

**DRAFT REVISED**

## **Consistent Assessment Policy October 2017**



**for the *MyHomeChoiceFyldeCoast* Scheme**



Working in Partnership with:



## Version Control

Date	Version	Details	Responsible Officer
23/4/13		Re-drafted following consultation	Vikki Piper / Andy Foot
15.10.13		updated	Vikki Piper/Alan Davis
17.10.13		updated	Vikki Piper/Alan Davis/Paul Dillon/Pam Holroyd/Kirstine Riding
19.08.2014		Minor amendments	Vikki Piper/Lucy Wright
July 2017		Major changes – for consultation	Andy Foot/Kirstine Riding/David McArthur

## Table of Contents

1.	Introduction	6
1.1	Consistent Assessment Policy	6
1.2	Overview of My Home Choice	7
1.3	Eligibility	8
1.3.1	Eligibility	8
1.3.2	Ineligibility (non qualifying persons)	8
1.3.3	Local Connection	9
1.4	Availability and Use of Information	9
1.4.1	Advice and information	9
1.4.2	False information	9
1.4.3	Data Sharing	10
1.4.4	Confidentiality	10
1.4.5	Data Protection Act	10
2.	Application	11
2.1	Making an application	11
2.2	Online security	11
2.3	Information required	11
2.3.1	Application date and effective date	11
2.3.2	References	12
2.3.3	Documentation requirements	12
2.3.4	Pre-tenancy Checks	13
3.	Application Assessment	14
3.1	Priority Bands	14
3.1.1	Band A	14
3.1.2	Band B	14
3.1.3	Band C	15
3.2	Home visits	16
3.3	Relationship to interested parties	16
3.4	False information	16
3.5	Access to personal information	17
3.6	Notification of change of circumstances	17
3.7	Application Checks	17
3.8	Applicants who fail to bid on MyHomeNeed	18
3.9	Cancelling applications	18
3.10	Suspensions	18
3.11.1	Suspension criteria	18
3.11.2	Anti social behaviour	19
3.11.3	Debt	19
4.	Letting of properties	21
4.1	When properties will be advertised	21
4.2	Pre-tenancy checks	21
4.3	Local lettings	22
4.4	Property sizes	22
4.4.1	Expectant mothers	22
4.5	Property descriptions	23

4.6	Joint tenancies	23
4.7	Successions and Assignments	23
4.8	Mutual exchange	24
4.9	Transfer policy	24
5.	Definitions and exceptions	25
5.1	Support in accommodation	25
5.2	supported accommodation	25
5.3	Sheltered housing or independent living	25
5.4	Extra care	25
5.5	Adapted homes and ground floor accommodation	25
5.6	16 & 17 year olds	26
5.7	Offenders	26
5.8	Rough sleepers	26
5.9	Mobile homes/caravans	26
6.	Homeless Applicants	27
6.1	One offer policy	27
7.	Direct lets	28
7.1	Properties not advertised	28
7.2	Refusals of direct lettings	28
8	Allocating properties	29
8.1	Selection process	29
8.2	Refusal following a bid	29
8.3	Feedback on successful bids	29
8.4	Withdrawal of offers	29
9.	Requesting a review/appeal	30
9.1	Procedure	30
9.2	How the decision will be reviewed	30
10.	Monitoring and review of the scheme	32
10.1	Policy review	32
10.2	Equal opportunities statement	32
10.3	Complaints	33
11.	Appendix One	34
	Qualifying persons and immigration chart	
12.	Appendix Two	35
	How a conviction becomes spent	
12.1	Relevant rehabilitation periods	
13.	Appendix Three	36
	Definition of working households and community contribution	
13.1	Working households	
13.2	Community Contribution	

	13.3 Exemptions	
14.	Appendix Four Armed forces personnel	37

## 1. Introduction

'MyHomeChoiceFyldeCoast' is the Choice Based Lettings scheme which operates across the Fylde Coast region. This Consistent Assessment Policy underpins the scheme and has been developed by the three Fylde Coast local authorities working in partnership with the social housing providers listed below. In the drafting of this Policy, the legal provisions of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011, together with the related Codes of Guidance issued by the Government have been taken fully into consideration.

Blackpool Council  
Fylde Borough Council  
Wyre Council

Blackpool Coastal Housing  
Great Places Housing Group  
Muir Group Housing Ltd  
ForHousing

Progress Housing Group  
Places for People  
Regenda Group

To gain access to the *MyHomeChoiceFyldeCoast* Scheme, eligible applicants only have to register once. They are then able to bid for suitable properties as they are advertised by all of the major social housing providers in the area.

Although *MyHomeChoiceFyldeCoast* provides greater choice for applicants, the scheme in itself does not increase the number of properties available. Properties are advertised and applicants are encouraged to take an active part in the process by bidding on a property. The system is transparent and is expected to provide applicants with a realistic view of their prospects of securing accommodation.

The scheme's key objectives are:

- To create a customer led choice based lettings scheme
- To widen the choice of housing
- To ensure the scheme is open, fair and accountable
- To increase understanding and satisfaction of the letting system
- To give new tenants a feeling of ownership of their property and community
- To help create sustainable communities
- To make more efficient use of the available housing stock
- To help tackle low demand and reduce void turnaround times
- To create a single point of access to all social housing on the Fylde Coast
- To meet the legal requirements for the allocation of social housing as set out in Part VI of the Housing Act (1996) as amended by the Homelessness Act (2002) and the Localism Act (2011)

### 1.1 Consistent Assessment Policy

This Policy sets out how applicants to the MyHomeChoiceFyldeCoast scheme will be assessed and priority awarded. The policy forms the principal element of the allocation scheme of each Fylde Coast local authority.

Each local authority has a statutory duty to have an allocation scheme in place that sets out how social housing will be allocated. This is formulated and regularly reviewed in consultation with Local Authority members, housing providers and the public. It takes into

account the level and patterns of the demand for social housing, the profile of the stock and the vacancies which are likely to become available, and also reflects any agreed strategic priorities.

This Policy seeks to ensure that housing needs are met, to make the best use of the social housing available, and to build strong and stable communities. The Policy aims to deliver a fair and efficient mechanism for the allocation of social rented homes, including properties owned by Blackpool Council and managed by Blackpool Coastal Housing, and properties owned and managed by other major social housing providers across the Fylde Coast.

In drafting this policy the *MyHomeChoiceFyldeCoast* partners have had regard to:

- The Children's Act 2004.
- The Equalities Act 2010.
- Data Protection Act 1988

## **1.2 Overview of My Home Choice Fylde Coast**

To have access to social housing through My Home Choice Fylde Coast, applicants must meet nationally defined eligibility criteria for social housing, have a local connection, and not have been excluded for any other reason (see Section 1.3).

Eligible applicants who have a statutory housing need complete a full application and are placed on a Housing Needs register in the My Home Choice system with a priority band.

Eligible applicants who do not have a statutory housing need complete basic details on the My Home Choice system and are registered without a priority band.

Social housing providers who are participating partners in the scheme are committed to advertising their available properties to those who have applied to the scheme and been registered on the system. Adverts will include a description of the property and indicate which applicants are eligible to apply. Applicants can then apply for the property of their choice provided they meet the stated eligibility criteria.

While all homes are advertised through the *MyHomeChoiceFyldeCoast* website, there are two different routes for allocating homes:

### **1. Homes reserved for applicants on the Housing Needs register**

A minimum of 50% of properties advertised will be made available exclusively for applicants on the Housing Needs register. High demand properties, such as but not limited to, 4+ bedrooms, Extra Care Housing and adapted stock will always be reserved initially for those in the housing need stream.

Properties will be advertised for a 5 day cycle, with the cycle starting as soon as the property becomes available, on any working day.

Applicants from the Housing Needs register who express an interest in these properties will be shortlisted for homes in order of priority need for housing and the length of time the applicant has been in that band.

## 2. Homes open to all applicants registered on the system

A maximum of 50% of properties advertised will be made available to all applicants registered on the system - those on the Housing Needs register and those who are not. Applicants expressing an interest in these properties will be shortlisted in order of when their bid was placed, with the preference given to the earliest bids.

In order to recognise and reward those who work and make a contribution to the community, 20% of lettings available to all applicants will prioritise people who meet the working households and community contribution criteria (see Appendix Three).

Properties will be advertised for a minimum of **1-2 days**, as soon as the property becomes available, on any working day.

Applicants who are on the Housing Needs register will have access to housing through both routes. The local authorities will monitor the proportion of all homes that are allocated to applicants on the Housing Needs register. The local authorities aim to enable two thirds of all homes to be allocated to applicants from the Housing Needs register.

### **1.3 Eligibility**

#### **1.3.1 Eligibility**

Anyone aged 16 or over is eligible to apply to the *MyHomeChoiceFyldeCoast* housing register unless they are in one of the excluded groups below. (see section 5.6 - 16 & 17 year olds)

#### **1.3.2 Ineligibility (Non qualifying persons)**

There are a number of circumstances in which an applicant will be ineligible to join the housing register:

- Persons from abroad who the Secretary of State for Communities & Local Government has deemed ineligible for an allocation of housing accommodation
- In addition are people who, although not subject to immigration control, are not habitually (permanently) resident in the Common Travel Area (which includes the UK, Channel Islands, Isle of Man and the Republic of Ireland.)

These exclusions do not apply to anyone who is already a tenant of a Local Authority or Social Housing Provider, who has been allocated his home by a Local Authority.

There are a number of other circumstances in which applicants will be ineligible from joining the housing register:

- Transfer applicants who apply with no housing need
- Applicants with no local connection (other than those exempt due to having served in the armed forces in the last five years or who are currently serving, and homeless applicants where a statutory duty to rehouse has been accepted by either Blackpool, Fylde or Wyre Council. (see section 3.3 – local connection)
- Households whose gross household income exceeds £60,000 pa
- Applicants and households aged under 55 with savings exceeding £30,000



- Households that have been evicted for ASB within the last five years, including evictions from an assured or secure tenancy from a social landlord, or evictions under section 8 of an assured shorthold tenancy from a private landlord.

There is a right of review for each decision made by the *MyHomeChoiceFyldeCoast* partners on a case by case basis, having regard for exceptional circumstances, (see section 9 – Requesting a review)

### **1.3.3 Local Connection**

When deciding eligibility, applicants must be able to show they have a local connection.

Applicants have a local connection if they can demonstrate one of the following:

- Local residency – they have lived in the Fylde Coast area consecutively for the last three years (does not include those that have been placed in the area)
- Permanent employment in the Fylde Coast area (see Appendix Three – working Households)
- Close family association – has a parent, adult child, adult brother or sister who is living in the Fylde Coast area and has done so for the last 5 years
- Applicants who are serving in the Armed Forces and who are either employed or are resident in the Fylde Coast area
- Former Armed Forces personnel who had a previous residence in the Fylde Coast area as a result of a former posting to the area, within the last 5 years
- Homeless applicants where there is a statutory duty to provide housing by Blackpool Council, Fylde Borough Council or Wyre Council

For priority when bidding, there are 3 levels of priority:

1. Connection to the borough – as above but to the individual borough
2. Connection to the Fylde Coast – as detailed above
3. No connection to either of the above (Armed Forces only)

Note that partner organisations may also define particular requirements for local connection when setting the eligibility criteria for individual properties – for example, the requirement to be resident in a particular parish, settlement or borough, and may be subject to a condition of a Section 106 agreement.

## **1.4 Availability and Use of Information**

### **1.4.1 Advice and Information**

*MyHomeChoiceFyldeCoast* Partner Organisations believe that applicants should be given every assistance when they apply to join the scheme, access the scheme and search for suitable properties.

A full copy of the consistent assessment policy will be available online and from each of the Local Authorities and Housing Providers.

Advice on how to join the scheme and how the scheme works will be available online and at each of the offices of the Local Authorities and Housing Providers. Blackpool, Fylde and Wyre Authorities provide free independent housing advice to everyone in their district.

### **1.4.2 False Information**

All partner organisations are committed to taking legal action against any applicant found to have gained a tenancy based on false information in their application form. (see section 3.5 – false information)

#### **1.4.3 Data Sharing**

Any information provided in the application form will be made available to all the partners in the scheme.

The *MyHomeChoiceFyldeCoast* partnership has agreed to scan all appropriate documentation belonging to an application, and to electronically attach these to the applications on the system.

#### **1.4.4 Confidentiality**

Information relating to an application is held on a computerised database and is used to assist *MyHomeChoiceFyldeCoast* to assess their eligibility for housing and then used to help a partner re-house a person in an appropriate home and supply and manage support services where applicable. All relevant information will be passed to the appropriate housing provider and any agency that will provide housing related support. The Partner Organisations reserve the right to check information and to pass information on to organisations to assist in this, such as, Police, Local Councils, Hospitals, Employers, Probation, Former/Current Landlords, Banks and Building Societies, Health Visitors, Social Services, Doctors, Credit Reference Agencies or any other organisations that we need to. Consent to do this is sought via the Declaration on the Application Form.

All Information will be treated with the highest level of security and confidentiality.

#### **1.4.5 Data Protection Act**

Information held in respect of a Housing Application will be processed by computer for the proper conduct of *MyHomeChoiceFyldeCoast* housing function. Data will also be used for statistical purposes. Although information will not be identified, individuals may ask to see information which is being held about them on non-computer files, with certain limited exceptions, for example, information provided by other professionals which is exempt from disclosure. Statistical data that does not identify the applicant is not subject to data protections. Any information which identifies sensitive personal data (race, sexual orientation, religion or disability) requires explicit consent from the data subject before this can be released.

## **2 Application**

### **2.1 Making an application**

Anyone can register an application by visiting [www.myhomechoicefyldecoast.co.uk](http://www.myhomechoicefyldecoast.co.uk) website. Applicants should answer all questions in the application form fully and accurately and be prepared to provide supporting evidence as required.

Where applicants are eligible for social housing, they will be able to login to the website immediately and bid on properties.

Where applicants may be in housing need and eligible for the Housing Needs register, the assessing partner will normally process the application within 10 working days of the application being submitted or, if a homeless applicant, once a decision has been reached on a person's homelessness application. Dependant on the content of an application, further checks may need to be carried out and applicants will be informed if this is the case.

Applications will be assessed by the Assessing Partner relating to where the applicant lives or would like to live.

### **2.2 Online Security**

On registration, applicants will be issued with an application registration number and memorable date (normally the main applicants date of birth) which they will use to login to the service. Applicants should take responsibility for keeping this private.

If an applicant forgets their password, this can be reset from the *MyHomeChoiceFyldeCoast* website. Password reset/reminder information will be sent to the e-mail address of the main applicant, for this reason it is important that all applicants provide their own e-mail address.

Partners will never ask an applicant for their user name and password.

### **2.3 Information required**

The application form for *MyHomeChoiceFyldeCoast* will ask for information including:

- Contact details of the applicants current landlord, type of tenancy and if a formal notice to quit has been served.
- Addresses for the last 3 years including the Landlords name and address for address and the reason for leaving.
- Details of anyone on the application who has any unspent criminal convictions, details of the crime, date and length of sentence given and how long they served. (please see Appendix Two on 'spent' and 'unspent' convictions).
- Details of action taken against anyone on the application for Anti Social Behaviour including type of action e.g. court action or written warning and if an ASB Order has been granted.

It should be noted that if any information is provided on the application form which could impact on the conduct of a future tenancy the exclusion or suspension policy will apply. Reference can also be made to 'Suspensions' giving examples of unacceptable behaviour. (see section 3.11 – suspensions)

#### **2.3.1 Application Date and Effective Date**

All applications will be given an 'Application Date'. The date used for the application date will be the date the application was received for assessment.

Within each band, applicants are listed in date order by the effective date. The effective date is the date of application, or where applicants circumstances have changed resulting in a higher band, the effective date will be the date the higher band applies.

### 2.3.2 References

Applicants will be required to provide two references to the Partner Organisation once they have successfully bid for a property:

- One reference must be from the current or most recent landlord from those applicants who have previously held a tenancy; this may include a staff reference from interim or supported accommodation. Further landlord references may be requested as required
- References will not be accepted from family or friends
- If an unsatisfactory reference is received from a Landlord, the application will be reviewed by the partner organisation.

If an applicant has not held a tenancy previously or is unable to provide any of the above, reference will be considered from the following: (this list is not exhaustive)

- Successful completion of a recognised tenancy training program
- Current/former employer
- Teacher/College Lecturer
- Person of standing in the community.

### 2.3.3 Documentation Requirements

Below is a list of what may be required to verify an application dependent on the applicant's circumstances:

What needs verifying:	Documents required – one of the following must be provided:
The identity of the applicant and other members of the family	Birth Certificate, Passport, Immigration papers
The applicant is eligible to register for housing	Passport, national identity papers, Home office documents, wage slips, proof of housing benefit/local housing allowance, proof of local connection
The applicant and other household members live where they say they do and the terms of which they live there (e.g. tenancy agreement)	Electoral register entry, proof of rent payments, utility bills, pension book, confirmation from employer or DWP, tenancy agreement, full driving licence, recent bill for Council Tax or telephone, recent bank statement
The children being registered are the responsibility of the applicant or their partner	Proof of child benefit or other benefits such as fostering allowance, residence order, confirmation from DWP, social services, Health and Education authorities, full birth certificate. Where children have previously been cared for by another person, including an ex-partner, and in the absence of a residence order from the courts, a combination of this evidence must be provided. <i>MyHomeChoiceFyldeCoast</i> will consider each case on its merits

Non-dependants have a medical or social need to live with the applicant	Confirmation from either social services or other relevant statutory agency
Proof of pregnancy	Antenatal card/book from hospital, doctors letter, MATB1
Threatened with eviction	Tenancy agreement, valid Notice to Quit, court order

If an applicant is unable to provide the necessary documents the case will be considered in light of individual circumstances by the relevant Partner Organisation.

All offers are subject to verification and the above documents may be required.

#### **2.3.4 Pre-tenancy Checks**

Once an offer of accommodation is made, individual landlords may undertake relevant verification of their identity, circumstances and housing conditions. This may be an online form, interview, home visit and/or telephone call.

Evidence of antisocial behaviour and outstanding housing debts will be checked and include police checks where applicants have indicated an 'unspent' conviction.

Landlord references (current/previous) will be sought where the applicant has held a private or social housing tenant. A credit check may also be carried out.

All applicants may be required to provide the following documents:

- Proof of identity and residence for all persons included on the application, including but not limited to: passport, identity card, phot driving licence, birth certificate or written confirmation from a professional person or support agency
- Proof that they are still eligible persons
- Proof of current address
- Proof of income
- Other documentation as appropriate

Offers may be withdrawn from an applicant who does not participate in pre-tenancy checks within a reasonable timescale.

### **3 Application Assessment**

#### **3.1 Priority Bands**

Each application is assessed in line with criteria and once eligibility has been proven will either be:

- Classified as 'no housing need' (no banding) who are either:
  - Adequately housed and are therefore in no housing need
  - Do not meet any of the criteria within the housing need bands
  - Awaiting a decision on a homeless application or further eligibility checks
  - Armed forces personnel, who are currently serving or have served in the last five years who cannot demonstrate local connection; OR
- Placed on the Housing Needs register, with a demonstrated housing need and awarded a priority band.

On the Housing Needs register there will be three priority bands: A, B and C.

##### **3.1.1 BAND A**

The main group in Band A are:

- Homeless applicants where there is statutory duty to provide housing by Blackpool Council, Fylde Borough Council or Wyre Council.

Other applicants to be placed in this band must be able to demonstrate a local connection and at least one of the following:

- Be a vulnerable person , who faces imminent discharge from hospital or temporary residential care and for whom there is no suitable accommodation to return to
- At the discretion of *MyHomeChoiceFyldeCoast*, have exceptional circumstances including being in immediate danger, for example, of physical violence.

##### **3.1.2 BAND B**

To be placed in this band, applicants must be able to demonstrate a local connection and one of the following:

- Occupy a property where category 1 hazards have been identified by Environmental Services and in relation to which the landlord has failed to take the required action
- Live in a property, which one of the Partner Organisations requires to be demolished or vacated
- Are an existing tenant of a partner within the Fylde Coast area who under-occupies their existing home and is looking to move to a smaller, more suitable property. This also applies to applicants no longer in need of a property with a disabled adaptation. (this will only apply if the under occupation has arisen after the start of the tenancy, e.g. because some people in the household have moved out.)
- Need to move because of urgent medical or disability reasons and there is a medical assessment that current housing conditions are having a serious detrimental impact on the applicant or members of the applicant's household's health or ability to live independently. The assessment will consider the applicants (or member of the household included in the application) medical condition, the effect their property has on that condition and how moving to an alternative property could help that condition
- Armed forces personnel, who are currently serving or have served in the last five years who need to move and meet one or more criteria from Band C (see Appendix Four – Armed Forces Personnel)

- Need to move because of urgent social or welfare reasons. This can include but is not limited to:
  - The likelihood of admission to residential care or hospital if not re-housed
  - The likelihood of a child being accommodated by the Local Authority if not re-housed
  - The need to give or receive essential care and support
- Have a serious risk of harm in their present accommodation. This can include but is not limited to:
  - Victims of domestic abuse, serious harassment including racial or homophobic, crime, serious anti-social behaviour and witnesses of crime
- Threatened with homelessness (as determined by the Local Authority)
- Are unintentionally overcrowded in their current accommodation and in need of 2 or more additional bedrooms
- Leaving Local Authority care from the relevant Local Authority with appropriate tenancy support, where there is a statutory duty to provide housing under the Leaving Care Act 2000
- Are rough sleeping, threatened with or have a history of rough sleeping and are supported and referred by the housing teams of Blackpool Council, Fylde Borough Council or Wyre Council
- Currently living in supported housing or rehabilitation and are ready for independent living as agreed by the provider and tenancy support (as appropriate) is in place, if required

### **3.1.3 BAND C**

To be placed in this band, applicants must be able to demonstrate a local connection and one of the following:

- Need to move because of medical or disability reasons. This is because there is a medical assessment that current housing conditions are affecting the health or ability to live independently, but there is no detrimental impact. The assessment will consider the applicant's (or member of the household included on the application) medical condition, the effect their property has on that condition and how moving to an alternative property can help that condition
- Need to move because of social or welfare reasons, which can include but is not limited to:
  - Applicants who need to move to a particular locality within the borough to avoid hardship to themselves or others
- Occupy a property where Category 2 hazards have been identified by Environmental Services and the landlord has failed to take the required action
- Are unintentionally overcrowded in their current accommodation and in need of one additional bedroom
- Are assessed by the partner Local Authority as being homeless but there is no priority need to banding
- Are assessed by Blackpool Council, Fylde Borough Council or Wyre Council as being intentionally homeless and there is no statutory duty to re-house
- Currently reside in supported accommodation or rehabilitation and are not yet ready for independent living and have no tenancy support in place
- Armed Forces personnel who are currently serving or have served in the last five years and meet the local connection criteria

### **3.2 Home Visits**

In certain circumstances it may be necessary to carry out a home visit. Home visits can be used for, but not limited to:

- As part of application verification
- As part of pre-tenancy checks
- Where clarification is required

Applicants are expected to allow the visiting officer access to all parts of their home.

If the *MyHomeChoiceFyldeCoast* partner organisation has not been able to complete a visit, this could result in the applicant being removed from the scheme.

### **3.3 Relationship to Interested Parties**

As part of the assessment and at the point of offer any relationship to interested parties as defined on the application form will be noted and the partners individual procedures will be followed, thus ensuring that in each individual case there is no conflict of interests.

### **3.4 False Information**

It is a criminal offence for anyone applying for housing, from a housing authority to knowingly give false information or to withhold information which is relevant to their application. An offence is also committed if an applicant allows a third party to provide false information on their behalf.

Ground 5 in schedule 2 of the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables a housing authority to seek possession of a tenancy granted as a result of a false statement by the tenant or a person acting at the tenants instigations.

Applicants who have provided false or misleading information on their application will be suspended from the housing register.

Examples of providing false information will include but not be limited to:

- Missing out tenancies or addresses from their application form
- Using a different surname from a previous application and not declaring this
- Not declaring a property that is owned or previously owned in the UK or abroad
- Not declaring any unsuitable behaviour
- Not declaring rent arrears and any housing related debt

Before a decision is made on whether an applicant is suspended from the housing register under this criteria, applicants will be contacted and advised to provide further information and details of any mitigating circumstances. Applicants will be given eight weeks to provide this information and it is their responsibility to provide this. If no information is provided by the applicant then a decision will be made based on the information (however limited) that we have.

Applicants who are suspended from the housing register under this criteria, will be advised of this in writing.

All partner organisations are committed to taking legal action against any applicant found to have gained a tenancy based on false information in their application form.

### **3.5 Access to Personal Information**



Individuals are entitled under the Data Protection Act (1998) to request details of their personal data held by *MyHomeChoiceFyldeCoast*. A charge may be made for providing this information.

The information received from housing applications may also be used for housing management and research purposes.

### **3.6 Notification of Change in Circumstances**

If an applicant's circumstances change, they must contact *MyHomeChoiceFyldeCoast* as soon as possible.

If the applicant is already in the scheme their details will be updated and a re-assessment will be made.

If the applicant moves into a higher band, the new priority will be awarded from the date of the notification of a change in circumstances and this will be the effective date of application. If the applicant moves into a lower band then their effective date will remain the same as the application date.

Checks will also be made at the time of the offer to ensure that the household details are correct and the property is suitable for the household size. If a household's current housing situation is different from their housing registration details, then a housing offer may be withdrawn. The application may be suspended until the applicant provides proof of their change of circumstances.

### **3.7 Application Checks**

Application details will be checked on a regular basis. Applicants may receive a renewal letter asking them to confirm or update their details. If no response is received to the renewal request letter within 28 days, the application will be cancelled and a letter confirming this will be sent to the applicant. Applications may be reinstated in exceptional circumstances.

### **3.8 Applicants who fail to bid**

*MyHomeChoiceFyldeCoast* may from time to time review applicants who have not taken part in the bidding process and ascertain the reason for not bidding. This may result in their application being re-assessed or cancelled, or additional support services being put in place.

### **3.9 Cancelling Applications**

An application will be cancelled from the *MyHomeChoiceFyldeCoast* scheme in the following circumstances:

- At the request of an applicant
- An applicant does not respond to an application review, within the specified time limit
- A Local Authority or registered social landlord has housed the applicant
- A tenant completes a mutual exchange
- An applicant does not maintain their application through the review process, or where the applicant moves and does not provide a contact address
- An applicant has died
- An applicant has not supplied the relevant information requested within the given timescales. An applicant becomes ineligible for housing as defined by this policy.

Any applicant whose application has been cancelled has the right to ask for a review of the decision (see section 9 – Requesting a review/appeal)

Where an applicant applies to re-join the scheme at a later date their new date of application will be the date they reapply.

### **3.10 Suspensions**

In certain circumstances applications will be suspended. This can occur at any time from initial registration to the offer stage. This means the applicant cannot 'bid' for a *MyHomeChoiceFyldeCoast* property. Applicants who fall within the suspension criteria, which are set out below, will remain 'held' on the system.

Where a suspension is applied to an application the applicant will be informed in writing of the reason for suspension, the timescale and steps the applicant could take to remove the suspension. It is the responsibility of the applicant to contact the assessing partner organisation at the end of the suspension period to request a review of the suspension.

The review will seek to establish if the reason for the suspension has been resolved satisfactorily, or if there is evidence of an improvement in the behaviour of the applicant(s) over a sustained period. The maximum length of suspension is five years.

There is a right to review for each decision made by *MyHomeChoiceFyldeCoast* partners on a case by case basis having regard for exceptional circumstances. (see section 9 – Requesting a review/appeal) (see section 1.7.2 Ineligible applicants)

#### **3.10.1 Suspension Criteria**

Suspension may apply where the applicant:

- Owes rent arrears or any other housing related debt, excluding Council Tax, to a landlord and has not made and maintained a satisfactory arrangement to repay the debt (see section 3.11.3 – Debt)
- Has deliberately or negligently caused damage to a property belonging to a partner organisation or any other landlord, whether they are the tenant of that property or not
- Has made false or misleading statements (see section 1.7.4 – false information)

OR; the applicant or any member of the household:

- Has engaged in anti-social behaviour (whether or not they were at the time a tenant of a Local Housing Authority or social housing provider) and has not maintained a satisfactory undertaking to address that behaviour (see section 3.11.2 – anti social behaviour)
- Is a current tenant of a participating landlord in the *MyHomeChoiceFyldeCoast* scheme (or any other social housing provider) and is, or has been, the subject of action for breach of tenancy.
- Has been convicted of using their home, or allowing it to be used for immoral or illegal purposes (see Appendix Two – convictions)

Other applications may be inactive on the system and therefore unable to bid:

- *MyHomeChoiceFyldeCoast* is waiting for more information and about an applicant's circumstances. (The application will remain held until all the relevant information has been provided)
- Offenders in custody, the application will remain held until 28 days before their release date

### 3.10.2 Anti-Social Behaviour

The meaning of behaviour for the purpose of this policy encompasses a past action or activity on the part of an applicant but also an omission, failure to act, passivity or inactivity. This extends to any past or present member of the household.

Suspension will be considered for any acts of anti-social behaviour that have occurred within the last 2 years. Evidence of acts of anti-social behaviour include but are not limited to:

- Causing nuisance and annoyance to neighbours, visitors or the community
- Being violent towards a partner or family member
- Allowing the condition of a rented property to deteriorate
- Damaging/destroying or disposing of furniture provided by the landlord
- Paying money illegally to obtain a Local Authority or registered social landlord tenancy

Suspension will also be considered regardless of time of occurrence in the following circumstances:

- A current Probation risk assessment level of Medium or above
- A current ASBO/CRASBO in place
- Conviction for a serious unspent criminal offence

Suspensions for cases of ASB will be for no less than 12 months and no more than 5 years.

It should be noted that to reduce the risk of anti-social behaviour problems, all partners of *MyHomeChoiceFyldeCoast* may use starter tenancies or introductory tenancies for all new tenants.

### 3.10.3 Debt

Applicants with arrears or housing related debt of under £500 owed to a landlord including any of the partner organisations, may only be registered as live on the system if they agree to meet the conditions of an agreed payment plan; which typically will mean the payment of a minimum of 12 consecutive weekly payments. Alternatively, a lump sum to reduce the debt - as agreed – may also be accepted.

An offer of accommodation will only be made if the payment arrangement has been met unless there are exceptional circumstances. Each case will be considered on its own merits e.g. reasons for the arrears and previous steps taken to tackle arrears.

Applicants with arrears of over £500 will usually be suspended. This will be based on a decision made by the partner organisation taking into account all circumstances. A decision will be made on the length of suspension and repayment arrangements and these decisions will be reviewed by SOD to ensure consistency.

In both sets of circumstances the applicant will be informed in writing of any decision made together with information about the right to request a review of the decision.

Where there are both rent arrears and housing related debt(s) the whole amount will be added together. The total amount to repay will determine which course of action is followed, detailed above.

Debt owed to private sector landlords (arrears and/or damage) will only be taken into account if an unsatisfactory reference is received.

## 4. Letting of properties

Most applicants will be able to access the *MyHomeChoiceFyldeCoast* system to find a home. When an applicant sees a property advertised that they would like to live in, they should express an interest in that property by submitting a bid online. The decisions in respect of allocation of housing will be made by officers of the respective partner organisations.

### 4.1 When properties will be advertised

Properties may be uploaded at any time. Each listed property will have a closing date within which the customers will need to register their bids.

Properties advertised only to applicants on the Housing Needs register will be advertised for a minimum of 5 days.

Properties advertised to all applicants will be advertised **between 1 and 5 days**.

Applicants should only bid for properties that they are eligible for and the type of property and area that they would like to move into.

Shortlisting of applicants for a property advertised only to applicants on the Housing Needs register will be based on the priority of bids received, with emergency band applicants having the highest priority and low band applicants having the lowest priority. If bids are received from applicants in the same priority band, then the person who has been registered longest in that band will be offered the property. If two or more applicants were awarded priority on the same date then the property will be provisionally offered to the applicant with the earliest registration date.

Where a property is adapted for use by a disabled person, the property will be offered to the applicant with the highest priority whose needs best match the facilities of the advertised property.

Applicants who have bid for a property that is available to all applicants, will be listed in order of the time they bid, with the earliest bid appearing first in the shortlist, regardless of housing need.

For all advertised properties, bids will be checked against the criteria used in the advertisement. Any bids that do not meet the criteria may be bypassed.

### 4.2 Pre-tenancy checks

Once an offer of accommodation is made, individual landlords will undertake relevant verification of household members identity, circumstances and housing conditions. This may take the form of an online form, interview, home visit and/or telephone call.

Evidence of anti-social behaviour and outstanding housing debts will be checked and include police checks where applicants have indicated an 'unspent' conviction.

Landlord references (current/previous) will be sought where the applicant has held a private or social housing tenancy. A credit check may also be carried out.

All applicants and household members may be required to provide the following documents:

- Proof of identity and residence for all persons included on the application; acceptable proof of identity is:
  - Passport
  - Identity card (issued to certain foreign nationals)

- Photo driving licence<sup>2</sup>
- Birth certificate
- Or written confirmation from a professional person or support agency
- Proof that they are still eligible persons
- Proof of current address
- Proof of income
- Other documentation as appropriate

Offers may be withdrawn from an applicant who does not participate in pre-tenancy checks within a reasonable timescale.

The applicant to be offered the property will be contacted to verify their circumstances. Provided the applicant is eligible and suitable for the property (and in case of applicants on the Housing Needs register, that the applicant's priority has not changed), a provisional offer of the property will be made and a viewing arranged.

If the applicant refuses the property then it will be offered to the next applicant on the shortlist.

### **4.3 Local lettings**

The partners have the discretion to apply local lettings policies where there are specific issues. Local lettings policies can also assist in the management of existing stock to help resolve issues such as child density, anti-social behaviour, mixed communities and worklessness. It should be noted that local lettings policies may be required on affordable new build sites. There may also be planning restrictions and local lettings policies which apply to specific properties such as a Section 106.

### **4.4 Property sizes**

The numbers of bedrooms for which applicants are normally eligible for is determined by the size of the household and in line with DWP regulations. As there is a shortage of larger homes, applicants are advised to consider a property that has two living rooms where one can reasonably be used as a bedroom.

The number of bedrooms allowed is calculated as follows:

One bedroom for:

- Every adult couple
- Any other adult aged 16 or over
- Any two children of the same sex
- Any two children regardless of sex under age 10
- Any other child

On occasion providers may under-occupy a property and this will be indicated on the individual advert and will be subject to affordability and pre-tenancy checks. Bedroom need will be assessed as above, however applicants will be permitted to bid for a property one bedroom size larger than their calculated need.

#### **4.4.1 Expectant mothers**

Consideration will be given for unborn children in terms of bedroom entitlement but priority will only be awarded according to the current household needs.

Following the birth, and receipt of birth certificate/s, a re-assessment will be made. It is the applicants responsibility to notify the assessing partner in order to update their circumstances.

#### **4.5 Property descriptions**

Properties advertised will carry (where possible) a photograph of the property and a full description. As a minimum the description will include:

- Type of property
- Number of bedrooms
- Location of property
- Any adaptations (e.g. disabled facilities)
- Services provided (e.g. support, caretaker, cleaning)
- Heating type
- Energy Performance Certificate rating
- Rent charges and any service charges
- Eligibility criteria

#### **4.6 Joint tenancies**

Where there is a joint tenancy, both tenants are jointly and individually responsible for ensuring the tenancy agreement is adhered to.

Both parties to a joint tenancy must individually qualify to join *MyHomeChoiceFyldeCoast* and be eligible for an offer, or to bid on a property. If a joint tenancy is refused by any of the participating partner organisations, a clear reason will be provided to the applicants in writing. Applicants can request a review of the decision if required (see section 9 – requesting a review). When one of the joint tenants gives notice to the relevant partner organisation, discretion may be used when deciding to offer the property – or an alternative property – as sole tenancy to the other joint tenant.

In certain circumstances joint tenancies may be granted to more than two people.

#### **4.7 Successions and Assignments**

When an introductory or secure tenant dies, a member of the family living with them at the time of their death may have a right to succeed the tenancy.

When an introductory or secure tenant dies and no family member has such succession rights but a member of the household has:

- a) Been living with the tenant for 12 months prior to the tenants death; or
- b) Accepted responsibility for the tenants dependants

Then the social housing provider has discretion to grant an introductory tenancy to that person either in the same home or in suitable accommodation.

An introductory or secure tenant may be able to assign the tenancy to someone else so long as the tenancy has not already been passed on by assignment, or succession. It is usually assigned:

- By a court order following matrimonial or civil partnership breakdown or family proceedings; OR
- To a member of the tenant's family who would qualify to succeed to the tenancy if the tenant had died.

#### **4.8 Mutual exchange**

A mutual exchange is where two tenants with secure and assured tenancies are in agreement to swap their properties (in their current state) and tenancies. The landlord's written permission is required prior to the exchange.

An exchange can only be refused in certain circumstances for example if the landlord thinks the home is too big or too small for the person who wants it, or if the tenancy agreement had been breached (i.e. no longer secure due to suspended possession order or Notice of Seeking Possession). All mutual exchanges will be dealt with by the relevant partner organisations.

#### **4.9 Transfer policy**

All existing tenants of partners have the right to apply for a transfer, subject to being in housing need and any restrictions that apply to their tenancy. Applications for transfers are considered in the same way as a new application. Tenants' housing needs will be assessed and placed in the relevant band in the scheme together with all other applicants.

In order to qualify, tenants must give access for a property inspection, viewings and sign ups and leave their home in good repair and decorative order. Tenants with rent arrears or other breaches of the tenancy agreement may be suspended from the scheme (see section 3.11 – suspensions)

In addition the organisation may decide to carry out Emergency or Management moves which are not advertised but are recorded on the system for auditing and reporting purposes. (see section 7.1 – properties not advertised)

## **5 Definitions and exceptions**

### **5.1 Support in Accommodation**

The *MyHomeChoiceFyldeCoast* Partner Organisations will work closely with all the relevant health and social services departments to identify opportunities to rehouse those in need of housing with care packages and other means of support in suitable accommodation. Where such a package is not immediately available, the *MyHomeChoiceFyldeCoast* Partner Organisations reserve the right not to offer accommodation until care or support arrangements are agreed and the client has signed up to the package. This is dependent on suitable and appropriate accommodation being available.

### **5.2 Supported Accommodation**

Applicants who are currently living in supported housing or rehabilitation will not be awarded priority Band A until they are ready for independent living and/or tenancy support is in place if required.

### **5.3 Sheltered Housing or Independent Living**

Sheltered housing or Independent Living is normally for people aged 55 years or over. Schemes are for applicants who can live independently and are able to manage alone but would benefit from the security of an alarm system and the services of a Scheme Manager or Sheltered Housing officer in an emergency. This includes people who can live independently with the aid of a social services care package.

Where a single applicant or both joint applicants are over 55, the application will automatically be eligible for Sheltered / Independent Living properties.

People who are below the age of 55 years may be eligible for sheltered housing or Independent Living because of illness, disability or vulnerability. Sheltered housing applicants will not be listed separately on the Housing Register, but will be assessed in accordance with their housing need and placed within the appropriate band.

### **5.4 Extra Care**

Extra care housing is sheltered housing with special facilities and additional services. A small number of schemes are located across the Fylde Coast.

### **5.5 Adapted Homes and Ground Floor Accommodation**

An adapted home has equipment fitted or adaptations made to it, to help a person with illness, disability or where there is a need. Applications will automatically be registered for suitably adapted accommodation in accordance with identified need and placed in the appropriate band. An Occupational Therapy assessment may be required before an offer is made. Adapted property allocations will be prioritised to those with appropriate need.

Applications from people with an illness or disability will automatically be considered for ground floor accommodation. Allocations for this type of property will be prioritised to those with the appropriate need.



## **5.6 16 & 17 year olds**

People aged 16 and 17 years of age can apply to go on the housing register although they would not usually be offered a tenancy until they are 18 years old unless there is a statutory duty to house for example because:

- They are leaving care
- They are lone pregnant or already have a child/children
- They are homeless and owed a main duty under s.193 of the Housing Act 1996 (part VII) as amended by the Homelessness Act 2002
- They are residing in supported accommodation and ready for independent living, as agreed by the support provider and appropriate tenancy support is in place if required

People who fall in the above categories may need to provide details of a guarantor (professional person, parent or responsible adult) prior to being offered a tenancy.

Young people will only be considered for a tenancy on the condition that they accept a referral to a floating support provider to ensure that the tenancy succeeds.

## **5.7 Offenders**

Offenders may apply to the housing register whilst in custody, or submit a change of address form if already a current applicant prior to committal.

The application will remain inactive but the applicant will accrue waiting time on the list, therefore when the application is made live the original date of application will be the effective date. The application will remain inactive until 28 days prior to the offender being released from prison, unless any of the suspension criteria apply.

Offenders will be assessed in line with the service level agreement between Lancashire Probation Trust and each of the three local authorities.

## **5.8 Rough Sleepers**

Applicants who are rough sleeping (or are threatened with rough sleeping or have a history of rough sleeping) and who are supported and referred by the relevant local authority will be awarded the appropriate priority once all information has been verified

## **5.9 Mobile Homes/Caravans**

Applicants will be considered to have a local connection if they live in a mobile home or caravan in the Fylde Coast area, which is classed as their permanent residence and meet the other local connection criteria.

## **6 Homeless Applicants & Supported Accommodation**

The Local Authority has a duty to secure suitable accommodation to applicants who are accepted as homeless under s193 of the Housing Act 1996 (part VII) as amended by the Homelessness Act 2002 and the Localism Act 2011. Applicants will be entered on the scheme and can initially have full choice of areas for four weeks. However, if after four weeks (from the date of the decision to accept the applicant as homeless) the applicant has not found alternative suitable accommodation, staff from the relevant LA may bid on their behalf and they will be offered the first suitable property (except in extreme mitigating circumstances).

### **6.1 One Offer Policy**

The Local Authority duty will come to an end if the homeless applicant refuses an offer of suitable accommodation. The applicant will be informed that the relevant local authority has discharged their duty under section 193 of the above act.

If the homeless applicant is dissatisfied with the Local Authority's decision the applicant has the right to request a review regarding the suitability of any accommodation offered as a discharge of a homelessness duty.

## **7 Direct Lets**

### **7.1 Properties not advertised**

In some exceptional circumstances, *MyHomeChoiceFyldeCoast* may allocate properties directly. Examples include:

- Tenants who need to be decanted
- Specially adapted properties
- Extra care vacancies
- Applicants who have succeeded to a tenancy who need to move to alternative accommodation
- Emergency management transfers, where there is a severe risk of harm, one offer in line with the policy will be made.
- Multi Agency Public Protection Panel cases
- Homeless households owed a main duty by one of the three local authorities under S.193 of the Housing Act 1996 (Part VII) as amended by the Homelessness Act 2002. One offer, in line with the policy will be made.
- Witness protection cases where a referral is received direct from the Home Office. Referrals direct from Police Authorities will be dealt with under the normal allocation policy.
- Assisting a Local Authority in relation to Homelessness Duties.

### **7.2 Refusals of direct lettings**

If an applicant refuses a direct let the applicant must give their reasons for refusal. An investigation will then take place to assess if the offer was reasonable or unreasonable. Consultation will take place with other officers or professionals as part of the investigation if required. If the Partner Organisation decides that the offer made was a reasonable one, the applicant will be advised in writing of the reasons of this finding and the effect this decision has on their application.

The applicant will also be advised of the right to request a review. (see section 9 – requesting a review) If the offer was found to be unreasonable, it will be withdrawn with no consequences to the applicant.

## **8 Allocating Properties**

### **8.1 Selection Process**

For properties advertised as MyHomeNeed:

Priority is decided first by any specific local connection criteria, band and then by effective date within the band. A bid for a property will not be considered if the applicant's household does not meet the size, age or disability requirements for that property unless there are exceptional circumstances which need to be taken into account. If more than one person from the same band bids for a property, it will go to the person who has the longest waiting time within that band.

For properties advertised as MyHomeChoice:

Subject to any specific lettings criteria, which will be detailed within the advert, properties will be allocated in bidding order.

Partner landlords advertising properties will select and interview the top applicant/s before an offer is made. Each individual landlord is responsible for the verification of the successful applicant's circumstances, including taking up references.

Selected applicants will be given the opportunity to view the property prior to tenancy sign-up.

If the applicant chooses to refuse the property, the reasons for the refusal will be recorded by the partner landlord advertising the property.

### **8.2 Refusal following a bid**

*MyHomeChoiceFyldeCoast* will offer assistance and guidance to applicants, including vulnerable applicants to help them through the application, bidding, viewing and sign up process.

Where an applicant has successfully bid for a property and then refuses it, generally no penalty will apply. In most cases, the applicant will be free to bid again according to the normal bidding process.

Where an applicant does not keep an appointment to view a property, or refuses it, the next highest-ranking bidder will normally be offered the property.

### **8.3 Feedback on successful bids**

*MyHomeChoiceFyldeCoast* will publish details of the number of bids for each property giving details of the successful applicant's band and their band date. This will help applicants determine their prospects of success in obtaining housing.

### **8.4 Withdrawal of offers**

An applicant who is not satisfied with the allocation process may register a complaint under the relevant partners complaints procedure.

## 9 Requesting a review/appeal

Applicants can request a review or appeal any of the *MyHomeChoiceFyldeCoast* Partner Organisation's decisions regarding their application. This includes:

- The level of priority awarded
- Eligibility for entry on to the housing register
- Suspension or exclusion from the register
- Entitlement of the size of property required
- Removal of the applicant from the register other than at the applicants own request

### 9.1 Procedure

Requests for a review/appeal must be made within 21 days of the original notification and should include the applicant's reasons for believing the decision made was wrong. The Partner Organisation has the discretion to extend the time if it considers this would be reasonable. Requests should be directed to the assessing Partner Organisation.

Requests can be made by applicants or their representatives by the following methods:-

- In writing, by letter or email
- By telephone
- In person

### 9.2 How the decision will be reviewed

A senior officer of the Partner Organisation who has not been involved in the original decision will look at the request for a review and consider whether there has been any error or whether there are any exceptional circumstances. The officer will base his or her decision on the known facts at the time of the review. In some cases, they may need to ask for more information to help them make a decision.

The review will be dealt with within eight weeks of the applicant notifying the relevant Partner Organisation that they wish a review to be carried out and they will be informed, in writing of the decision. The Partner Organisation has discretion to extend the time if it considers this would be reasonable.

If the original decision is upheld, the letter will give reasons supporting the review decision.

If the original decision is not upheld, the letter will explain the reasons and what action the Partner Organisation will take in the respect of the applicants status and/or priority on the Housing register.

If the review is regarding the withdrawal of an offer (or refusal to make an offer), by one of the Partner Organisations, the property in question will not be 'held' whilst the review takes place. It will be offered instead to the next successful applicant. If the original decision is not upheld, the applicant will be offered the next suitable property of their choice. In certain circumstances the Partner Organisation may make the applicant a Direct Offer. **Please also see section 8.4 - Withdrawal of offers**

An applicant has the right to complain to the appropriate Ombudsman if they feel that they have been unfairly treated as a result of maladministration.

An applicant may wish to take their own independent legal advice through a solicitor or the Citizens Advice Bureau.

## **10 Monitoring and Review of the Scheme**

A number of outcomes within the scheme will be monitored on a regular basis to ensure that the system is operating in the most effective way.

### **10.1 Policy Review**

The *MyHomeChoiceFyldeCoast* Consistent Assessment Policy will be regularly reviewed. Minor changes that do not significantly affect the spirit of the policy will be approved by a majority agreement amongst the partners.

Unless decided by statutory legislation, the Partner Organisations have the right to use discretion when allocating properties. This means that in certain circumstances, the Partner Organisation can make decisions that supersede the detail in this policy.

Major changes to the policy will be consulted on with all partners and customers. Approval will then be gained through the appropriate governance arrangements including Council members and RSL board members.

### **10.2 Equal Opportunities Statement**

*MyHomeChoiceFyldeCoast* is committed to promoting equality, combating discrimination and promoting good community relations and will ensure that discrimination does not take place in the allocation of properties and services it provides.

There is a commitment to:

Make sure our services and how they are delivered meet the diverse needs of the local people

- Make sure our buildings are as accessible as possible
- Provide information about our services in accessible formats such as large print, Braille, on audio cassette or computer disk and providing information in languages other than English or translators, including British sign language interpreters where they are needed.
- Promote inclusive communities that have a shared sense of belonging and pride in the Fylde Coast
- Challenge unfairness and discrimination
- Engage with the diverse communities of the Fylde Coast to ensure their needs are identified and met
- Value the important contribution the community and voluntary sector make to the Fylde Coast
- Work in partnership to share good practice and promote a consistent approach
- Value and train staff to deliver services fairly, efficiently and effectively
- Actively seek feedback to continually develop and improve our approach

*MyHomeChoiceFyldeCoast* will regularly review its practices, policies, staff training and monitoring arrangements to ensure that people are treated fairly regardless of their gender, age, ethnicity, disability, religion or belief or sexual orientation and that they can access what they need.

The Partner Organisations have adopted corporate policies and action plans aimed at promoting equality and valuing diversity. Further local policies and action plans may be developed to address the needs of other disadvantaged and under represented groups.

The Partner Organisations will conduct regular monitoring to ensure that no group is unfairly disadvantaged.

### **10.3 Complaints**

Any complaints regarding administration should be directed initially to the organisation processing the application. An applicant has the right to complain to the appropriate Ombudsman if they feel that they have been unfairly treated as a result of maladministration and their complaint has not been adequately dealt with.

Contact Details:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

Housing Ombudsman Service  
81 Aldwych  
London  
WC2B 4HN



## 11 Appendix One Qualifying persons and immigration chart.

Class of Applicant	Conditions of eligibility	How to identify/verify
Existing social tenant (allocation accommodation by LA )	None	
British Citizen	Must be habitually resident in the CTA	Passport
EEA Citizen	Must be habitually resident in CTA unless, <ul style="list-style-type: none"> <li>• Applicant is a 'worker' (3)</li> <li>• Applicant has a right to res the UK (4)</li> </ul>	Passport or national identity card
Person subject to immigration control granted refugee status	None	Stamp in passport or Home Office Letter
Person subject to immigration control granted indefinite leave to remain	Must be habitually resident in CTA and if ILR was granted on undertaking that a sponsor(s) would be responsible for maintenance & accommodation and 5 years have not elapsed since date of entry to UK or undertaking – then at least one sponsor must have died	Stamp in passport of Home Office
Person subject to immigration control who is a citizen of a country that has ratified ECSMA (3) or ESC (6)	Must be lawfully present (3) in UK  Must be habitually resident in CTA	Passport

1. CTA: the Common travel area includes the UK, the Channel Islands, the Isle of Man and the Republic of Ireland
2. EEA countries are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom
3. A 'worker' for the purpose of the Council Regulation (EEC) no. 1612/68 or (EEC) No. 1251/70
4. A right to reside pursuant to Council Directive No.68360EEC or No.73/148/EEC
5. ECSMA is the European Convention on Social and Medical Assistance. Non EEA ratifying countries are: Belgium, Denmark, France, Germany, Iceland, Ireland, Italy, Luxemburg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Turkey and the UK.
6. ESC is the European Social Charter. Non EEA ratifying countries are: Cyprus, Czech Republic, Hungary, Latvia, Poland, and Slovakia.
7. Persons subject to immigration control are not lawfully present in the UK unless they have leave to enter or remain in the UK. Asylum seekers are generally only granted "temporary admission" and do not have leave to enter or remain.

## 12      **Appendix Two      How a conviction becomes spent.**

The way in which a conviction can become 'spent' under the ROA will depend upon the sentence received for the offence, and the rehabilitation period that applies to that offence sentence. The principles apply to convictions in a criminal court, findings in a juvenile court, certain offences in service disciplinary proceedings and hospital orders under the Mental Health Act 1983. The time required before the conviction is spent – the rehabilitation period – will be different depending upon the nature and length of the sentence, be it a term of imprisonment, a fine, a surcharge order, probation, or an absolute or conditional discharge. Relevant rehabilitation periods are set out below. Unless otherwise stated, the rehabilitation period runs from the date of the conviction and will generally depend upon compliance with the sentence.

### **12.1   Relevant rehabilitation periods**

Prison for more than two and a half years - Never

Prison for more than six months but less than two and a half years - 10 years

Youth custody\* for more than six months but less than two and a half years - 10 years\* Corrective training for more than six months but less than two and a half years - 10 years\* Dismissal with disgrace from Her Majesty's service - 10 years\*

A sentence of Borstal training - 7 years Prison for six months or less - 7 years\* Dismissal from Her Majesty's service - 7 years\*

Imprisonment or detention in YOI or youth custody for six months or less - 7 years\* Detention in respect of conviction in service disciplinary proceedings - 5 years\* (Most) fines - 5 years\*

Young offender detention for over six months but less than two and a half years - 5 years

Probation order or community order (person 18 or older) - 5 years

Probation order or community order (person under 18) - Either 2 ½ years from conviction, or until the order ceases to have effect – whichever is the longer

Hospital order under Mental Health Act 1983 - Either 5 years, or 2 years after order ceases to have effect, whichever is the longer

Young offender detention for six months or less - 3 years

Conditional discharge, binding over, care order, supervision order, reception order - Either 1 year after making of order, or 1 year after the order ends, whichever is the longer  
Absolute discharge - 6 months

Disqualification - The period of disqualification

Cautions, Warnings and Reprimands - Spent as soon as they are issued

Conditional cautions - Spent as soon as conditions end.

\*Note: These periods are reduced by half if the offender was under eighteen at the date of conviction.

## **13 Appendix Three: Definition of Working Households and Community Contribution**

### **13.1 Working Households**

Households where at least one of the applicants is currently in employment. For the purposes of this consistent assessment policy employment is described as;

- Over 16 hours per week (unless the remuneration is substantial)
- The main place of work is within the authority
- Offers of employment should be regular, intend to last for more than 12 months and there is a genuine intention to take up the offer of work
- For applicants working outside the Fylde Coast, evidence will be required that this employment will continue
- Appropriate evidence is provided which may include contract of employment, wage/salary slips, formal offer letter and tax and benefits information.

It should be noted that this must be confirmed at point of application and evidenced at point of offer.

### **13.2 Community Contribution**

Households where at least one of the applicants is currently undertaking voluntary work. For the purposes of this consistent assessment policy, voluntary work (community contribution) is described as:

- Choosing to give your time to benefit other people without being paid for it; for example completing voluntary work in a charity, voluntary organisation or community group, public sector organisation (local council) a social enterprise or a local business
- The voluntary work must have been held for a minimum of 6 months prior to the application for the award in order to be eligible.
- It is not volunteering if you help out a family member, are given money apart from expenses, or are under contract to do it (this does not include any volunteer agreement you may have).

It should be noted that this must be confirmed of application and evidenced at point of offer.

### **13.3 Exemptions**

This may include people who are able to demonstrate they are unable to work due to disability, age or gender.

## **14 Appendix Four: Armed Forces Personnel**

References to “Armed Forces Personnel” include persons who meet the following criteria:

- (i) is currently serving in the regular forces
- (ii) formerly served in the regular forces within five years of the date of their application for an allocation of housing,
- (iii) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person’s spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service
- (iv) is serving or has served in the reserve forces within five years of their application for an allocation of housing and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service.

The regular forces and the reserve forces are defined by section 374 of the Armed Forces Act 2006(2) as follows:

- “the regular forces” means the Royal Navy, the Royal Marines, the regular army or the Royal Air Force
- “the reserve forces” means the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force