years of the same gender
  - v. An unpaired adolescent aged 11-20 years
  - vi. An unpaired child aged 01 - 10 years
  - vii. An overnight carer for any usual household member, if the carer isn't a usual household
  - viii. Foster placement
  - ix. An adult or child where it would be detrimental to their mental health if they should share a room.

2.2.3 Applicants who are statutorily overcrowded at the point of application and remain so at the point of an offer of accommodation being made, that include adults who would be eligible and qualify for an allocation of social rented housing in their own right, will be offered allocation of multiple properties, one for the applicant and their usual household members and another(s) for any eligible and qualifying adult(s) that would have otherwise have been a household member.

2.2.4 Applicants who are significantly overcrowded at the point of application and remain so at the point of an offer of accommodation being made may be permitted to bid for Birmingham City Council properties with one fewer bedrooms than their assessed bedroom need if the offer does not result in statutory overcrowding.

2.2.5 Applicants who receive support from a carer who does not live with them and who is required to stay overnight, will be allocated a property with one additional bedroom for use by an overnight carer. A health or social care professional with direct



knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when the authority considers it to be appropriate to do so.

- 2.2.6 Adapted properties will initially be offered to applicants with a need for such accommodation (e.g. due to disability), over those with no such need, even when those with a need might have waiting a shorter time than those without a need. A health or social care professional with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs when the authority considers it appropriate to do so.
- 2.2.7 Properties purposely built for elderly applicants will always be offered to applicants that are elderly, over those with no such need, even when those with a need might have waiting a shorter time than those without a need. A health or social care professional, or other relevant professional, with direct knowledge of the applicant's condition will be contacted by the Local Authority for an opinion of the applicant's health and the impact on their housing needs, when evidence submitted by an applicant requires clarification on a point of accuracy or clarification of the prevailing circumstances of their condition.
- 2.2.8 Properties suitable for applicants that have been approved by the Local Authority to adopt or foster, who require a larger property for an adoption or fostering placement to commence, will always be offered to such applicants, over those with no such need, even when those with a need might have waiting a shorter time than those without a need. Active involvement from the Local Authority's Children Services will be sought, when making decisions about housing allocations where there is involvement with an applicant or a usual member of their household, from the Local Authority's Children Services.
- 2.2.9 Applicants with a need for six-bedrooms or more might be offered two properties that are adjacent for use as if they were a single property.