

Housing Allocations Scheme January 2016

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1. Introduction

The purpose of this scheme is to issue guidance relating to the allocation of social housing within the Borough of Reading.

Reading Borough Council owns homes across Reading and has nomination rights to Registered Providers' (Housing Association) homes. In acting as a good landlord and as an enabling Local Authority, the Council is committed to managing and letting social housing in a fair and transparent way to assist households with a need for accommodation.

This scheme has been developed in partnership with Registered Providers and other interested parties.

This scheme will enable the Council to encourage choice and give capacity to those households eligible for housing who want to engage and be involved in housing decisions that affect their future.

However, applicants need to have a realistic expectation of the assistance that the Council can provide under its Allocations Scheme. The demand for social housing outstrips the supply and, historically, only a small proportion of applicants are re-housed through the Housing Register.

2. Management of the Allocations Scheme and Information

2.1. The Allocations Scheme

Section 167 Housing Act 1996 places a duty on every local housing authority to prepare and maintain a set of rules which it has adopted, determining the authority's priorities and procedure to be followed in allocating housing accommodation. This statement is intended to meet that requirement.

This scheme sets out those applicants who Reading Borough Council has decided are a qualifying class of person who can join the Housing Register and those applicants who are considered a non-qualifying class of person who will not be able to access the Housing Register.

The scheme also sets out the criteria against which qualifying applicants are considered in relation to reasonable preference and additional preference categories. It also identifies reasons when individual applicants, who may have a reasonable or additional preference, could be considered to have No Priority for Housing depending on their circumstances.

The full scheme will be made available to inspect at the Civic Offices or on the Council website at www.reading.gov.uk/allocationscheme. A summary of the scheme can also be provided on request.

Consultation will be carried when any major changes made to the content of the scheme are proposed, to ensure that those affected have input. This will include consultation with Registered Providers.

The Head of Housing and Neighbourhoods is the lead officer with delegated authority to allocate housing accommodation under Part VI of the Housing Act 1996.

When considering exceptional circumstances, decision will be made by the Housing Needs Manager. This will be considered following a request from either an applicant or a member of staff. These decision will be recorded and reasons provided to evidence the outcome of the decisions.

2.2. Elected Members' Involvement

Allocation of Housing (Procedure) Regulations 1997 (SI 1997/483) prevent an elected member from being part of a decision-making body at the time an allocation decision is made, when either:

- The accommodation concerned is situated in their division or electoral ward, or
- The person subject to the decision has their sole or main residence there.

This does not prevent an elected member from representing their constituents in front of the decision-making body or from participating in the decision-making body's deliberations prior to its decision. The regulations also do not prevent elected members' involvement in policy decisions that affect the generality of housing accommodation in their division or electoral ward rather than individual allocations; for example, a decision that certain types of properties should be prioritised for older people.

2.3. What we do with Personal Information

Any information provided by an applicant will *only* be used and stored in accordance with the Data Protection Act 1998. The information will be used to process an application for housing, develop our business and provide statistical information.

Information given by the applicant, in support of his/her request for housing may be cross checked against other information held about him/her within the Council. We will notify offender managers regarding the appropriateness of accommodation offered to prison leavers or ex-offenders who have disclosed information regarding their offending backgrounds. Equally, if a registration form or home visit raises either Child Protection or Vulnerable Adult concerns, then Reading Borough Council may refer to either Children's or Adult Services regarding these issues.

Information held may also be shared with other housing and/or care providers to ensure a suitable and successful allocation of housing. This information will be shared with consent from the applicant, provided on the Homechoice Registration Form.

The Council may also contact agencies for information relevant to assessing the application. This may include, for example: the Home Office in relation to an applicant's asylum status, current and previous landlords or mortgage companies and support agencies.

An applicant will, on request, be shown and be given personal information relating to their application in line with a 'Subject Access' request under the Data Protection Act. Information will not be disclosed to third parties unless there is a valid request under the Freedom of Information Act 2000. Furthermore, information that has been provided

by a third party will not be disclosed to the applicant. For example, where a GP has provided medical information regarding the applicant to the local authority, this information would not be disclosed to the applicant unless the GP agreed to do so.

2.4. Statement of Fair Processing

In line with the Data Protection Act 1988, we will process applicants' information for the purpose of assessing housing need, collecting statistical information and to improve our business.

We may also use this information to detect and prevent fraud.

Personal information will be stored electronically and this will comply with our Data Protection policies.

Full details of our Fair Processing Notice can be found on the Council website at www.reading.gov.uk/council/dataprotection/data-protection-housing/

2.5. Statement of the Scope of Applicants' Choice

In Reading, the demand for Council and Registered Provider accommodation outstrips the level of supply. This means that the Council is not in a position to offer such accommodation to everyone on the Housing Register who expresses an interest and so, broadly speaking, offers of accommodation will be made to those applicants who have the highest priority for housing under the Allocations Scheme. In addition, this means that the primary aim of the scheme is to house those with the greatest housing need. In order to meet this aim the Allocations Scheme underpins the element of choice by allowing an applicant to express their interest in properties that are advertised.

Applicants who are considered qualifying persons on the Housing Register will be placed in a priority band according to their housing circumstances.

2.6. Staff Applying For Social Housing

Reading Borough Council staff applying for housing, particularly those working in the Housing Service, will need to make it known to a senior member of staff that they intend to apply for social housing and must complete the Declaration of Interest part of the form. This will ensure that the application process is transparent and confidentiality rules are followed.

3. Legislation, Policy and Guidance

This document makes reference to the legal requirements and policies that must be adhered to. We have had regard to legislation including (but not limited to) the following:

- Housing Act 1996, Part VI and VII as amended
- Localism Act 2011
- Tenancy Strategy 2013 - 2018

- Homelessness Act 2002
- Children Act 1989
- Asylum and Immigration Act 1996 (c.49) and 1999 (c.33) and 2002
- Section 19 Freedom of Information Act 2000
- Equality Act 2010
- Human Rights Act 1998
- Data Protection Act 1998 as amended
- Section 17 Children Act 1989
- Prevention of Social Housing Fraud Act 2013
- Housing & Regeneration Act 2008
- Allocation of Housing (Qualification Criteria for Right to Move)(England) Regulations 2015 (SI2015/967)
- The Allocation of Housing (Qualification Criteria for Armed Forces)(England) Regulations 2012 (SI 2012/1869)

The scheme has regard to the Department of Communities and Local Government (DCLG) guidance, the most recent of which being:

- Allocation of accommodation: guidance for local housing authorities in England (June 2012)
- Providing social housing for local people Code of guidance (December 2013)

The scheme has been developed with regard Reading Borough Council's own Strategy and Policy, including:

- Homelessness Strategy 2008-2013
- Tenancy Strategy 2013
- Housing Strategy : Firm Foundations - 2009 - 2014
- Housing Adaptations Policy February 2011
- Name Change Policy 2015

4. Fraud (Offences)

S.171 Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a housing authority of its functions under Part VI:

- To knowingly give false information
- To knowingly withhold relevant information which the housing authority has reasonably required the applicant to give in connection with the exercise of those functions.

The circumstances in which an offence is committed could include providing false information:

- On an application form for social housing
- In response to a request for further information in support of the application
- During a review proceeding

This may include any applicant who fails to notify the Council of any relevant change in their circumstances which may affect their application.

Any applicant found guilty of such an offence will be liable to a fine, which could currently be as much as £5000.

Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables the Council to take action to repossess any tenancy obtained by the provision of false information or by the withholding of relevant information, by the tenant or a person acting at the tenant's instigation.

The Prevention of Social Housing Fraud Act 2013 identifies tenant fraud as a criminal matter and local authorities have the power to prosecute those who unlawfully sublet their social housing.

5. Equality and Diversity

Reading Borough Council promotes equal opportunities and, in doing so, has developed an equalities plan to underpin equality and diversity in all services that we provide. In line with the provisions of the Equality Act 2010, Reading Borough Council will:

- Have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between people of different groups.
- Promote equality between different groups and have due regard to the needs of these groups.

Our aim is to continue to maintain equality and ensure that we let our homes in a non-discriminatory way based on meeting housing need. We also anticipate that the transparency of this will not let any customers be treated less favourably on the grounds of gender, marital status, pregnancy and maternity, race, disability, sexual orientation, age, faith or gender reassignment.

Reading Borough Council Housing teams will treat all applications for housing in a sensitive and supportive manner.

5.1 Travelling Families

There is a duty for local authorities to complete regular assessments of the accommodation needs of Travelling Families living in their area as they do for the rest of the community. Travelling Families will be assessed within the parameters of the housing scheme.

6. Scheme Aims

The main aims of Reading Borough Council's Allocations Scheme are:

- To let social housing to households with the greatest need for accommodation.
- To let homes in a transparent, applicant-friendly and fair way, ensuring that existing and new applicants are treated equally.
- To meet the statutory and legal requirements for allocating social housing.

- To produce a scheme that is easy to understand, applicant focussed and is part of the delivery of an excellent Housing service.
- To make sure that the Allocations Scheme is maximising the use of all social housing provided locally and sub-regionally.
- To ensure that the Allocations Scheme minimises the void turnaround time of void properties.
- To make sure that the housing needs of vulnerable applicants and those in priority need are given reasonable preference.
- To encourage partnership working with other housing providers.
- To promote, create and establish balanced and sustainable communities. To make sure that the use of Choice Based Lettings (CBL) allows applicants to exercise greater control over their choice of housing, increasing the likelihood that tenancies will be sustained.

In order to help achieve these aims the Council will maintain a Housing Register. This is a list of people registered for housing who are prioritised according to their level of housing need.

7. Definition of an Allocation

Reading Borough Council's Allocations Scheme sets out how social rented housing is allocated to those registered on the Housing Register. Section 159 of the Housing Act 1996 (Part VI) defines an allocation of social housing as:

- Selecting a person to be a secure or introductory tenant of housing accommodation held by this authority;
- Nominating a person to be a secure or introductory tenant of housing accommodation held by another housing authority (i.e. one of the authorities or bodies fulfilling the landlord condition mentioned in the Housing Act 1985, s.80) or
- Nominating a person to be an assured tenant of housing accommodation held by a Private Registered Provider.

The following are not allocations:

- Transfers of accommodation, unless made at the tenant's own request
- Family Intervention Tenancies as defined in section 297 of the Housing & Regeneration Act 2008
- Successions
- Assignments
- Property Adjustment Orders

Any change to an existing tenancy, such as changes to those named on a tenancy agreement, will involve Reading Borough Council offering a new allocation and tenancy agreement, as per the Name Change Policy. This will be carried out outside of the Choice Based Lettings Scheme however the Qualification Criteria will be applied to any

new named tenant. Any agreement to change a current agreement will be made by Reading Borough Council.

8. Overview of Choice Based Lettings and Housing Register (operational)

Reading Borough Council will hold a Housing Register of qualifying people who wish to apply for accommodation with Reading Borough Council and/or Registered Provider accommodation.

On processing all Homechoice Registration Forms that are completed and received, Reading Borough Council will assess the priority and award a band to reflect this (see section 17). Once registered, applicants are then able to register interest in properties that Reading Borough Council advertises, this is known as “bidding” (see section 10.2).

9. Process for Housing Register

Reading Borough Council’s Housing Register is a list of:

- First time applicants (including those to whom the Council owes a main duty under the Homelessness legislation) for a Council and/or Registered Provider property. Referred to as Homeseeker applicants.
- Council and Registered Provider tenants wishing to transfer to other accommodation. Referred to as Transfer applicants.

Applicants must complete a Housing Registration Form and sign the consent section of the form. This gives permission for Reading Borough Council to obtain any relevant information that is required to assist the housing registration process. Applicants who are unable to read or write, or who want assistance in completing the forms, can request an appointment to see a member of staff in the Councils’ offices or at their home, or can be directed towards other agencies that may be able to assist them in applying for housing.

Applicants must also supply a passport sized photograph of themselves and their partner, along with rent account information if they are a Registered Provider tenant and equity information (the amount gained from a sale of property) if they have previously owned a property. Reading Borough Council may also request proof that the applicant is a qualifying person at this stage (see section 14).

Once the Homechoice Registration Form has been processed the application is assessed against the qualification and eligibility criteria to ensure that the applicant qualifies and is eligible to register for social housing (see sections 13 and 14).

Once eligibility and qualification criteria are satisfied, Reading Borough Council will assess the application for priority based on housing need (see section 17).

The applicant will receive an acknowledgement letter giving details of the following information:

- Confirmation of whether qualifying criteria have been satisfied

- Personal Identification number (PIN) - a unique reference number
- Details of the initial band in which their registration has been placed (see Appendix 1)
- Confirmation of the date of application
- Details of the size of property for which the applicant has been registered
- Details of how to obtain further information about the Allocations Scheme
- A Homechoice at Reading user guide

Assessments of applications to the Housing Register will be subject to a thorough investigation of all the circumstances. As part of the investigation Reading Borough Council may carry out home visits, contact third party agencies (including voluntary sector partners) and will collect evidence where appropriate.

Any decision not to place someone on to the Housing Register (due to ineligibility or non-qualification), to amend an application on the register, or to remove someone from the register, will be notified to the applicant in writing. Reasons for the decision will be provided and the applicant will be informed of their right to request a review of the decision made within 21 days (see section 24.3).

All customers can enquire online regarding their status on the Housing Register on the Council website at www.reading.gov.uk/homechoice

9.1 Annual Re-registration

All Housing Register applicants (including Transfers) are required to re-register annually. Applicants will receive a new Homechoice Registration Form to complete in order to confirm or update previously submitted information; this is to ensure the Housing Register holds accurate information relating to of each applicant's circumstances. Those applicants that fail to respond within 28 days will be removed from the register. A request for a review of the decision to remove an application can be made (see section 24.3).

9.2 Change of Circumstances

All applicants are required to notify the Voids and Lettings Team immediately of any change to their circumstances which may affect their priority for re-housing, for example a change of address, someone joining or leaving their household, the acquisition of property, etc. This may also affect their eligibility or qualification to join the Housing Register.

The applicant will be notified in writing of any change in their priority for re-housing. When an applicant's change of circumstances has been assessed, this may result in a change in the applicant's band. The applicant's new level of priority will run from the date upon which they informed the Voids and Lettings Team of the change of circumstances, and not from the date of the original application.

A change of circumstance may be considered at any stage of the application process, from initial application to receiving a formal offer and may be identified by an officer, for example at a home visit. A change in an applicant's situation may result in a

reduction in priority for housing at any stage prior to the commencement of a new tenancy.

Where the Council has been made aware of a change of circumstances but has not received updated information regarding the change, such as a completed Homechoice Registration Form, the applicant's band will be reduced until such time as the Homechoice Registration Form has been received and processed (see section 18). This may lead to any successful bid being disregarded, and potentially the removal of any formal offer of accommodation.

10. Process for Homechoice at Reading (Choice Based Lettings)

The Council advertises properties and applicants are required to bid for those that they are interested in. The bidder who has been assessed as having the greatest need or 'highest priority' (see section 17) will be offered the property, provided it is suitable for their needs. When considering suitability of a property Reading Borough Council takes into account whether the physical attributes of the property (factors such as size of the property or access to the property) will meet the needs of the applicant (which could include, but is not limited to, number of household members and mobility limitations).

Please be aware that allocation to properties managed by Registered Providers will be subject to their own procedures.

10.1 Adverts

All adverts will usually include the following information regarding the property:

- Type of tenancy offered
- Landlord
- Location
- Type (flat, bungalow etc.)
- Size (number of bedrooms)
- Floor and whether or not it has a lift
- Local amenities
- Type of heating
- Whether it has a garden
- The amount of rent payable
- Whether it is specialist accommodation, such as purpose built for wheelchair users, Supported Accommodation, Sheltered Accommodation or Elderly Designated Stock, i.e. properties that are only accessible for those over a certain age.
- If the property is subject to a Local Lettings policy (see section 27.3).

Reading Borough Council properties and Registered Provider properties will be advertised fortnightly on the Council website and in a free sheet which will be available in public resource centres such as Libraries, Neighbourhood Advice Shops and Council

offices. Any change to the bidding cycle will be subject to review at any time in consultation with relevant parties.

The adverts will be monitored to ensure that quota queues are met (see section 21). At times, advertisements may be restricted to particular quota queues to ensure that all groups are encouraged to participate in Homechoice at Reading. This is to assist in the development of community cohesion and stability within neighbourhoods. In some circumstances adverts will be limited to specific applicants. This will be to ensure that the Council is making best use of its stock, particularly where there are large sized family units.

10.2 Bidding

Applicants can bid in the following ways (further information can be obtained from the Homechoice User Guide or the Council website at www.reading.gov.uk/homechoice):

- by telephone
- online through the Reading Borough Council website
- by text

Applicants can request assistance from the Council for support with the bidding process.

Applicants will have 7 days to place a bid and will be notified of the closing date for bidding on the advert sheet. Applicants will be able to bid for up to 3 properties per cycle. If an applicant is successful on more than 1 property in the same cycle they will be asked which property they would prefer to be considered for and any other bid will be disregarded.

There is a sanction for those who refuse 3 offers of suitable accommodation within a 6 month period (see section 24.1).

For those applicants who have been given additional priority as they are considered to be homeless or at risk of violence different rules may apply (see sections 23 and 24).

Some Registered Providers will manage the bids placed for accommodation that they advertise in partnership with Reading Borough Council, in line with the Council's Allocations Scheme.

Bids will be evaluated to check whether:

- There have been any changes in circumstances since the date of application (this may result in an applicant's priority changing and the bid being disregarded) and
- The successful bidder is eligible¹ for re-housing

Where the Council believes, through advice and consultation with other statutory agencies, that a bid for accommodation to a particular area could present an unreasonable risk to surrounding residents/tenants or to the applicant, then the Council

¹ Eligible - checks will be made to establish identification, immigration status and address before any offer is made.

will reserve the right to not consider the bid for that particular property. However, the household may continue to place bids for other accommodation.

If bidding is unsuccessful, applicants will not be directly notified, rather Reading Borough Council will publish feedback information on successful bids in the previous cycle in each edition of the free sheet and on the Council website. This will include:

- The number of bids for each property
- The priority band of the successful applicant
- The length of time the successful applicant has been registered for housing in that band
- The applicant type, as Transfer or Homeseeker

This information will help to inform applicants how frequently certain types of property become available, and the indicative waiting time per area.

10.3 Viewing

When applicants have been successful in their bid they will be contacted to view the property.

In order to reduce the amount of time a property is left vacant for, an applicant may be expected to view a property with as little as 24 hours' notice. However more notice will be given where possible. Applicants will receive a formal invitation to view a property with a date and time to attend the property, this may be arranged via a telephone call. If the applicant fails to attend the viewing or respond to the invitation Reading Borough Council will overlook the bid for that property.

In the majority of cases the top 3 bidders will be offered a viewing of the property and asked to state whether they would accept an offer of the accommodation. An offer will be made to the applicant that has been assessed as having the greatest need (see section 10.4).

Applicants will be expected to confirm if they wish to accept the property within 24 hours of the viewing, before being made a formal offer of accommodation. Failure to respond within the time scale may result in the bid being disregarded and the property being offered to the next applicant in priority order.

10.4 Offers

If several applicants who are in the same priority band place bids for the same property, the applicant who has waited the longest within the band will be offered the accommodation. If they have been waiting the same length of time in the priority band the property will be offered to the applicant with the earliest date of registration.

Before a formal offer is made Reading Borough Council will verify the information provided in the Homechoice Registration Form. For verification purposes, applicants will be required to provide specific information such as, but not limited to:

- Proof of eligibility (see section 13)

- Identification
- Proof of address
- Proof of income

Applicants are required to supply this information to the Civic Offices within 24 hours of the viewing. If applicants do not provide this information within the time scales, a formal offer will not be made and their bid may be disregarded.

If there are any exceptional circumstances that mean that applicants are unable to provide the information requested within 24 hours of the viewing, an extended time can be agreed with the Voids and Lettings Team.

Once all relevant information has been verified a letter will be sent advising the applicant of their offer of accommodation. A date will be arranged for them to sign the Tenancy Agreement at this stage.

If an applicant refuses the offer or does not provide verification information, the applicant with the next highest level of priority who has viewed the accommodation will be made an offer, for which the verification process will also apply.

All applicants will become non qualifying persons (see section 14.1) from the date that they receive a formal offer of a Part VI Allocation. If they later refuse the property their application will be reinstated from their registration date and their band restored from their effective date.

There may be occasions when Reading Borough Council will have to remove a property from the shortlisting process. This will only happen in exceptional circumstances, for example, where the Council requires a specific property to help satisfy a legal responsibility. Reading Borough Council will aim to avoid removing properties after they have been advertised.

11. Tenancy types

For the purposes of this section a "secure tenant" includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985 (inserted by s.154 of the Localism Act 2011). The term "assured tenant" includes a person with an assured short-hold tenancy, including an Affordable Rent Property (Affordable Rent, which is assessed at no more than 80% of the local market rent, is not subject to the national rent regime but is subject to other rent controls that require a rent, including service charges).

When allocating accommodation to applicants from the Housing Register, Reading Borough Council will always offer an introductory tenancy (a minimum of 12 months) to those who have not previously been a permanent Reading Borough Council tenant, or a secure tenancy to those who are transferring within our stock.

After the introduction of the Localism Act 2011, many Registered Providers have introduced fixed term/flexible tenancies which are for a certain period of time, normally between 2 - 7 years. These tenancies are also allocated via the Housing Register and, as above, are subject to an introductory period.

Registered Providers are able to offer properties at a different rent level, known as Affordable Rent. This will typically be 80% of market rent. Applicants need to be aware when they are bidding for accommodation if this will be affordable for them.

More detail on Reading Borough Council's expectations on how Registered Providers manage flexible tenancies and Affordable Rent is available in Reading Borough Council's Tenancy Strategy at www.reading.gov.uk/council/strategies-plans-and-policies/HousingStrategiesandPlans/tenancy-strategy-2013-2018/.

For applicants currently in a secure or assured tenancy and are considering bidding for accommodation with an Affordable Rent or flexible tenancy, it is important to understand the implications on any future tenancy. Please see the following guide:

Current Tenancy Type	The Current Tenancy Start Date	Rent on New Property	Tenancy Entitled to
Secure/Assured	Before 1/4/ 2012	Social Rent	Secure/Assured
Secure/Assured	Before 1/4/2012	Affordable Rent	Assured/Secure or Fixed Term (if this is what is being offered)
Secure/Assured	After 1/4/2012	Social Rent	Assured/Secure or Fixed Term (if this is what is being offered)
Secure/Assured	After 1/4/2012	Affordable Rent	Assured/Secure or Fixed Term (if this is what is being offered)

11.1 Family Intervention Tenancy (FIT)

This is a non-secure tenancy within Reading Borough Council or Registered Provider accommodation which may be offered to those with complex needs. Those families considered for a FIT will be assessed and agreed in partnership with Social Care and other appropriate agencies. The FIT will generally be for a fixed period of time with conditions attached, such as, engagement with relevant agencies and support. They have limited security of tenure, and as such they will be terminable on notice with no need to prove any ground for termination or possession. The aim is to allow households to be supported in order to achieve independence. On the successful completion of a FIT a direct offer may be made to the property being occupied (see section 22).

12. Housing Needs Groups

There are 2 main groups of applicants on the Housing Register.

12.1 Transfer Applicants

Transfer applicants comprise of Reading Borough Council and Registered Provider tenants who register with the Council for alternative social housing.

12.2 Homeseekers

Homeseekers comprise of first time applicants, homeless applicants owed duties in accordance with the Housing Act 1996 (Part VII) as amended, or those who are not existing Council or Registered Provider tenants. This group could comprise of people living in the private rented sector or with friends and/or family.

13. Who is not eligible for an Allocation of Accommodation?

Reading Borough Council Allocations Scheme is framed according to relevant legislation and good practice. Section 160ZA Housing Act 1996 as amended states that the Council shall not allocate housing accommodation to the following:

- People who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless he or she is of a class prescribed by regulations made by the Secretary of State or is already a secure or introductory tenant or an assured tenant of housing accommodation allocated to him by a local housing authority.
- People who are excluded from entitlement to Housing Benefit by section 115 of the Immigration and Asylum Act 1999 (c.33) (exclusion from benefits).
- Other classes of persons from abroad who are ineligible for an allocation of accommodation, as may be prescribed by the Secretary of State.
- Applicants who are not deemed to be habitually resident in the CTA (Common Travel Area) or EEA (European Economic Area).

Eligibility can change with a change of immigration status; therefore, eligibility for an allocation of housing will be kept under review. However, the applicant is responsible for informing the Council of any change in immigration status.

Decisions of eligibility based on an applicant's immigration status will be made by a Voids and Lettings Officer, who will take into account information from the Home Office or Border Agency, (or other appropriate government department) and apply relevant Legislation and statutory instruments.

The registration of applicants on the Housing Register is not an acceptance by the Council that they are considered eligible for an allocation of accommodation.

The Homechoice Registration Form includes an eligibility declaration confirming that applicants agree that Reading Borough Council neither agrees nor disagrees that they are eligible for assistance at the point of application. The Council may make a decision on eligibility at the stage of application or when verifying an application once a successful bid has been made. If the applicant is not accepted on to the Housing Register they will be advised of this in writing and given information on how to request a review of this decision (see section 24.3).

Applicants will be asked to provide documentary evidence to prove eligibility for themselves and for all members of their household, at the point that they make a successful bid for accommodation.

If an applicant makes a successful bid for accommodation and is unable to provide documentation to prove eligibility of themselves and their household, s/he will not be allocated the accommodation and will be removed from the housing register.

If the proof of eligibility document shows that their eligibility for services was granted after their application date then their application date will be amended to the date that they became eligible which may result in an allocation not being made on that occasion.

Eligibility for an allocation of accommodation will only be confirmed at the point when Reading Borough Council has checked all relevant documentation, if required, and is satisfied as to the applicant and their household's eligibility.

Each case will be considered individually, taking account of all relevant circumstances. Applicants who successfully bid for accommodation but are deemed ineligible for an allocation of accommodation will be notified in writing of this decision. Applicants will have the right to request a review of this decision within 21 days of the decision date (see section 24.3).

14. Who is considered a Qualifying Person for Reading Borough Council's Housing Register?

The Localism Act 2011 introduces powers for Local Authorities to determine who will be allowed to register for accommodation locally. Applicants that satisfy any qualification criteria are known as Qualifying Persons. The following qualifying criteria apply.

Those who have been resident in the borough for 3 consecutive years or more directly prior to the date of their application and are still resident in the Reading area at the point a successful bid is made will be considered to be Qualifying Persons on Reading Borough Council's Housing Register.

Applicants who have not been resident in the borough for 3 consecutive years or more directly prior to the date of the application may also be considered to be Qualifying Persons provided they satisfy one or more of the following criteria:

Applicants who have:

- Worked in the borough for 3 consecutive years in permanent employment, directly prior to the date of their application and are still in permanent employment in the borough at the point a successful bid is made, regardless of number of hours per week. Location of work is determined by an applicant's 'main place of work'. If work placement is split across boroughs, the main place of work must be in the Reading area. If an employer's head office is in the Reading area, but the location of work is outside the Reading area, the actual location where the work is carried out will be considered as the main place of work.
- Family members who have lived in the borough for 3 years continuously directly prior to the date of their application and are still residing in the borough - close

relatives, being mother, father, sister, brother, children over 18. Other special relations such as grandparents who have acted as guardians may also be considered.

- Carers' responsibilities to a resident in the Reading area - when there is an identified need for formal care for a person residing in the borough. The person receiving the care would normally be eligible for a care package from Reading Borough Council and this arrangement is accepted by the relevant Social Care authority.
- Fled a violent relationship and are in a refuge in Reading.
- Served in the Armed Forces, are in housing need (as defined by Reasonable Preference, see section 17.2) and meet one of the following criteria:
 - Where the application is made within 5 years of discharge
 - Bereaved spouses and civil partners of members of the Armed Forces leaving service family accommodation following the death in service of their spouse or partner
 - Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service.
- Been accepted as Homeless under Part VII 1996 Housing Act, as amended by Homelessness Act 2002 by Reading Borough Council, and the duty still exists. Reading Borough Council will automatically put on to the Housing Register any person who is owed a duty by the Council under section 193 of Part VII of the Housing Act 1996.
- Been placed outside of borough by any department of Reading Borough Council in situations such as Child in Need, Homelessness or residential care where the statutory duty still applies. Applicants will be considered as resident in the borough during this time.
- Social Housing tenants seeking to transfer from another local authority district in England in order to be closer to work in the Reading borough area, or to take up the offer of work in the Reading borough area and not doing so would result in hardship. Reading Borough Council must be satisfied that there is a need to move rather than a wish and in making this assessment the Council will consider the personal circumstances of each applicant on their own merit.
 - This work or offer of work must be:
 - Regular work for a minimum of 16 hours per week, this includes apprenticeships but does not include voluntary work;
 - A minimum of a 12 month contact at the point of application
 - The main place of work is in the Reading borough area
 - Unreasonable to access by transport taking into account, the nature of the transport, distance, time and affordability.
- Any other exceptional circumstances, for example, intimidated witnesses including Protected Persons as specified in Section 82 and schedule 5 of the Serious Organised Crime and Police Act 2005.

14.1 People who are not Qualifying Persons

The following classes of people are considered to be Non Qualifying Persons and therefore will not be included on the Housing Register.

- Those applicants who are under 16 years of age.

- Those who do not meet the residence criteria as set out in the section above.
- People who have been evicted from a social rented tenancy for tenancy management issues. Any such applicant cannot apply for a period of 3 years from the date of their eviction - this will include anti-social behaviour and rent arrears.
- Those who have become homeless as a result of a Section 8 notice (Housing Act 1988) from Private Rented accommodation on the grounds of anti-social behaviour or rent arrears. Any such applicants cannot apply for a period of 3 years from the date of their eviction unless the full homeless duty is accepted.
- People whose unacceptable behaviour would make them unsuitable to be a tenant at the time their application is considered and that possession would be granted by the courts for such behaviour. This will also include the behaviour of other members of the household. Any such applicant will be excluded for a period of between 1 and 3 years from the date that they apply. They are able to submit a new application after 1 year but the Council reserves the right to continue to treat them as a non-qualifying person.
- Applicants who have refused 3 suitable properties within a 6 month period. Any such applicant cannot apply for a period of 1 year from the date of the last refusal (see section 24.1).
- Introductory tenants requesting a transfer whilst they have an introductory tenancy. If there is an urgent need to move, then the Council may in some circumstances agree to the transfer. In these circumstances a further introductory tenancy will be offered for the remaining tenancy period.

All Applicants will become non qualifying persons from the date that they receive a formal offer of a Part VI Allocation.

If they later refuse the property without requesting a review of its suitability, their application will be reinstated from their application date and their band restored from their effective date, as long as no sanctions apply (see section 24.1).

In the event that a request is made to review the suitability of the accommodation offered under Part VI (see section 23.1) the applicant will remain as a non-qualifying person throughout the review process.

In exceptional circumstances, the Council may choose not to apply the above criteria when considering an individual application.

An applicant will need to reapply at the end of the period in which they are considered to be a non-qualifying person, or if their situation changes.

14.2 Transition to new scheme

The qualification rules set out above will apply to all new applications from the date of the publication of the new scheme 1st January 2016. We will write to all external applicants to advise them they will be removed unless there is an exception. For those who are living in the borough at the point of implementation who applied to join the Housing Register prior to 1st January 2016 the residency qualification criteria will not apply. We will re-register all applicants on the Housing Register prior to implementation. For applicants who have previously applied and that application was

subsequently cancelled, any new application submitted to re-join the Housing Register after 1st January 2016 will be subject to the new criteria.

Those tenants who are introductory tenants at the time of the transition to the new scheme will be allowed to remain on the Housing Register, however, they will not be allocated other accommodation until their tenancy is secure. Those who have been found guilty of anti-social behaviour or who have been evicted previously due to a breach of tenancy in the social housing sector will be considered on a case by case basis, which could be at shortlist stage.

15. Who is considered to be part of the household including Joint Tenancies?

15.1 Who can be considered as part of the Household?

It is for the Council to decide who can be considered as part of the household, this will be done by considering whether a person is normally resident as a member of the family. When the Council considers requests for housing, it is likely that the following circumstances will be considered:

- Partners who are living in a permanent relationship.
- Dependent children, including children coming out of Social Services care or children who have been adopted/fostered. When an applicant applies and the application includes children where there is shared parental responsibility, they will be considered as part of the household if the applicant has the main parental responsibility of the child/children and their address is considered the child's or children's main and principal home. This may be demonstrated and will be assessed on factors such as, receipt of benefit, address used to register for doctors, schools, etc. frequency of residence (see Appendix 3).
- Where a person moved in with the applicant at the start of the tenancy and continues to reside with the applicant, it will be reasonable to expect that they should reside with the applicant.

Anyone who does not meet the above criteria will not normally be taken into account when considering the accommodation to be offered, with the exception of the following:

- Dependent relatives - where a relative of a tenant has had to join the tenant to receive care and there are no other housing options for the family (examples of housing options in these circumstances include where the relative owns their own property, or occupies a property large enough to accommodate the family). Here, a relative means partners, parents, grandparents, children, grandchildren, siblings, uncles, aunts, nephews and nieces including step relations and half relations. A need for the care that is provided will need to be demonstrated.
- Carers - in certain circumstances applicants requiring a carer will be registered for an additional bedroom. This could be where the applicant requires personal care both during the day and at night which could only be provided by a live-in carer. It would normally be expected that the person requiring the care be in

receipt of Carer's Allowance and Disability Allowance/Personal Independent Payment (PIP) with the highest care component. The carer must be recognised or employed by or working on behalf of Adult Social Care. It would normally be expected that the carer be a named individual unless care is provided on a rota arrangement made by Adult Social Care or agents on their behalf.

- When a member of an applicant's household is in prison, this person may be included in the household 4 weeks before their confirmed release date from prison as long as they were resident in the household prior to their imprisonment.
- Children who are living with their parents and are studying at university during term times, or serving in the armed forces. In these circumstances their parental home will be considered as their principal home.

Where an eligible applicant has members of their household who are subject to immigration control or where their terms of entry into the UK prohibit them from a reliance on public funds then they will not be considered to be part of the applicant's household for the purposes of the Allocations Scheme. However, they will be recognised as living with the applicant as part of their household.

15.2 Joint Tenancies

Joint tenancies will be created in the following circumstances:

- Where household members have long term commitments to the home, for example, when adults share accommodation as partners, a joint tenancy should be granted. Applicants will be made aware of this option and will also be made aware of the legal and financial implications and obligations of joint tenancies including the implications for succession rights of partners and children. Where a joint tenancy is refused by the Council the applicant/s must be given reasons why.

In the creation of a joint tenancy, both tenants must be present to sign the tenancy agreement. In exceptional circumstances the absent tenant may be able to sign retrospectively; however, the circumstances surrounding the creation of the joint tenancy will need to be assessed to ensure it was valid. This assessment will take in to account historic correspondence from each tenant and the reason why both applicants were not able to attend the sign up.

In accordance with s.160ZA (1) (b) Housing Act 1996 as amended, a housing authority shall not grant a joint tenancy to two or more people if one of them is a person from abroad who is ineligible. In these situations a sole tenancy will be granted to the eligible applicant.

16. How we decide the size of property required

The Council's Bedroom Standard is as follows:

- Applicant and partner - 1 bedroom (a single applicant may be offered a self-contained studio flat or a one bedroom property)

- Each child or adult requiring a separate bedroom for medical reasons (medical evidence is required) - 1 bedroom
- Each adult, or couple, 18 years or over - 1 bedroom
- Up to 2 children of either sex under 10 years - 1 bedroom
- Up to 2 children of opposite sex over and at least 1 child is over 10 years - 2 bedrooms
- Up to 2 children of the same sex under 18 years - 1 bedroom
- A carer (or group of carers) providing overnight care - 1 bedroom

For applicants who are pregnant, the Council will consider their bedroom need including the unborn child, when they reach 30 weeks gestation. For example an applicant (and partner) who is pregnant can be considered for a two-bedroom property but only three months before the expected date of delivery.

16.1 Smaller Accommodation than needed

Due to the overall demand on larger sized accommodation, in certain circumstances, applicants may be considered for smaller sized accommodation than that specified under the Council's bedroom standard as long as this does not result in statutory overcrowding or compromise children of different sex sharing a room.

For example, if a household has been awarded with a 4 bedroom need due to a child being over 18 and there is another child of the same sex under 18 in the household, on request, Reading Borough Council will consider allowing them to share to reduce the number of bedrooms that is required, unless this it is not reasonable to do so, for example medical advice, etc.

We will only allow a maximum of 2 children per room.

Accommodation smaller than required will not be considered as standard, it may be considered by the Council where there are particular problems in re-housing a household or upon request.

17. How we decide the priority of an applicant

Each application on the Housing Register will either be placed in a band or will be considered to have No Priority For Housing. This section will detail how Reading Borough Council determines the priority of applicants to the Housing Register and how the band is awarded as a result. Priority is awarded against 2 criteria, as follows:

- Reasonable Preference
- Additional Preference
 - Exceptional Strategic Lettings

17.1 Bands

The priority bands are for the purposes of assessing and prioritising the housing needs of households. The bands reflect a scale of need, with the most urgent cases being in Band A and the least urgent cases being awarded No Priority for Housing. All the housing needs of a household within an application will be taken into consideration when determining the priority band, therefore as a household's circumstances change the priority band may be reassessed. Reading Borough Council awards cumulative priority which means that, if more than one situation applies to a household, they will attract more than one priority banding.

The examples outlined within the housing bands do not represent an exhaustive list. Each case will be assessed on its own merits and placed into the priority band accordingly.

Appendix 1 details the priority bands and circumstances that would attract a level of priority.

17.2 Reasonable Preference Categories

Section 166A(3) of The Housing Act 1996 (as inserted by the Localism Act 2011) states that a Local Authority's Allocations Scheme shall be framed so as to ensure reasonable preference is given to:

- Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 (including those who are Intentionally Homeless and those not in a priority need)
- Applicants who are owed a duty by any Local Authority under section 190(2)², 193(2)³ or 195(2) of the 1996 Housing Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3).
- Applicants occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions. Unsatisfactory housing conditions will be considered where a household lacks kitchen, bathroom, toilet facilities or heating.
- Applicants who need to move on medical or welfare grounds (including grounds related to disability).
- Applicants who need to move to a particular locality in the district of an authority, where failure to meet that need would cause hardship (to themselves or others). This includes applicants to move under the Right to Move Guidance (see appendix 5)

² Applicants who are threatened with homelessness and in priority need as defined by the Housing Act 1996 Part VII as amended by the Homelessness Act 2002

³ Applicants who are intentionally homeless and are either occupying temporary accommodation for a short period or entitled to advice and assistance as defined by the Housing Act 1996 (Part VII). Applicants who are in priority need and are unintentionally homeless as defined by the Housing Act 1996 (Part VII) as amended.

Reasonable Preference categories will not be treated in isolation to each other and will be cumulative. Applicants' housing needs will be assessed taking into account specific housing circumstances, which fall into more than one category as follows:

BAND A - Emergency need to move

Applicants within 5 or more Reasonable Preference categories.

BAND B - Urgent need to move

Applicants within 4 Reasonable Preference categories.

BAND C - Intermediate need to move

Applicants within 3 Reasonable Preference categories.

BAND D - Identified need to move

Applicants within 2 Reasonable Preference categories.

BAND E - Low level need to move

Applicants with 1 Reasonable Preference category.

Priority will be awarded for medical and welfare issues assessed. Any priority awarded as a result of this will be taken into account in the context of the overall priority awarded to the application. This may not lead to a cumulative increase in priority if it is below that which the application has already attracted.

17.3 No Priority for Housing

Applicants who are deemed to be adequately housed or those who have been determined as having No Priority for Housing (see section 18).

17.4 Additional Preference

In addition, section 166A(3) of the 1996 Housing Act (as inserted by the Localism Act 2011) gives housing authorities power to frame their Allocations Scheme to give additional preference to particular descriptions of people who fall within the statutory reasonable preference categories, being those deemed to have an urgent housing need. Assessing the need for additional preference will require evidence from relevant professionals involved, such as Police, Social Care, medical professionals, etc. Applicants who may be given additional priority will include but are not limited to:

- People at risk of serious violence or threats of serious violence that is likely to be carried out, this includes domestic abuse, racial harassment and hate crimes including Management Transfers (see section 17.7).
- Witnesses of crime, or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remain in their current homes.
- Those who need to move due to an urgent medical reason (see section 17.8).

- Prescribed members of the armed forces as follows:
 - former members of the Armed Forces within 5 years of discharge
 - serving members of the Armed Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
 - bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
 - serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service
- Those who need to move due to an urgent welfare issue
- Those who satisfy the Exceptional Strategic Lettings criteria as set out in section 17.5 and Appendix 1 in order to make best use of housing stock.

Additional Preference categories will be assessed and a band will be awarded to reflect the urgency of the housing situation.

17.5 Exceptional Strategic Lettings

Additional Preference categories include circumstances where Reading Borough Council needs to best manage the housing stock, known as Exceptional Strategic Lettings. There are some circumstances where Reading Borough Council needs to take steps to manage our stock in the best interests of our current tenants and of those waiting for accommodation. In such circumstances, in order to make best use of the housing stock, the Council will award overriding priority. See Appendix 1 for further information on banding priority and section 27 for further information for tools employed to manage Reading Borough Council's estates.

The following situations will attract an increased level of priority (see Appendix 1 for detail):

- Succession to a property larger than required and legal action has commenced to recover the property
- Tenants of Reading Borough Council whose homes are being demolished
- Tenants of Reading Borough Council whose properties require major renovation, where a decant to a temporary home while the works are carried out is not a reasonable option
- Tenants of a social housing property living in accommodation larger than they need within Reading Borough Council's area
- Tenants occupying accommodation with major adaptations that they no longer required or occupying accommodation that is in high demand as assessed by Reading Borough Council
- Any other exceptional circumstances

17.6 Under-occupiers

The Council will facilitate moves for Reading Borough Council or Registered Provider tenants who are under-occupying their property by at least one bedroom. Tenants that are under-occupiers will be placed in Band B.

The size of the alternative accommodation they can be considered for will be that which is appropriate to meet the household's needs (see section 16).

Reading Borough Council operates a Tenant Incentive Scheme, which is subject to change, so applicants will need to confirm any current incentive with their housing officer.

We have a dedicated Transfer and Under Occupation Officer who will also offer additional support to anyone who requires support in order to ease their move.

17.7 Management Transfers

The Council may decide that a tenant of Reading Borough Council or a Registered Provider (where the resulting vacancy will be made available to Reading Borough Council) be awarded overriding priority for a move either on a permanent basis, or a temporary basis if the tenant requests this whilst waiting for Reading Borough Council to take possession proceedings against the perpetrators of the anti-social behaviour. This would normally be on an emergency basis, for example, where violence or domestic violence occurs which poses a serious threat to their life or the life of their family or where the risk or likelihood of violence is ongoing and the normal actions of an injunction or other legal action cannot be taken or would be unlikely to afford sufficient protection.

The Management Transfer Panel will consider the following situations for overriding priority (Band A):

- Tenants of Reading Borough Council or a Registered Provider who are at risk
- Reading Borough Council tenancies where the tenant has left the accommodation leaving other family members in situ
- Potential new tenancy following the death of a tenant in cases where there are no succession rights

Additionally, in exceptional circumstances, the Council may decide to transfer a tenant whose application for a transfer does not attract sufficient priority for a move under the Choice Based Lettings scheme, where his/her behavioural problems, or those of someone within the household, are unavoidably causing severe disruption to neighbours or to the household itself. In such cases the Council retains the right to make a direct allocation (see section 22). This situation could occur where a member of the household has anti-social behaviour issues and, whilst engaging with appropriate services, it is considered that a move would reduce the disruption to neighbours and the household concerned.

Thorough investigations will be undertaken in respect of all the above situations, including liaison with the Police, Social Services and other agencies to establish the degree and severity of the problem(s) being suffered.

Approved Management Transfers will be reviewed every 3 months, and approved management transfer applicants will be expected to participate in Homechoice. Management Transfer status will be removed if the circumstances change and an urgent move is no longer required. If the applicant is not bidding, despite suitable properties being available, or has refused offers of suitable accommodation, the refusal sanctions will apply (see section 24.1). The property offered will be suitable for the family size in accordance with bedroom need. The Voids and Lettings Officers will monitor bidding activity and will ensure that bids are made in areas that are safe for the applicant.

Advice on areas considered safe for the applicant will be given at the time the Management Transfer is accepted. Bids made by applicants to areas where there is deemed to be an on-going risk to the applicant or a household member will not be considered and will be overlooked. This will be confirmed to the applicant.

Larger sized family units can be difficult to secure. This is because of limited social housing resources. It may be necessary to consider a range of options when considering these needs and this may include private rented accommodation under the Deposit Guarantee Scheme (see section 26.3).

Overriding priority for an allocation may also be given to a person who has occupied a particular property for a long time and who is not the named tenant, but who has a clear need to remain in the property. For example:

- Where the sole tenant has left the property, leaving his or her partner and children in occupation, but the remaining occupier is not a named tenant.
- The remaining partner/close family member following the death of a secure tenant even when there is no statutory right to succeed.
- Spouses, civil partners or cohabiting couples who would have been able to apply to the courts for an order under Schedule 7 Family Law Act 1996.

If the property in question is too big for the remaining occupiers, the Council may offer a secure tenancy of a smaller property that meets the accommodation needs of the remaining occupiers following a successful bid made via Homechoice. This allows the Council to make best use of the housing stock. Any tenancy offered under this section will be an introductory tenancy in the first instance. Examples of factors that the Council will take into account when making its decision may include, but will not be limited to the following:

- The length of time the applicant has shared the former tenant's home
- The length of time the applicant has been a member of the tenant's family as defined by Section 113 Housing Act 1985
- The vulnerability and needs of the applicant
- The circumstances in which the tenancy was granted or, as the case requires, the circumstances in which the applicant and his partner became a tenant under the tenancy
- The housing needs and housing resources of the applicant and any relevant child

- The financial resources of the applicant
- The likely effect of any decision by the Council not to exercise its powers on the health, safety, or well-being of the parties and of any relevant child
- The nature of the parties' relationship
- The length of time during which they cohabited
- Whether there are or have been any children who are children of both parties or for whom both parties have or have had parental responsibility
- The length of time that has elapsed since the parties ceased to live together
- The suitability of the parties as tenants

If an applicant's request for a Management Transfer is refused, or their status removed, they will be advised of this decision in writing. Applicants have the right to request a review of this decision (see section 24.3).

17.8 Housing Assessments in Relation to Medical Conditions

Applicants who have a medical condition that is being worsened by their current housing may complete a medical assessment form, which is also included in the Homechoice Registration Form. Reading Borough Council will consider the medical assessment form to determine if any further priority should be given to their application for housing. All members of the applicant's household who have submitted medical information will be considered.

The Independent Medical Advisor (IMA) and the Voids and Lettings Team consider housing assessments in relation to medical conditions. The IMA is a qualified GP whose services are provided to the Council so that an independent medical assessment can be made on those cases where such an assessment is deemed necessary. If there is no link between the health of the individual and their current housing, the medical assessment form completed by the applicant will not be submitted to the IMA.

The Voids and Lettings Team will carry out a home visit in some situations in order to clarify the link between an applicant's health and their home situation.

The IMA and Reading Borough Council will normally assess applicants, and members of the household where applicable, to ascertain composite need on the basis of the information supplied by the applicant/tenant. In certain circumstances, a member of the Voids and Lettings Team, or the IMA, will contact the GP or other medical professional involved for further advice or to require a visit be made to confirm/clarify information provided.

To be allocated a medical priority the applicant's illness/disability must be linked to their housing circumstances. For example, difficulty accessing parts of their accommodation because it has not been adapted.

In cases where the accommodation occupied has a very severe or life threatening impact on an applicant's medical condition, a Band A priority will be awarded. In other circumstances, priority will be awarded on a scale to Band E (which would reflect a minimal but recognised impact on an applicant's health). Where it is assessed that the

housing situation is not detrimental to the applicant's medical condition no banding based on medical circumstances will be awarded. An elevation in an applicant's overall band may not always occur, for example if the band awarded for medical reasons is lower than the applicant's band prior to the assessment.

Certain Reading Borough Council and Registered Provider properties have been specially designed or adapted for use by applicants with a disability. In allocating to these properties, priority is given to those who require those adaptations. We will seek advice from an Occupational Therapist on the suitability of any accommodation required for those with a disability.

On occasions, the IMA will make recommendations regarding the type of property that will be suitable to meet the needs of certain applicants. This information will be provided to the applicant and if a bid is received for unsuitable accommodation based on the recommendations, the Voids and Lettings Team may disregard the bid.

The IMA or the Voids and Lettings Team may recommend that an application is reassessed. This may be because improvements may have been carried out to the current accommodation e.g. adaptations that should alleviate the medical need or if an applicant's medical condition deteriorates and they provide further medical evidence. Applicants can request their medical assessment to be reassessed and this may be completed by another medical partner or by the Voids and Lettings Team. However there must be a clear change in the circumstances for an assessment to be reassessed.

17.9 Disabled Applicants - Aids and Adaptations

If an applicant with limited mobility wants to remain in their home and it is suitable for adaptations, they can apply to the Renovations Team for a Disabled Facilities Grant (DFG) to adapt their current home. Decisions regarding DFGs are made by the DFG Panel following the process documented in Housing Adaptations Policy (February 2011), which is available at: www.reading.gov.uk/residents/housing/grants/disabled-facilities-grants. It will be necessary to have an Occupational Therapist's assessment to help the applicant/tenant through this process. It should be noted that, where it is possible to move an applicant to a suitable alternative property, agreement may not be given for adaptations to their existing home.

17.10 Social/Welfare Scheme

The social/welfare scheme is designed to assess those situations where an applicant's accommodation is detrimental to their needs because of social and welfare reasons. For example:

- A vulnerable applicant is being exploited within their accommodation, putting them at risk
- An applicant needs to move on from Supported Accommodation into independent accommodation
- An applicant may be capable of, and best suited to, independent living provided that the necessary support mechanisms are in place. Welfare priority will be awarded in order to avoid a residential placement having to be made

- An applicant is in hospital with a discharge date but cannot return to their original accommodation because it is unsuitable

This is not an exhaustive list.

These cases are assessed by the Voids and Lettings Team and will be based on evidence received from other professionals in support of the application. The award of priority can range from Band A, where there are exceptional social/welfare issues, to Band D. See Appendix 1 for more information.

18. No Priority for Housing

Applicants who do not meet the criteria set out in section 17 with regard to reasonable or additional preference will be considered to have No Priority for Housing.

There will be situations where an applicant will have No Priority for Housing even though their application might otherwise attract reasonable and/or additional preference (see section 17). The following is a list of such applicants:

- Owner-occupiers, whether the property that they own is in the UK or abroad, unless one of the following apply:
 - a. The applicant, or a member of their household, requires adaptations that are not possible in their owned accommodation; or
 - b. The applicant and partner are over the age of 60 and there is a need for Sheltered accommodation that they are unable to secure by purchasing a property of this type; or
 - c. The property owned by the applicant is in negative equity and their property is unaffordable for them.

Each case will be considered individually. The personal circumstances of each application will be taken into consideration and an assessment will be made regarding their financial ability to secure their own accommodation, including private rented accommodation. If accommodation is awarded to the applicant via Homechoice, Reading Borough Council will expect their owned property to be sold within 1 year of the allocation and evidence of this will be required.

- Applicants who have financial resources available to meet their housing costs (section 166A(5) of the 1996 Housing Act) for example: assets, savings or a level of disposable income that could be reasonably applied to securing alternative accommodation in either the owner-occupied/low cost home ownership or private rented sector. Each case will be considered individually, taking into account all relevant financial and personal circumstances of both the applicant and of the housing market.
- Applicants who have deliberately worsened their living conditions in an attempt to increase their opportunities for re-housing. For example, where an applicant occupies a property, which is suitable for their needs, and relinquishes it for less

suitable housing. Such applicants will be placed in the No Priority for Housing band and this could be for a period of up to 12 months.

- Applicants who have had a change of circumstance and have not informed the Council. Such applicants will be placed in the No Priority for Housing band until a new Homechoice Registration Form has been received at which point, following the assessment, priority will be awarded to reflect the new situation. It is the applicant's responsibility to notify the Voids and Lettings Team of any change in circumstances as soon as possible.
- Applicants who are subject to possession proceedings by either the Council or a Registered Provider, due to breach of tenancy or licence which includes rent arrears and anti-social behaviour (section 166A(5) of the 1996 Housing Act).
- Applicants who are applying to buy their Council property or being considered for other housing options such as Shared Ownership/Homebuy. Such applicants may not be considered for an allocation of accommodation. However, each case will be considered individually, taking account of all relevant circumstances
- Council or Registered Provider tenants where the property and/or garden of their existing home is not in a tenable condition. Such applicants will be placed in the No Priority for Housing band until the condition of either the property or the garden has improved (depending on the circumstances of each case).
- Council tenants who have made unauthorised alterations to their property and have either not carried out remedial works or have not paid necessary recharge amounts.
- Applicants who have a current or a proven history of rents arrears and/or anti-social behaviour. In such cases the Council may stipulate certain conditions, which must be met. This could be making agreements to clear rent arrears, or adhering to a Behaviour Agreement. Any debt must be legally recoverable for this to apply.
- Applicants who are found to be intentionally homeless within the homelessness legislation. Such applicants will be placed in the No Priority for Housing band for a period of 12 months.
- Applicants who have refused a direct offer of accommodation will be placed in the No Priority for Housing band for a period of 12 months.
- Homeless households who have refused a final offer of accommodation will be placed in the No Priority for Housing band for a period of 12 months.
- Applicants who have received major adaptations to their home via the Disabled Facilities Grant will be placed in the No Priority for Housing band for a period of 5 years. If during this time the property becomes unsuitable for the applicant due to medical need this will be assessed on a case by case basis.

Any successful bid(s) made by an applicant in one of the above groups may be disregarded.

The above groups may however be given priority for re-housing in exceptional circumstances such as serious medical or welfare needs. Each case will be decided on its merits.

19. Key Workers

The Council's Planning Framework outlines that most affordable housing within the Borough will be socially rented. Of which, a proportion of this accommodation will be exclusively advertised for Key Workers.

The Key Worker definition will vary depending on the grant allocated to Registered Providers for developing the scheme. The Council also has its local definition of a Key Worker, defined as someone who:

- Lives or works in Reading and
- Is employed by the public sector (Reading Borough Council, Royal Berkshire and Battle Hospital NHS Trust, Royal Berkshire Ambulance NHS Trust, Reading Primary Care Trust, Thames Valley Police, Royal Berkshire Fire & Rescue Service, Reading Buses) and
- Is delivering an essential public service
- Is in a post where there are serious recruitment and retention problems

In Reading this includes (but is not limited to) nurses and other NHS staff, teachers in schools, further education and Sixth Form colleges, Police Officers and some civilian staff, Social Care workers (which can include Housing Officers), Occupational Therapists, Planners, Fire-fighters, Bus Drivers and ancillary staff.

Key Worker opportunities are advertised via Reading's Homechoice however they may also be able to register with the Zone Agent which in Reading is the Catalyst Housing Group and who can be contacted on 0845 6017729.

20. Tied Accommodation

In order to meet the Council's commitment to making offers of accommodation to those with the greatest need and maximising the resources available, those applicants who live in tied accommodation, including those occupying service accommodation, will not have an automatic right to be offered accommodation, but will be able to register on the Housing Register. They will be assessed on the same criteria as all other applicants.

If the applicant loses their right to occupy their accommodation, then they will be treated in the same way as anyone else losing their home under the provisions of the Homelessness legislation (Part VII Housing Act 1996, as amended). With the exception of those occupying Armed Forces tied accommodation (see section 17).

21. Allocations Plan and Social Care Groups

21.1 Quota Queues

Social Care Groups

Each year Reading Borough Council will review the needs of those housed. This will inform quotas for different social care groups, meaning that individuals within these groups may be given additional priority. The number of individual quotas for each queue will be calculated on an annual basis. The awarding of this priority will be considered in consultation with social care groups or agencies. From time to time, it may also be necessary to restrict adverts to specific groups. This could be in circumstances where a specific group of applicants are experiencing acute housing difficulties or where there is a need to intervene to enable community cohesion in neighbourhoods.

The different community and quota queue groups are:

- Young people leaving care.
- Young Persons. This may include teenage parents and 16/17 year olds. The Young Persons Housing Panel will determine which individuals are included in the quota.
- Single Homeless People. This may include rough sleepers where there are no specific support needs, and people moving on from the Homelessness Pathway. The Move On Options Panel determines which individuals are included in the quota.
- People with Adult Social Care needs who need to leave supported accommodation to live more independently. This will include those accessing Mental Health Services, Learning and Physical Disabilities Services. The Adult Social Care/Housing Panel determines which individuals are included in the quota.

Right to Move Quota Queue

Each year Reading Borough Council will review the needs of those social housing tenants who live outside of the borough and need to move to Reading to be nearer to work or to take up an offer of work. (see appendix 5). 1% of lettings will be offered to this group per year and the Council will manage this quota by restricting adverts to this group. An annual analysis will take place to determine the proportion of property sizes required to meet the needs of this group

Further quota queue groups may be identified based on housing need.

In each case supporting information will be provided to the Voids and Lettings Team to enable assessment of a social care or quota queue case. This information will be provided by a supporting agency such as Adult Social Care, Children's Services or a commissioned service.

If an applicant's band is elevated for the purpose of a quota queue, the housing situation will be reviewed every 3 months and any change of circumstances will be considered, which may result in the priority being removed. Applicants will be able to refuse 2 reasonable offers of accommodation (see section 24) and following this a direct offer will be made (see section 22)

Even though quota queues are in place, larger sized family units can be difficult to secure. This is because of limited social housing resources. It may be necessary to consider a range of options when considering these needs and this may include private rented accommodation under the Deposit Guarantee Scheme (see section 26.3).

21.2 Fostering and Adoption

Children's Social Care have a duty under section 22 of the Children Act 1989 to ensure sufficient accommodation to meet the needs of Looked After Children, as defined in that Act, in their area. Housing Needs will work together with Children's Social Care to best meet the needs of prospective and approved foster carers and adopters. The Council will consider the circumstances of each individual to determine whether a move to alternative accommodation is required to facilitate adoption or fostering of a child to whom the Local Authority has a responsibility.

Priority will be determined under welfare reasonable preference.

22. Direct Offers

A direct offer of accommodation is made when the Council selects a person for a vacant property rather than an applicant participating in Homechoice at Reading.

In certain circumstances Reading Borough Council may make direct offers to applicants. Examples of this are:

- People requiring accommodation on hospital discharge when they have no alternative housing to move to and the discharge is likely to be delayed.
- Applicants that have been accepted for a Management Transfer who are not participating in the scheme despite suitable social housing vacancies arising or who have refused 2 reasonable offers of accommodation (see section 24). Homelessness applicants already placed in temporary accommodation by Reading Borough Council in a property that would otherwise be general needs permanent accommodation (permanent accommodation used as temporary accommodation) where this property is considered suitable as permanent accommodation it can be offered as such.
- Homeless applicants who are not participating in Homechoice at Reading (see section 23).
- Applicants where the Management Transfer Panel have agreed that they should remain in the property in circumstances where the tenant is no longer residing there. These cases will be assessed to show there is a clear need for the family to remain, if they have resided there for a significant period as their only and principal home, and if the property is suitable for their needs.
- Successful completion of a FIT (see section 11.1).
- Reading Borough Council tenants whose behaviour is causing severe disruption to neighbours or to the household itself (see section 17.7).
- Applicants considered as part of a quota queue who are not participating in Homechoice at Reading despite suitable social housing vacancies arising, or who have refused 2 offers of suitable accommodation (see section 24).

- Decant and Regeneration schemes where the applicants are subject to notice under section 10 of the 1985 Housing Act and has been given the opportunity to participate within Homechoice but have failed to do so
- Any other exceptional or mitigating circumstances.

The Council also reserves the right to make direct offers of accommodation outside the Choice Based Lettings scheme in certain circumstances. Examples include (but are not be limited to) those situations where the Council believes it is necessary to intervene on an estate to promote sustainability of an area or promote community cohesion.

Generally only one direct offer will be made before sanctions will apply (see section 24).

23. Homelessness

Applicants owed the main homelessness duty by Reading Borough Council will be expected to actively participate with Homechoice at Reading. Assistance will be given to vulnerable households to help them to bid for accommodation. The Council will distinguish between those applicants who are participating in Homechoice at Reading and those who are not, and different sanctions will apply to both groups.

Those participating in the scheme

Applicants owed the main homelessness duty and who successfully bid for accommodation via Homechoice at Reading will only have the opportunity to refuse 1 reasonable offer of suitable accommodation, without incurring a penalty. If a homeless applicant refuses a second reasonable offer of suitable accommodation then the main homelessness duty will come to an end and no further offer of accommodation will be made to the applicant. The second offer will be considered to be the Final Offer under Part VII of 1996 Housing Act as amended. If at this time the applicant is in temporary accommodation they will be given a Notice to Quit, as the first stage towards gaining possession of the temporary accommodation. The applicant will then be considered to have No Priority for Housing for a period of 1 year (see section 18).

Bids from homeless households will be reviewed every 4 weeks.

Those not participating in the scheme

If homeless applicants choose not to participate in Homechoice by not making bids on accommodation which has been advertised and which is suitable for them, for example flats and maisonettes, or properties in particular areas, they will be made a direct offer (see section 22).

Within 6 months of the homeless duty being accepted, if there have been suitable properties advertised and no bids have been placed the applicants will be made a direct offer. The offer will be made no sooner than 6 months after the homeless duty has been accepted, and as soon as a suitable property can be identified. If a direct offer is made, this will be considered to be a Final Offer under Part VII of 1996 Housing Act as amended. If the applicant accepts the direct offer the main homelessness duty will end. If the applicant refuses the direct offer the main homelessness duty will end and no further offers of accommodation will be made. If the applicant at this time is in temporary accommodation they will be given a Notice to Quit, as the first stage towards

gaining possession of the temporary accommodation. The applicant will then be considered to have No Priority for Housing for a period of 1 year (see section 18).

23.1 Right to Request a Review

All applicants who are owed the main homelessness duty by Reading Borough Council will have a right to request a review of decisions regarding:

- 1) suitability of the accommodation
- 2) the ending of their homelessness duty

The request must be made in writing to the Voids and Lettings Team Leader within 21 days of the original decision (see section 24.3)

If the applicant has chosen to move into the property offered and requests a review of the suitability of that accommodation, and the original decision is upheld, then they will be required to remain in the property as it will be deemed to be suitable. No further offers of accommodation will be made and the main homelessness duty will end.

If the original decision is not upheld, the property will be deemed not to be suitable and the applicant will be able to express an interest in other properties as soon as it is possible. In the meantime they will be expected to remain in the property.

24. Refusals and Sanctions

In circumstances where an applicant refuses a suitable offer of accommodation Reading Borough Council will impose sanctions. This is to ensure that any delay does not have an adverse impact on others with a housing need that may want the same accommodation and to prevent property void time increasing (the time it takes to re-let properties).

Refusal of suitable accommodation will be considered as:

- Failure to attend a viewing which if you had attended would have led to an offer of accommodation - unless good reasons are stated
- Failure to complete a Registered Provider application form which, on completion, would have led to an offer of accommodation
- Attending a viewing and then refusing the property without good reason
- For certain groups e.g. homeless households, Management Transfers and quota queues, failure to participate in Homechoice at Reading, includes not bidding on properties that are advertised and that are suitable, or only placing bids on certain types of properties or certain areas.
- Refusal of a property offered as a direct let.

24.1 Sanctions

Applicants who have refused 3 suitable properties within a 6 month period will be removed from the Housing Register and cannot reapply for a period of 1 year from the date of the last refusal (see section 24).

Where an applicant has been removed from the Housing Register and the applicant wishes to re-apply after the sanction period a new Homechoice Registration Form will be required to allow a new assessment of circumstances.

Certain groups may be limited to fewer refusals, for example, homeless households, Management Transfer, quota queues. For these groups the Council will consider placing them in the No Priority for Housing band for a period of 1 year (see section 18).

Where an applicant has received a direct offer (see section 22) and subsequently refuses this, Reading Borough Council reserves the right to remove an applicant's priority. When assessing the reasons for refusal, Reading Borough Council will have regard to the applicant's circumstances and the reasons why the direct offer was made. Each case will be considered on its merits.

24.2 Procedure for refusal

If an applicant refuses accommodation, including a direct offer of accommodation, officers will look at all the circumstances of the case to decide:

- Whether the offer is suitable and reasonable, and
- Whether the reasons given for refusal are reasonable

Applicants will be contacted to arrange a viewing for a convenient time. If a viewing is arranged, but subsequently the applicant decides not to view the property, they must notify the Voids and Lettings Team within 24 hours of the viewing being arranged. The Voids and Lettings Team will discuss the reasons for not attending the viewing and will consider if this is a reasonable refusal.

Applicants who wish to refuse a property following a viewing must notify the Voids and Lettings Team within 24 hours. This is normally done by completing a Refusal form giving comprehensive reasons for their refusal. Where requested, the officer carrying out the accompanied viewing of the property will assist applicants to complete the form. This form must be returned to the Voids and Lettings Team within 24 hours of viewing the property.

The Council will notify the applicant in writing if their reason for refusing the property is considered a reasonable refusal or not.

24.3 Request for reviews

Applicants registering for social housing in the Borough will be provided with written decisions regarding their housing application along with details of the process to request a review of that decision. In the following circumstances applicants have the right to request a review:

- The decision not to place an applicant on the Housing Register due to their eligibility
- The decision not to place an applicant on the Housing Register due to the qualification criteria

- Any decision about the facts of the applicant's case which is likely to be, or has been taken into account, in considering whether to allocate housing accommodation
- The removal of an application from the Housing Register
- The suitability of a property which has been offered

In circumstances where an applicant wishes to request a review of a decision, then such a request should be made in writing and addressed to the Council's Voids and Lettings Team Leader. It should set out the reasons for requesting a review and should be made within 21 days of being notified of the decision in question. A senior officer, not involved in the original decision, will complete an investigation. The applicant will be notified of the decision of the review within eight weeks of the date from when they requested a review. If a longer period is needed, the applicant will be consulted about this.

Applicants may be able to challenge some review decisions by way of judicial review via the County Courts. The Authority will recommend that the applicant seeks legal advice before taking these steps, or advice from the voluntary sector, such as the Citizens Advice Bureau.

25. Accessibility and Supporting Vulnerable Customers

Applicants will receive support and assistance where necessary. Reading Borough Council will continue to work with statutory and voluntary organisations and to meet regularly to support vulnerable groups to access our service.

All documents will be available upon request in a number of different languages and formats.

The Council will allow sufficient and support time for people with disabilities to engage in the Allocations process.

26. Other Options including out of area

26.1 Reciprocal Arrangements

Generally, the Authority will only consider applicants that fall within the Allocations Scheme, although there will be times when Reading Borough Council will agree to assist another local authority or a Registered Provider on a reciprocal basis. This would normally be in an emergency situation.

All reciprocal arrangements are discretionary and the Council reserves the right to decline a request for a reciprocal transfer. All requests will be agreed in conjunction with the Assistant Housing Needs Manager and priority for a move will be in line with the Allocations Scheme.

In some circumstances, the Council may agree to accept two smaller units of accommodation in exchange for a larger property of the same number of bedrooms. The reciprocal authority or Registered Provider will be required to provide written

commitment to the terms of the reciprocal arrangement. We will treat any agreed reciprocal applicant in line with our management transfer applicants (see section 17.7).

When agreeing any reciprocal transfer the Council would expect a replacement transfer within 12 months.

26.2 Applications to Move Out of Reading

Applicants will need to apply directly to the Local Authority that they wish to move to so that they can register to go on to their Housing Register. Any such application will be subject to the policies and procedures of that receiving Local Authority.

26.3 Rent Guarantee Scheme (RGS)

Reading Borough Council promotes the RGS as an option for people who are homeless or at risk of homelessness who are considered to have a vulnerability to allow them to access privately rented accommodation. Landlords joining the scheme offer good quality rented properties and let them through the RGS. Each property is checked prior to letting and vulnerable households are supported to enable them to sustain their accommodation. The RGS works by guaranteeing a deposit to the landlord and the tenant then contributes towards the deposit by making regular payments to Reading Borough Council over a period of up to three years. We will ensure that once saved the deposit will be protected for the tenants future use.

On occasions, severely overcrowded secure tenants may consider the RGS as an option to alleviate their housing difficulties. This aspect of the Allocations Scheme will only be aimed at severely overcrowded households requiring 4+ bedrooms and will only be offered if it is deemed affordable.

26.4 Mutual Exchanges

Council or Registered Provider tenants can swap their homes providing their landlord has given permission.

- Eligibility - the scheme is open to all secure Council tenants and Registered Provider tenants subject to the agreement of their landlords.
- Applications - when two eligible tenants agree to exchange properties, they are each required to submit an application form to the Council's Tenant Services. If one of the parties is a tenant from another landlord, then each will be required to submit an application to the other landlord. The housing officer will make a home visit and a decision will be communicated in writing to each party. Applications can be refused on one or more of the grounds set down in Schedule 3 to the Housing Act 1985 and schedule 14 to the Localism Act 2011.

Where applicants are exchanging with a Registered Provider landlord they are advised to make enquiries regarding the level of security of tenure (type of tenancy agreement) and the type of rent to be paid with the exchanging landlord.

The Homeswapper website at www.homeswapper.co.uk holds a register of tenants looking to exchange their properties and an application to join the Housing Register will result in a free registration to Homeswapper if this is requested.

Rent must be paid up to date before an exchange can take place unless:

- there is a Housing benefit claim being processed that will clear the arrears or
- one or both of the tenants have been approved for a Management Transfer
- there is an agreement in place to pay off the outstanding arrears

If one of the tenants has breached the terms of his or her tenancy agreement, consent to the exchange may be given subject to a condition requiring the tenant to remedy the breach.

Exchanges take place on the basis that they are not a liability to the Council.

26.5 Assisted Purchase of Properties

There are various schemes, supported by the government, to assist households wishing to become home-owners. Examples of these include shared ownership, Help to Buy, New Buy schemes and Right to Buy.

These schemes change to reflect the prevailing climate and therefore details of current schemes available should be obtained from the Voids and Lettings Team on 0118 937 2172 or you may find details online. At time of print (September 2014) Radian Group is the Zone Agent in Berkshire for Help to Buy, www.helptobouysouth.co.uk

27. Estate management

27.1 Sensitive Allocations

This element of the Council's scheme addresses the imbalance between the demand for and supply of one-bedroom units for non-elderly households.

The Council recognises that incompatibility may arise when mixing different age groups and it is accepted that a degree of sensitivity will be required when making such allocations to blocks designated for applicants over 50 years old. The housing officer will always consult with tenants in assessing the suitability of the applicant for age designated properties if they are below the set age requirement.

This does not apply to Sheltered Housing schemes which will continue to be allocated to elderly applicants only.

27.2 Low Demand Properties

As part of a strategy to keep the level of empty properties in the Council's stock as low as possible and to minimise the time it takes to re-let a property that becomes empty (the 'turnaround' time), the Council must address the issue of 'lower demand'

properties. Low Demand properties are those that are difficult to let. In Reading the properties that have a lower demand generally fall into the following broad categories:

- Sheltered Accommodation (above ground floor or self-contained studio flat)
- Age Designated 50+
- Maisonettes and flats over shops
- Properties in less 'popular' areas (or even specific roads)
- Flats generally, but particularly high-rise flats.

Where properties are deemed to be low demand, from time to time, initiatives may be put in place to increase the popularity of these properties.

27.3 Local Lettings Policies

Local Lettings policies have been developed to contribute towards community cohesion and sustainability within neighbourhoods. Local Lettings policies are usually implemented where there have been housing management issues, such as anti-social behaviour. The objective of Local Lettings policies is to enable the development of balanced and sustainable communities. Local Lettings policies will be developed in consultation with current tenants unless there are mitigating circumstances that require an urgent response.

People applying for housing on estates where Local Lettings policies are in place may be subject to the terms of the specific policy, for example the undertaking of Police checks. The policies are reviewed annually with applicants/tenants and in partnership with the Police and local Councillors to ensure they are still relevant and necessary.

27.4 Decants and Regeneration Scheme

In order to facilitate major repairs programmes or to accommodate tenants whose properties become uninhabitable (due to such incidents as a fire or flood) the Council operates a Decant policy. Whilst these major repair works are being carried out the Council has an obligation to re-house (temporarily) those tenants who are affected. In exceptional circumstances, a tenant who has a high priority for a transfer will be moved into permanent alternative accommodation in order to avoid two moves in a short space of time or where the regeneration scheme will not provide the size of accommodation required. Where a transfer applicant's home is within a regeneration scheme and the applicant has been given the opportunity to participate within the scheme and has failed to do so, the authority will make a direct offer of accommodation (see section 22) See also the Decant factsheet for more information www.reading.gov.uk/residents/housing/CouncilTenants/publications-advice-and-factsheets/factsheets-publications/

27.5 Succession

Succession is when a surviving family member of a deceased tenant has the right under the Housing Act to take over the tenancy agreement.

Section 86A Housing Act 1985 sets out those persons qualified to succeed the tenant as including:

- A tenant's spouse, civil partner, common law spouse or common law civil partner
- Another close family member of the tenant as prescribed by the local authority who has been residing with the tenant throughout the period of twelve months prior to the death of the tenant.

Reading Borough Council has prescribed the following who can claim to be a close family member of the tenant as including:

- Parent
- Grandparent
- Grandchild
- Child
- Brother
- Sister
- Uncle
- Aunt
- Nephew
- Niece
- (including relationships by marriage, civil partnership, step relationships and other children regardless of the marital status of the tenant)

Where there is no right to a statutory succession the Council, in acting as a good landlord, may exercise its discretion to offer a new tenancy in certain circumstances (see section 17.7).

27.6 Assignment

An assignment occurs when a Council tenancy is passed from one person to another.

Secure tenancies cannot be assigned except in the following circumstances as set out The Housing Act 1985 Section 91 (as amended):

- An assignment by way of exchange. There are certain grounds on which the Council can refuse a Mutual Exchange. These are set out in schedule 3 to Housing Act 1985 (as amended)
- An assignment in pursuance of a court order including:
 - a. Section 23A or 24 Matrimonial Causes Act 1973 - property adjustment orders in connection with matrimonial proceedings.
 - b. Section 17(1) Matrimonial and Family Proceedings Act 1984 - property adjustment orders after overseas divorce
 - c. Para 1 of Sch 1 Children's Act 1989 - orders for financial relief against parents
 - d. Part 2 of Sch 5 or para 9(2) to (3) Sch 7 Civil Partnership Act 2004 - property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of a civil partnership

Before the court makes an order, the Council can tell the court why it does not want the tenancy to be assigned to the applicant.

- An assignment to a person who would be qualified to succeed if the tenant died immediately before the assignment.

The assignee may only include the following people on their application:

- Cohabiting partner
- Dependent children normally resident with the main applicant
- Adult relatives reasonably expected to reside with the main applicant, who moved into the property at the same times as the assignee and who live in the property as their only or principal home.

When considering normal residence or whether it is reasonable to expect to reside the Council will have regard to Appendix 3.

APPENDIX 1: Banding Scheme

Band A <i>Emergency need to move</i>	Band B <i>Urgent need to move</i>	Band C <i>Intermediate need to move</i>	Band D <i>Identified need to move</i>	Band E <i>Low Level need to move</i>	No Priority for Housing
Reasonable Preference					
Applicants with 5 Reasonable Preference Categories*	Applicants with 4 Reasonable Preference Categories*	Applicants with 3 Reasonable Preference Categories*	Applicants with 2 Reasonable Preference Categories*	Applicants with 1 Reasonable Preference Category*	Do not meet any of the criteria for Reasonable Preference
<i>* With the exception of medical or welfare priority</i>					
Additional Preference					
Very severe/life threatening need to move on medical or welfare grounds	Severe need to move on medical or welfare grounds	Moderate need to move on medical or welfare grounds	Mild need to move on medical or welfare grounds	Minor need to move on medical or welfare grounds	No need to move on medical or welfare grounds
Management Transfer - those who have been accepted as being at risk in their accommodation and accepted as a Management Transfer Supported by a signed approved Management Transfer Application from the panel	Hospital Discharge - Where a move is urgently required because the client is bed blocking and it is not possible for them to return to their previous accommodation as it is unsuitable on medical grounds. Evidence will be required from the hospital and Community Care	Support - Where a move is required to be closer to a relative to give or receive support that is substantial and ongoing and where the carer is unable to travel across Reading Evidence will be required in relation to welfare benefits paid to confirm the need	Sheltered Accommodation - Where an actual need has been identified for sheltered accommodation as opposed to a desire Evidence of medical, social/welfare identified at sheltered home visit		

		for the carer to support the individual. In addition Community Care will need to confirm the arrangement			
<p>Serious risk to life due to violence and/or harassment - This is for cases who are not current tenants of Reading Borough Council (as these would be considered via a Management Transfer process), and where there is an identified high risk, supported by other professionals</p> <p>Evidence to be provided by any agency involved who has the ability to assess a level of risk, including Police, BWA, Social Services, etc.</p>	<p>Move on From Supported Housing - cases to be agreed by the Move On Panel and/or Outreach Officer. There will be a limit on the number of cases agreed as per quotas.</p> <p>Evidence to be provided by the supported housing provider or Care Manager. Clients must be capable of independent living and have a vulnerability and urgent housing need that is best met by the provision of long term settled accommodation,</p>	<p>Severe Unsanitary living conditions Where it cannot be resolved within a 6 month time period.</p> <p>Evidence will be required from the Environmental Health Service including an assessment carried out under HHSRS for hazards (a maximum band awarded will be a C, discretion will be used when assessing the severity of a hazard). Cases which are subject to Prohibition Orders and recovery of the premises is</p>	<p>Sheltered Accommodation - Where an individual has confirmed that sheltered accommodation is unsuitable for them and that general needs accommodation would be better suited to their needs.</p> <p>Evidence to be provided by the Sheltered Housing Officer</p>		

	including successful completion of Precariously Housed Agreement.	required or a where a statutory notice that a property is to be demolished is served will be dealt with through the Housing Advice Team.			
<p>Adaptations - where a DFG has been requested and landlord permission has been refused as other accommodation could be found via CBL that would be more appropriate for adaptation.</p> <p>This will be agreed by the DFG Panel and there will be evidence why landlord permission was not granted along with an OT report regarding what other accommodation would be suitable</p>	<p>Children - where a move is required to facilitate adoption or a child being fostered, and the current accommodation is not suitable for this. The case has been prioritised by Childrens Services Management Team</p> <p>Evidence to be provided from Childrens Services</p>				
<p>Witness Protection Where a person is at risk and need to move urgently</p>	<p>To avoid a placement into residential care - where independent</p>				

<p>This needs to be supported by the relevant Police authority with evidence of risk</p>	<p>living is considered the most suitable options for the application, taking into account the resources available. Cases would be agreed at the ASC Panel.</p> <p>Evidence will be required from the referring agency.</p>				
<p>Homeless household who has successfully requested a review of suitability of accommodation and have moved to that accommodation - this will enable the applicant to move on from permanent accommodation which has been offered under Part VI of the Housing Act, deemed by the local authority as unsuitable</p> <p>This will be evidenced via the review of suitability of the accommodation</p>	<p>Children - Where a move will support a family and is the only option to prevent the children from being taken into care and all other options have been exhausted</p> <p>Evidence will be required from Social Services ideally following a case conference or professionals meeting</p>				

occupied.					
	<p>Vulnerable Adults - Where exploitation is taking place and the person is at risk in their home.</p> <p>Evidence will be required from the police and Community Care. This will apply to Council/RSL tenants only. Private sector tenants can seek assistance through the Housing Advice Team in obtaining alternative private rented accommodation</p>				
Exceptional Strategic Lettings					
<p>Succession to a property larger than required where legal actions has commenced to recover the property - Tenants of Reading Borough Council who have the right to succeed a Council tenancy but the property is larger than</p>	<p>Under-occupation including those who have succeeded the property - Tenants of a Council or Registered Provider who have 1 or more bedrooms than they need</p>	<p>Couples - Tenants of 2 x 1 bedroom Reading Borough Council rented accommodation who want to live together in another 1 bedroom home</p>			

<p>they require. Reading Borough Council reserve the right to award this priority assessed on a case by case basis</p> <p>Evidence will be required from Housing Management</p>	<p>Evidence will be required from Housing Management or from the relevant Registered Provider</p>				
<p>Renovation - Tenants of Reading Borough Council whose home requires major renovation and the property needs to be vacant in order to carry out this work</p> <p>Evidence will be required from Maintenance Team, however they will only attract this priority if a decant is deemed unreasonable - evidence of this to be presented by Housing Management</p>	<p>Families - Tenants of Reading Borough Council who occupy 2 social rented properties, where at least 1 of the properties is family sized accommodation and want to move to one property.</p>	<p>Bungalows - those tenants who are living in a bungalow and have no mobility issues and would like to move to other accommodation of the same size freeing up more adaptable accommodation for those who require it.</p>			
<p>Demolition - Tenants of Reading Borough Council whose home is about to be demolished or redeveloped.</p>	<p>Those who are living in a property with adaptations that are no longer required or the</p>				

<p>Evidence will be required from the Regeneration/Property Team</p>	<p>property type is in high demand - Where major adaptations have been made to a property and are no longer required by the tenant or their household, for example, through floor lifts, wet rooms. This will not apply to those who have had low level adaptations such as hand rails.</p> <p>Consideration of the level of funding provided for the adaptation to be evidenced from the DFG Team and the level of need of a property with those adaptations.</p>				
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APPENDIX 2: Restricted People And Section 193 Housing Act 1996 (As Amended)

A Restricted Case is a case where the local authority would not be satisfied that the applicant has a priority need for accommodation without having had regard to a Restricted Person.

A Restricted Person means a person who is not eligible for assistance under Part VII Housing Act 1996 (as amended) and is subject to immigration control and either:

- (i) does not have Leave to Enter or Remain in the UK or
- (ii) does have Leave but is subject to a condition of No Recourse to Public Funds.

In a Restricted Case the local authority must, so far as reasonably practical, bring the Section 193(2) duty owed to an applicant to an end by arranging for an offer of an assured short-hold tenancy to be made to the applicant by a private landlord (a private accommodation offer).

The acceptance of the main Homeless duty will not convey Reasonable Preference for an allocation of social housing in such a case and the restricted person(s) will not form part of the applicant's household for the purpose of an allocation.

APPENDIX 3: Household Members

In the case of children, the test of normal residence as a member of the family will require residence as opposed to staying or staying access, even in cases of joint custody or similar orders.

The Council in applying the test will consider whether there is a sufficient degree of permanence or regularity to constitute normal residence as a member of the family. Account may be taken of whether the child is dependent on the applicant.

The Council may also take account of supply and demand of accommodation, the general housing circumstances within the Borough and any under-occupation that may result where a child spends part of the week with one parent and a part of the week with another.

APPENDIX 4: Rent Arrears

As a general rule tenants/applicants, and persons in temporary accommodation provided by the Council or Registered Providers must have a clear rent account at the time of registration and at the time of an offer of accommodation, although each case will be considered individually.

If the rent account is in arrears the tenant will be considered to have No Priority for Housing on the Housing Register, until they meet certain requirements as set out by their landlord who will then confirm that they are happy for the tenant to move. Exceptions may be made in certain limited circumstances, such as the following:

- Where the tenant is under-occupying a family sized property and has made a repayment agreement with the Council and is keeping to satisfactory repayment of the arrears per the terms of that agreement.
- Where a tenant/applicant requires an urgent Management Transfer or has an overriding priority for a move.
- Where a tenant/applicant could be made an offer of accommodation because they have the highest priority (in accordance with the Council's banding scheme) providing that the tenant has kept to a satisfactory arrangement to pay off the arrears for a reasonable period of time.

In all of the circumstances set out above it will be necessary to make an arrangement to clear the arrears debt. This arrangement will be monitored alongside the account of the new property (where the tenant/applicant remains a Council tenant). Appropriate action will be taken to recover the arrears debt if the tenant does not keep to an agreed repayment arrangement. This may result in a tenant losing their home

Introduction

1. This is guidance by the Secretary of State for Communities and Local Government under section 169 of the Housing Act 1996 ('the 1996 Act'). Local housing authorities (housing authorities) are required to have regard to it in exercising their functions under Part 6 of the 1996 Act.
2. It is in addition to the Guidance for Local Housing Authorities in England on the Allocation of Accommodation issued in June 2012 ('the 2012 guidance').
3. References to sections in this guidance are references to sections in the 1996 Act.
4. Housing authorities are encouraged to review their existing allocation policies and revise them, where appropriate, in the light of this guidance as soon as possible.

Purpose of the guidance

5. The Government is committed to increasing mobility for social tenants to enable tenants to meet their aspirations, and to support them into work. We want to ensure that tenants are not prevented from taking up an employment opportunity because they cannot find a suitable place to live, recognising that long term unemployment is damaging for individuals and communities. That is why in the Autumn Statement 2013 we set out our intention to introduce a light to Move for social tenants who need to move to take up a job or live closer to employment or training.
6. We've already taken some important steps in the right direction. *HomeSwap* Direct is helping social tenants search for a new home across the country. Through the Localism Act, we have given local authorities the freedom to make better use of the social housing stock by taking transferring tenants who are not in housing need out of the allocation legislation, allowing authorities to develop appropriate policies for transferring tenants, without the risk of challenge from those in greater need on the waiting list.
7. The Government has also taken decisive steps to increase the supply of affordable housing. The current Affordable Homes Programme is on track to deliver 170,000 homes between 2011 and 2015 with £19.5 billion of public and private investment. A further £38 billion of public and private investment will help deliver another 275,000 new affordable homes between 2015 and 2020.

8. To give effect to the Right to Move we have introduced regulations to prevent local authorities applying a local connection test that could disadvantage tenants who need to move across local authority boundaries for work related reasons. This guidance is intended to assist local authorities to implement these regulations.

9. The Government has made clear that we expect social homes to go to people who genuinely need and deserve them. That is why the Localism Act has maintained the protection provided by the statutory reasonable preference criteria which ensure that priority for social housing continues to be given to those in the greatest housing need.

10. Another important aim of this guidance, therefore, is to assist local authorities to apply the allocation legislation to ensure that tenants who need to move within or across local authority boundaries are given appropriate priority under local authorities' allocation schemes.

Qualification

11. Section 160ZA(7) provides that local authorities may decide who does or does not qualify for an allocation of social housing, subject to any regulations made under subsection 8 which provides that the Secretary of State may prescribe that certain classes of persons are or are not qualifying persons, or that certain criteria cannot be taken into account in deciding who qualifies.

12. Subject to parliamentary scrutiny, the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) ('the qualification regulations 2015') will come into force on 20 April. These provide that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority's district. Specifically, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

- have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
- need to move because the tenant works in the district, or
- need to move to take up an offer of work

13. This will ensure that existing tenants who are seeking to move between local authority areas in England in order to be closer to their work, or to take up an offer of work (hereafter referred to together as 'work related reasons'), will not be disadvantaged.

14. We have made a similar provision for certain members of the Armed Forces community, by regulating to prevent local authorities from applying a local connection requirement to disqualify them¹, in order to give effect to the Government's commitment that those who serve in the Armed Forces are not disadvantaged in their access to social housing by the need to move from base to base. Aside from members of the Armed Forces and transferring

tenants who will benefit from the Right to Move, the Government has made clear that we expect local authorities to ensure that only long standing local residents, or those with a well established local association should qualify for social housing, and has issued statutory guidance to ensure that local authorities apply a residency test to social housing of at least two years².

¹ The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869)

² Providing Social Housing for Local People: Statutory guidance on social housing allocations for local authorities in England.

Local connection

15. Local connection is defined by s.199. A person has a local connection because of normal residence (current or previous) of their own choice, employment, family associations, or special circumstances.

Need to move

16. The qualification regulations 2015 apply to transferring tenants who have reasonable preference under s.166A(3)(e), that is to say the local authority is satisfied that they need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others).

17. The local authority must ensure, therefore, not simply that the tenant needs to move for work, but that, if they were unable to do so, it would cause them hardship.

18. Local authorities must be satisfied that the tenant needs, rather than wishes, to move for work related reasons. In the Secretary of State's view the factors that local authorities should take into account in determining whether a tenant needs to move to be closer to work or to take up a job offer include:

- the distance and/or time taken to travel between work and home
- the availability and affordability of transport, taking into account level of earnings
- the nature of the work and whether similar opportunities are available closer to home
- other personal factors, such as medical conditions and child care, which would be affected if the tenant could not move
- the length of the work contract
- whether failure to move would result in the loss of an opportunity to improve their employment circumstances or prospects, for example, by taking up a better job, a promotion, or an apprenticeship

19. This is not an exhaustive list and local authorities may wish to consider providing for other appropriate factors to take into account in the light of local circumstances.

Work

20. The qualification regulations 2015 only apply if work is not short-term or marginal in nature, nor ancillary to work in another district. Voluntary work is also excluded.

Short-term

21. In determining whether work is short-term, the Secretary of State considers that the following are relevant considerations:

- *whether work is regular or intermittent*

This is likely to be particularly relevant in the case of the self-employed.

- *the period of employment and whether or not work was intended to be short-term or long-term at the outset*

In the Secretary of State's view a contract of employment that was intended to last for less than 12 months could be considered to be short-term.

Marginal

22. The following considerations would be relevant in determining whether work is marginal:

- *the number of hours worked*

In the Secretary of State's view employment of less than 16 hours a week could be considered to be marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit.

- *the level of earnings*

23. Local authorities should take into account all the relevant factors when reaching a decision. The fact that a tenant only works 15 hours a week, for example, may not be determinative if they are able to demonstrate that the work is regular and the remuneration is substantial.

Ancillary

24. Work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work is excluded from the ambit of these regulations.

25. A further relevant consideration would be whether the tenant is expected eventually to return to work in the original local authority district. If a local authority has reason to believe this is the case, they should seek verification from the tenant's employer.

26. A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these regulations. However, there is nothing to prevent local authorities looking sympathetically

on tenants seeking to move into their authority's district for this reason, if they choose to do so.

Voluntary work

27. The regulations exclude voluntary work. Voluntary work means work where no payment is received or the only payment is in respect of any expenses reasonably incurred.

Apprenticeship

28. The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service).

Genuine intention to take up an offer of work

29. Where the tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the local authority's satisfaction that they have a genuine intention to take up the offer.

30. Local authorities may wish to ask to see a letter of acceptance and may wish to contact the employer to verify the position. Authorities may also wish to seek clarification from the tenant by interviewing them over the telephone or in person.

Verification and evidence

31. Local authorities will want to satisfy themselves that the work or job-offer is genuine and should seek appropriate documentary evidence.

32. Appropriate evidence could include:

- a contract of employment
- wage/salary slips covering a certain period of time, or bank statements (this is likely to be particularly relevant in the case of zero-hours contracts)
- tax and benefits information – eg proof that the applicant is in receipt of working tax credit (if eligible)
- a formal offer letter

33. Additionally, local authorities may wish to contact the employer to verify the position.

34. Authorities are strongly advised to consider whether an applicant qualifies for an allocation under the qualification regulations 2015 both at the time of the initial application and when considering making an allocation.

Prioritisation

35. The qualification regulations will ensure that tenants who need to move between local authority districts for work related reasons are not disadvantaged by a local connection test. However, to deliver the Right to Move, it is also important that tenants who need to move for work, within or across local authority boundaries, are given appropriate priority under local authorities' allocation schemes.

Hardship reasonable preference

36. Section 166A(3) provides that housing authorities must frame their allocation scheme to ensure that reasonable preference is given to people who need to move to a particular locality in the authority's district, where failure to meet that need would cause hardship (to themselves or others).

37. Paragraph 4.11 of the 2012 guidance sets out the Secretary of State's view that 'hardship' would include, for example, a person who needs to move to a different locality to take up a particular employment, education or training opportunity.

38. This guidance goes further and strongly encourages all local authorities to apply the hardship reasonable preference category to tenants who are seeking to transfer and who need to move within the local authority district or from another local authority district to be closer to work, or to take up an offer of work.

39. In considering whether a transferring tenant needs to move for work related reasons to avoid hardship to themselves (or others), they may wish to take account of the guidance set out in paragraphs 16 to 34 above.

40. Where a tenant is seeking to move within the same local authority district, local authorities are encouraged to take a more flexible approach. This is because the tenant is already accommodated in the district and any move to another social home will therefore be broadly stock neutral (that is to say the transfer creates another void which can be used to meet other housing needs). In particular, local authorities should consider whether or not the issue of whether work is short-term, marginal, ancillary or voluntary carries the same weight in relation to a within district move.

Setting aside a proportion of lets for cross-boundary moves

41. In framing their allocation scheme to determine their allocation priorities, local authorities will wish to strike a balance between the interests of transferring tenants who need to move into their district for work related reasons and the demand from other applicants in identified housing need.

42. The Secretary of State considers that an appropriate way to do so would be for a local authority to set a quota for the proportion of properties that it expects to allocate each year to transferring tenants who need to move into

their district for work related reasons ('the Right to Move quota'). The Secretary of State strongly encourages all local authorities to adopt such an approach and considers that an appropriate quota would be at least 1%.

43. Local authorities should publish the quota as part of their allocation scheme, together with their rationale for adopting the specific percentage. They should review and revise the proportion as appropriate, in the light of changing circumstances.

44. Local authorities may wish to set aside a higher proportion than 1%. Authorities that decide to set a quota that is lower than 1%, should be ready to explain publicly why they have chosen to do so.

45. It is important that local authorities are open and accountable, to their own tenants and the wider community as well as to tenants seeking to move into the area for work related reasons. Accordingly, local authorities are encouraged to report locally on demand for and lettings outcomes in relation to the Right to Move quota.

Area based choice based lettings schemes

46. We are aware that in some parts of the country, local authorities participate in area based choice based lettings schemes that bring together a number of authorities and Private Registered Providers of social housing, often with a common allocation policy that applies to all the partner local authorities.

47. We consider that such schemes provide an excellent basis for cross-boundary mobility, particularly as housing and employment markets are likely to be similar across the partner authorities. Accordingly, we strongly encourage all local authorities that participate in area-based choice based lettings schemes to consider how they can provide for tenants to move between partner authorities for work related reasons, for example, by providing for a quota of lettings to be made available for this group.