

# Homes for Bolton

**Bolton Council and Bolton Community Homes**

**Allocation and Lettings Policy**

**January 2025**



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## **Section 1: Introduction to Bolton Council's Housing Allocations Policy**

Section 167 of the Housing Act 1996 requires local authorities to publish an Allocations Policy which sets out how social rented housing is allocated within the area and in particular how applicants on the housing register are prioritised.

This policy applies to existing social housing tenants wanting to move as well as to new applicants to the Housing Register.

The purpose of this policy is to set the basis on which the housing register is managed and to show how social rented properties available to let within the district are offered to customers.

The allocation & lettings policy outlines how Bolton Council and Bolton Community Homes Partners (referred to as 'BCH') will allocate properties whilst also meeting statutory duties and requirements of the Housing Act 1996 as amended by the Homelessness Act 2002, Localism Act 2011 and the Homelessness Reduction Act 2017, for the management of housing applications and allocation of properties.

The policy has been drafted in partnership with the BCH partners with the aim of ensuring as much consistency in the allocation of social housing locally as is possible. The policy does however also allow for variation in an individual organisation's policies and practice.

### **1.1 Introduction to the Bolton social housing allocations and lettings policy**

The allocations and lettings policy has been agreed by Bolton Council and other BCH Partners, notably:

Clarion Housing Group  
Great Places Housing Group  
Irwell Valley Housing Association  
Places for People Group  
Mosscafe St Vincent's Housing Group  
Onward Homes  
Bolton at Home  
Bolton Council

In addition, local agreements may be reached to allow other social housing providers and accredited Private Landlords (as part of a prevailing suitable accreditation scheme) to advertise and allocate properties via the '*Homes for Bolton*' choice-based lettings scheme.

Bolton Council is responsible for:

- Receiving and processing housing applications
- Assessing housing need and managing the housing register
- Agreeing and framing housing allocation & lettings policies and supporting and delivering their administration
- Monitoring BCH partner performance against the allocations policy

The BCH partners are responsible for:

- Owning and managing housing
- Assessing need and letting homes according to the relevant policies
- Consulting tenants

Contact details for Bolton Council, Bolton Community Homes (BCH) partner landlords (including Bolton at Home) can be found at [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk).

Any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending to every participating Registered Provider Housing Association in Bolton (Section s166A (13) Housing Act 1996).

All major changes must first, be approved by the Council's Cabinet.

For minor changes to the policy, decisions will be delegated to the Director and Departmental Leadership Team responsible for the housing portfolio in Bolton Council. For minor changes to procedure, decisions will be delegated to the service manager responsible for housing in Bolton Council.

All major changes to the policy will be notified to those it may affect within a reasonable period of time. This may be carried out directly or through posting details of any changes on the '*Homes for Bolton*' website.

This revised lettings policy (September 2024) and any subsequent revisions will be published on-line and a print copy can be made available free of charge to any person who requests a copy. This document is the full version of the policy and is available for inspection at Town Hall Victoria Square Bolton BL1 1RU. It can also be viewed or downloaded on from the Councils website, [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk).

## **1.2. The allocation & lettings policy sets out:**

- Bolton Council and its partners' aims and objectives for the allocation policy

- How the Homes for Bolton housing register operates
- How a customer's application and housing needs will be assessed
- How the allocation of properties process works, including how the '*Homes for Bolton*' choice-based lettings scheme operates.
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The allocation and lettings policy are written and will be revised considering changes to Corporate strategies, new legislation or case law, or new working arrangements within BCH and Bolton Council and is based upon Bolton Council's statutory duties.

### **1.2.1 Equality Statement**

Bolton Council and its partners are committed to preventing unlawful discrimination; advancing equality of opportunity and fostering good community relations in the way services are provided. The Allocation Policy ensures that applicants are treated fairly. Applications and lettings are monitored to make sure the service is delivered fairly. The Council strives to meet our statutory obligations, in particular safeguarding the welfare of vulnerable children and adults; placing issues of vulnerability, disadvantage and poverty at the heart of our decisions and seeking to avoid or minimise any negative impact. The Council reviews its current processes and practices for supporting equalities, diversity and inclusion to best support our staff, residents and stakeholders.

### **1.3 Information to customers**

All applicants are customers. Bolton Council and BCH will provide information on request so that customers may judge:

- Their housing needs according to the allocation & lettings policy and in which band they will be placed
- The availability of properties based on historic allocation activity will be available to the applicant via the feedback function within the Homes for Bolton website.

Customers will also be given information about their right to request a review and appropriate guidance on how to request this.

The BCH office address is:

Homes for Bolton

Ground Floor, Town Hall

Victoria Square

Bolton.

BL1 1RU

Bolton Council and BCH are committed to using Plain English.

#### **1.4 Statement on choice**

The allocation & lettings policy allows customers to express their preferences for both the area and property they wish to live in. One of the key objectives of the policy is to, as far as possible, give choice to applicants who wish to obtain social housing. This is why BCH operates a choice-based lettings scheme called '*Homes for Bolton*'. The scheme allows customers to make expressions of interest in advertised Registered Provider landlord properties. Customers must meet the eligibility criteria to qualify for an allocation – this may relate to their own eligibility to be an applicant or in relation to specific criteria that may relate to a property of scheme.

For all applicants who are eligible to be registered, they will be placed in an appropriate band dependent upon their application, and 'reasonable preference' provided to those people in most urgent housing need in accordance with s.166A(3) Housing Act 1996.

Applicants should be able to express a preference over any area that they would like to live in and the type of property they would prefer. However, the ability to satisfy that preference might be limited.

Expressing a preference over where an applicant would prefer to live does not mean that preference can be met, or that an applicant will not be offered suitable accommodation outside of their preferred area.

Homes for Bolton also provide for the advertisement of properties by partner housing associations and private landlords as 'homes available now', which fall outside normal application and eligibility criteria. In each case the landlord will determine this.

Not all properties that become available will be advertised and offered through the CBL system. There may be circumstances where for urgent operational or financial reasons there is a need to make a direct offer of housing outside of CBL and, in exceptional circumstances, outside of the band and date order criteria set out in this policy.

Specifically, this would be where there are urgent operational, management, or financial reasons. Examples of when direct offers may be made outside of the CBL system include:

- 1) Situations where urgent re-housing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.
- 2) Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer.
- 3) Where there is an evidenced threat to life in the area in which an applicant currently lives.

- 4) Tenants in emergency cases whose homes are damaged by fire, flood or other disaster
- 5) Direct offers to persons who the council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- 6) Direct offers to meet the 'annual lettings plan' if the Council decides to adopt 'an annual lettings plan' with quotas.
- 7) Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty the Council may wish to implement a short-term scheme to make direct lettings for a period to move applicants out of temporary accommodation, to manage any budgetary or legal impact.
- 8) If an applicant is not being realistic in the areas they are bidding for accommodation, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
- 9) Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.
- 10) Where the assessment is that it is inappropriate for the applicant to participate in 'Choice Based Lettings'. For example, vulnerable applicants nominated by Adult Social Care where work is on-going with social workers and care managers to decide on the best letting solution for that applicant.
- 11) Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

Furthermore, the Council may decide to restrict the time an applicant is able to bid for accommodation in an area where they would prefer to live. An offer of accommodation may be made in any area that has been assessed as being suitable and safe for the applicant to live in.

The number of these direct offers will be monitored with the aim that these should add up to no more than 15% of all lettings annually made and all such allocations detailed at 1-11 above will have oversight by a service manager or more senior colleague. This is to preserve Choice Based Lettings as the primary method of letting social housing properties in Bolton.

#### **1.4.1 The Policy on Choice: Offers of accommodation made to any applicant owed any statutory homelessness duty under Part 7 of the Housing Act 1996**

Specifically, for applicants owed the section 189B(2) 'relief of homelessness' duty, or the 'main homelessness duty' under section 193(2) of the Housing Act 1996 Part 7, the need to offer suitable housing may be considered more important than the wish of an applicant to wait for an offer of accommodation in a location where they would prefer to live in. There is no minimum time a homeless applicant in temporary

accommodation owed the main or relief duty will be allowed to bid for social housing. A direct offer can be made at any time to reduce the financial impact on Bolton Council of temporary accommodation.

If an applicant owed any of the statutory homelessness duties set out below refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged and they will lose any high need priority status afforded to them because of the homeless duty owed.

Applicants owed a statutory homeless duty will be identified through the IT system at the shortlisting stage. All BCH partners will be asked to agree a process for ensuring that a 'final offer warning letter' can be sent to any homeless applicant owed a statutory any homelessness duty.

The process will be :

- a. The BCH partner will send out a 'final offer warning' letter on behalf of the relevant local authority, and/or
- b. They will inform the Council's Housing Options team that an offer is to be made so that team can send out a 'final offer warning letter'

A statutory homeless duty is defined as:

- a. The prevention of homelessness duty under Section 195(2)
- b. The 'relief of homelessness duty under Section 189B(2)
- c. Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d. The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

## **1.5 The context**

Bolton's social rented housing stock has seen a steady increase in demand at a time of decreasing availability. There are currently in excess of 20,000 household applications on the housing register, with upward of half of these actively competing for a total of less than 1000 properties per year, attracting in excess 300,000 expressions of interest. Given that an average of over 300 expressions for every advertised property and the pressure within the borough to meet the needs of over 2500 homelessness presentations annually, it is not possible to meet all customer needs let alone wants and choices of most applicants.

## **1.6 Provision of Housing Options Advice and Information**

Bolton Council recognise that the housing needs and aspirations of all those seeking assistance will not be able to be met purely through applying for accommodation through the choice-based lettings scheme. Indeed,

many households may be seeking different types and tenures of accommodation or other assistance, which cannot be met through that route.

As such Bolton Council and its partners will provide a comprehensive housing options service that can offer advice and information on a range of housing options available. These may include:

- Help and support to remain in current accommodation which may include:
  - improvements or adaptations to existing accommodation or
  - advice and support with household circumstances to manage and sustain existing accommodation and prevent them losing that accommodation where possible
- Advice on securing alternative private rented accommodation options
- Advice on mobility schemes which may help a household move out of the area
- Advice to current social housing tenants wanting to exchange with other tenants
- Advice on low-cost home ownership options

The provision of housing advice will not affect an application for an allocation.

## **1.7 The aims and objectives of the allocation & lettings policy**

The lettings policy aims to achieve the right balance between meeting needs, giving choice to customers and creating sustainable communities.

The specific aims and objectives of the allocation & lettings policy are:

### **1.7 The aims and objectives of the lettings policy**

**a)** To ensure Bolton Council and its partners fulfill legal requirements related to lettings/allocations:

- by publishing an allocation & lettings policy which includes Bolton Council's and BCH's statement on choice and outlining how Bolton Council assesses customers' housing needs
- by ensuring customers requiring 'reasonable preference' are appropriately assisted
- to meet other legislative requirements
- to incorporate examples of good practice in the allocation & lettings process, for example, the Government statutory code of guidance on allocations.

**1.7 b)** To offer customers choice by:

- giving customers the opportunity to express their preferences for properties by advertising available BCH partner and selected Landlord Accreditation Scheme properties through a choice-based lettings scheme.

- maximising choice wherever possible, for example by ensuring most properties are advertised and enabling customers to make expressions of interest in advertised properties.

**1.7 c) To respond to housing market changes by:**

- ensuring sufficient BCH partner properties are let to customers in the greatest / most urgent housing need
- ensuring effective use of social housing stock by promoting under occupation incentives to social housing tenants in Bolton, and reducing voids times by enabling properties to be advertised while on notice
- increasing the supply of properties available to let including through advertisement of properties for let and shared ownership by both social and private landlords
- encouraging customers to consider a variety of housing options, for example by providing information on alternatives such as mutual exchange or low-cost home ownership or other routes to secure rented accommodation, as well as providing comprehensive Housing Options advice outside the scheme.
- where appropriate, encouraging customers to widen their choices beyond high demand property types and areas, for example, by limiting the amount of time customers in housing need will be given additional preference for advertised properties and number of suitable offers made available to meet that need
- allowing BCH partners to adopt local lettings policies (LLPs) to better manage local housing issues.

**1.7 d) To provide an equitable, transparent, efficient and customer focused allocation & lettings system by:**

- ensuring consistency in the allocation and lettings processes across the BCH partners
- ensuring equality in the allocation & lettings process
- ensuring the allocation & lettings processes are as transparent as possible, in accordance with the policy, providing customers choice and information
- ensuring compliance with the Equality Act 2010, through undertaking and updating an equalities impact assessment in response to significant change(s)
- developing good joint working arrangements with partner agencies
- offering additional support to customers who require assistance in using the allocation & lettings process
- providing a customer focused allocation & lettings scheme to all our customers and partners by offering choice, giving reasons to customers when decisions are taken about their rehousing, and publishing customer service standards and performance information
- ensuring that the application, advertising and allocations processes are streamlined and efficient
- review allocation & lettings processes to respond to changes in the local housing market and to wider regional and national context.

**1.7 e) To promote sustainable communities by:**

- facilitating regeneration
- supporting housing management by making best use of social housing stock

- offering BCH partners flexibility to adopt approved local lettings policies (LLPs)
- contributing to the delivery of other Council and BCH partner strategies
- assisting in the creation of sustainable communities by ensuring customers deemed to be ‘unsuitable’ by reason of unacceptable behaviour are not re-housed and/ or are considered for suitable offers of accommodation by applying appropriate restrictions or conditions in individual cases until the unacceptable behavior is resolved to the satisfaction of the Council.

**1.7 f)** To enhance mobility of customers within the borough of Bolton, into and out of the area by:

- giving preference to customers with a local connection to the borough of Bolton;
- promoting the mutual exchange scheme; and
- engaging in any other lettings routes as appropriate.

## **1.8 Monitoring the allocation & lettings policy**

We will monitor the effectiveness of the lettings policy by:

- publishing the results of allocations made through the choice based lettings scheme
- monitoring allocation & lettings processes to ensure the proportion of allocations is as reflective as possible of local demographic indicators; to report on lettings, including performance information from the Housing Register, to appropriate bodies
- monitoring partner agreements and performance
- auditing the application of the allocation & lettings policy.

BCH will use this performance monitoring information to analyse current and future housing needs, and to inform future reviews of the allocation & lettings policy.

## **1.9 Related legislation, policy and procedures**

### **1.9.1 Legislative and policy framework of the policy**

All lettings will be made in accordance with the allocation & lettings policy. Bolton Council will ensure the allocation & lettings policy complies with all legislative requirements, related legislation, case law and council policies and strategies. (See appendix 3 for details)

All references to statutory materials are by way of summary and for convenience only and are not to be used as substitutes for the details within the original.

### **1.9.2 Related strategies**

The Bolton allocation & lettings policy has been developed, where possible, to reflect the wider strategic aims and approaches of Bolton Council and its partner organisations.

A number of other strategies and approaches have been integral to the development and shape of the allocation & lettings policy and practice reflecting the importance 'housing' plays within these wider corporate objectives. These include:

- Community Strategy
- Housing Strategy
- Homelessness and Rough Sleeping Strategy

## **Section 2: Housing Register Operation**

### **2.1 Brief Overview**

Homes for Bolton maintains a common housing register on behalf of the BCH partner landlords. The current active partners are listed in section 1.1 of this document. BCH partner landlords are expected to let their properties through the scheme in accordance with this lettings policy including any agreed 'Local Lettings Policy'.

Customers can apply for housing through 'Homes for Bolton'. Applicants can register and express interest in properties subject to eligibility, assessment of needs, property criteria and verification processes.

This section explains the processes around the operation of the housing application and lettings processes adopted. These include:

- Housing Register Operation
- How to apply and register
- Lettings and tenancies
- Eligibility
- Assessment of need
- Property Criteria
- Advertising and expressions of interest
- Shortlisting and offers of accommodation
- Management allocations
- Other issues – lettings to staff and elected members, reviews and complaints

### **2.2. Applying to register and applicant information**

#### **2.2.1 Joining the housing register**

Applications should be made online by accessing the housing application section of the 'Homes for Bolton' website and completing the on-line application form - Homes for Bolton website: ([www.homesforbolton.org.uk](http://www.homesforbolton.org.uk));

Applicants can call the Council if they need help to make their application on-line using the number 01204 335811. There is also free access to the Internet at libraries, Council offices, and at some community facilities. A telephone or office appointment can be offered when an applicant has no access to the Internet or is unable to use the Internet.

All customers must be registered with the scheme before being considered for a '*Homes for Bolton*' partner property.

Information is also available from other 'Homes for Bolton services' (including housing advice and homelessness information, from Bolton at Home and other BCH partner landlords and offices, other one-stop-shops and advice agencies in Bolton, including Access Bolton at the Town Hall.

### **2.2.2 Who can register**

A customer can only be registered as a main or joint applicant, or a 'person to be re-housed', on one active housing application. Applications for re-housing BCH partner tenants will be considered on the same basis as other applicants.

Vulnerable customers e.g. elderly or disabled, who have difficulty engaging with Homes for Bolton choice-based lettings service and who have no other advocate or person to help them with their application, may receive support from the Homes for Bolton customer support or the Housing Options team, as well as other support staff or external agencies such as care coordinators, social workers or supported housing staff.

Customers accessing the housing register may be subject to identification and verification checks and a test of eligibility will be applied.

### **2.2.3 Who can be included in the Application?**

Applicants should only include people on their application who will be a permanent member of their household and occupying the accommodation offered as their only or principal home.

The Application can include the following household members:

- a) Spouses or Civil Partners where the applicant lives with and/or intends to live with their Spouse or Civil Partner.
- b) Partners where the applicant is currently cohabiting with a member of the same or opposite sex.
- c) For Children with serious disability/disabilities and who cannot share a bedroom as a result, the child should be in receipt of high or middle rate Disability Living Allowance (DLA). Consideration will be given to the nature and severity of the child's disability, the nature and frequency of care provided and whether it is regular and overnight (as specified above), the reasons why the child cannot share a bedroom and the extent to which other children would be disturbed during the night. Supporting evidence that the child needs its own bedroom should be obtained from a relevant health and/or social care professional.

- d) A Carer where the assessing officer has agreed that on the evidence there is a need for a live in Carer. Care must be provided during the night, solely being put to bed, and woken up in the morning does not constitute overnight care and the care provided must be more than simply a presence overnight, such as changing bedding or administering medication. The care must be provided by someone who does not normally live with the applicant and the carer must use the additional bedroom for their overnight stays, as opposed to sleeping in the living room. Only one extra bedroom will be allowed even if the applicant and their partner both need individual carers.
- e) Any other household member at the discretion of the appropriate senior officer acting for the Council.
- f) Note: Individuals can only be on 1 application. Where someone has an application in their own name (or with a partner) they cannot also be included as a household member (e.g. a non-dependent child) on another application unless for example, they are a victim of domestic abuse. In these circumstances they should remove themselves from their previous application.

#### **2.2.4 How joint applications will be considered and when will a joint tenancy normally be granted?**

Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need.

Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners but this decision is down to the BCH partner offering accommodation, who will decide whether to allow a joint tenancy depending on their tenancy management rules.

#### **2.2.5 Households with access to children/shared residency order or Child Arrangement Orders**

As part of the assessment process the Council will record whether the applicant claims to have children that live with them part of the week and whether or not this arrangement is set by the court or not.

The Council will then apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.

Following this assessment there will be cases where it is agreed that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant.

In these cases, even though the child/children can be included as part of the application there will be a number of factors that will be considered when deciding what accommodation can be offered. The factors include:

- a) The ability of the applicant to afford the rent with or without help from benefits
- b) The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example, a BCH partner housing association may be willing to be more flexible where a vacancy relates to a flat than a house provided that the rent is assessed as being affordable.

### **2.3 Information held on the housing register**

Application information will be held on a computer system. All housing needs and offers of accommodation will be recorded on this database. The date of registration will be the date the assessment of the application has been fully completed and a band awarded. If relevant changes of circumstance are recorded there may be a reassessment of housing needs.

Information held about an application and personal details will be kept in accordance with the Data Protection Act 1998. Customers have a right to view and receive a copy of their records held on the housing register. (See appendix 3 for details)

Following an application being registered on the scheme the applicant, or joint applicants, will be informed of their registration number and registration date.

At the request of the applicant Homes for Bolton shall make available at all reasonable times and without charge, details of the particulars that have been given to the authority about themselves and their family and which have been recorded as being relevant to the application for accommodation.

Homes for Bolton shall make available such general information as will enable an applicant to assess how the application is likely to be treated under the scheme (including whether they are likely to be regarded as a member of a group of people who are to be given preference within the scheme).

If accepted onto the register the applicant will be an accepted member of the 'Homes for Bolton' scheme and will be informed of:

- 1) The band they have been placed in (this determines priority)
- 2) The date of application (may be used to determine priority within the band allocated)
- 3) The size and type of properties for which they can bid
- 4) Their application reference number (applicants will need this to bid)
- 5) How to seek a review appeal against their banding if they think it is wrong.

They will also receive a user guide. This will inform them about how the scheme works and will include such information as:

- Where to look for advertised properties;
- How to bid for a property
- What checks are made before any offer is confirmed?
- Feedback on their bid

## **2.4 Partner commitment to data handling**

a) Each BCH landlord has given an undertaking with Bolton Council and BCH which includes the following obligations:

- to input information on to a shared computer system; using all customer information in accordance with the Data Protection Act 1998 and Data Protection Act 2018.
- to take all reasonable skill, care and diligence in performing its obligations in relation to the housing register. All BCH landlords will have access to data held in all applications.

b) Each BCH landlord acknowledges that they will be dealing with confidential information whilst performing their obligations, and have agreed not to disclose confidential information to a third party except where:

- the individual who is the subject of the confidential information has consented to the disclosure
- the BCH partner or Bolton Council is required by law to make such disclosures

or

- disclosure is made in accordance with an information sharing protocol.

By making an application to be put on the housing register, the customer consents to their information being accessed by all BCH partner landlords and any other active partners who may advertise available properties as part of the scheme, or as a stand-alone advertisement. Participating landlords have signed an information sharing agreement with Bolton Council.

## **2.5 Verifying information received on the registration form**

Where an application is received with insufficient information to enable the service to process the application, that application may be cancelled and deleted if the necessary required information is not subsequently received within a specified timescale (this is usually within 14 days or 21 days depending upon the information required and an applicant will be informed on the timeframe for submitting additional information).

The service will verify where necessary the information provided on the application form, and may ask for proof of the following (this list is not exhaustive):

- Composition of the household

- Housing and address history
- Eligibility and
- Suitability to be a Bolton Community Homes tenant.

Verification checks may take place:

- At the point of application
- During the period of time an applicant is registered.
- At the point where an offer of accommodation may be made

## **2.6 Keeping the housing register up to date**

The service will update the housing register where appropriate, including:

- When the customer informs us of a change of circumstance(s)
- If a customer has not placed a bid within a specified period of time the housing register system will allow the application to be reviewed as part of an automated review process. Failure to respond to the review request for information within a reasonable period will result in the application being cancelled.
- The specified period allowed for inactivity in placing a bid is initially set at 12 months, however this period may be varied by the Council in agreement with the participating BCH partner landlords and will be notified on the Homes for Bolton website a month in advance of variation.
- The Council may also periodically undertake additional register review processes to remove inactive applications and those with incorrect or out of date application details.

## **2.7 Cancelling an application**

The service may refuse an application or cancel a customer's application to join the Housing Register, or to remove an applicant from the Register in several circumstances. These are:

- On the customer's request
- When the customer is deemed to be unsuitable to be a tenant, or otherwise ineligible
- When the customer has been rehoused by a BCH or other Homes for Bolton partner landlord,
- If 2 offer letters are returned as undelivered
- If 2 offer e-mails are returned as undeliverable
- Where a tenant completes the purchase of their home through the right to buy or right to acquire schemes.
- Where a reply to a review request (or any other application reviews undertaken by the service) is not received

- Where a customer has not made an expression of interest through bidding for a property in the previous 12 months (or other specified period of time as may be varied)
- When Bolton Council is notified by an executor or personal representative that a customer is deceased.
- When a customer unreasonably fails to respond to 2 offers of accommodation or unreasonably refuses 3 offers of accommodation.
- Where a tenant submits an application under the 'Right to Buy' or the 'Right to Acquire' Schemes their housing application will be suspended.
- Where a customer is clearly no longer at their given registered address and has not provided the Council with details of any subsequent address. The Policy requires an applicant to notify the Council of any change to their circumstances including their address.
- The application address is no longer correct, or the applicant fails to update their address / contact details;
- In the event of a customer's death,

Customers will be informed should their application be cancelled or suspended if they have provided appropriate contact details. Where an application is cancelled and the applicant re-applies, the reasons for the cancellation will be taken into account when considering the fresh application. It will remain for the applicant to show a change in circumstances.

- Should a customer re-apply following the cancellation of an earlier application, the reasons for the earlier cancellation and any other relevant information will be taken into account when considering whether or not to allow that new application.
- Should a further application be allowed following the cancellation of an earlier application, the new date of registration will apply.
- Should an applicant disagree with either an earlier decision to cancel or suspend an application, they may request a review within 21 days of that decision.
- Only in exceptional circumstances and with good reason would a subsequent application be backdated to that of an earlier cancelled application.

## **2.8 False statements and withholding information**

It is an offence for anyone to knowingly or recklessly makes a statement that is materially false, or to deliberately withhold information which Bolton Council reasonably requires that person to give, or to fail to notify Bolton Council of changes regarding housing circumstances. Bolton Council may take legal action against customers who give false information or withhold information regarding their housing application. If

the customer has been allocated a property in these circumstances, then the relevant BCH partner may take court action to evict the customer.

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given, or an assessment of why important information was withheld.

## **2.9 Types of lettings and tenancies**

Properties will be allocated as a let through either the Homes for Bolton application, short-listing, verification process unless as a result of a right to succession, assignment, mutual exchange, decant or other management letting.

Existing social housing tenants seeking transfers will have their applications considered on the same basis as new applicants, apart from transfers initiated by a BCH partner for management purposes, which fall outside Part 6 of the Housing Act 1996.

Lettings made through Homes for Bolton choice-based lettings scheme will be allocated under the tenancy arrangements of that partner landlord; these will include both sole and joint tenancies depending upon the application. The types of tenancy may include:

- Assured shorthold or assured tenancies with the BCH registered providers;
- Assured shorthold tenancies with an accredited private landlord;
- Family Intervention Tenancy with the BCH registered providers (see below);
- Other non-secure tenancy for example where a property needs to be vacated temporarily for essential repair or is otherwise being allocated with the scope of the management allocation processes (for instance in the cases of decants or use for temporary accommodation purposes); or
- Equitable tenancies in the case of someone aged 16 or 17 years with an appropriate adult 'trustee'.

### **2.9.1 Family Intervention Tenancies (FIT)**

Family Intervention Tenancies may be provided to tenants at risk of eviction from social housing due to anti-social behavior or for applicants who would otherwise be deemed 'unsuitable to be a tenant' for such behaviour. They are intended as a tenancy of last resort to help with the delivery of a behaviour support contract to assist such a family to improve behaviour. These tenancies have a relatively low level of security being compared to assured tenancies, being intended to allow a period of engagement with an explicit support plan & review process providing a range of interventions and conditions and co-ordinated by a Family

Intervention Project /Service (FIP/S) in partnership with the landlord and partner organisations (such as Children Services, local housing authority and other agencies who may provide key services and interventions).

Key decisions, review and monitoring of FITs (there establishment, continuation & termination) will be undertaken by a review group organised by the Family Intervention Project/Service on behalf of the relevant provider landlord and other referring agencies. Any requests to review decisions to end a FIT are undertaken with each provider landlords' internal review processes.

Upon completion of a FIT, there is no legal entitlement to a new tenancy. Depending upon the success (or not) of the FIT process, a decision will be made to the offer (or not) of further accommodation. This could result in the offer of the same property, offer of an alternative property (either via a housing register or management allocation) or termination of the FIT with no offer of accommodation offered. This decision will be made by the landlord in consultation with the FIP/S and partner agencies, including the local housing authority, homelessness and other related services.

## **2.10 Mutual exchange**

In certain circumstances registered social landlord tenants can exchange their tenancies. This is done by a deed of assignment. An assessment of housing need is not required for applications for mutual exchanges. The approval of the relevant BCH partner landlord will be required in writing before a legal mutual exchange is allowed. Homes for Bolton works in conjunction with the BCH partners to encourage and support mutual exchanges where appropriate. BCH partners utilise various on-line IT and other processes to encourage and assist mutual exchanges where appropriate.

## **Section 3: Who can apply to join the 'Homes for Bolton' Housing Register and the criteria for assessing who is eligible to be included**

### **3.1 Eligibility for offers of accommodation through Homes for Bolton**

The 'Homes for Bolton' Housing Register is a single list of applicants across Bolton who qualify to be included on the scheme. It includes new applicants and 'Registered Provider' Housing Association tenants living in Bolton who are seeking a transfer.

Anyone over the age of 16 is eligible to apply to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

If an applicant is under 18 years of age, they will not normally be offered a tenancy. This does not apply to looked after children under s20 Childrens Act 1989 or a care leaver with support package and/or trustee and ready for independent living as confirmed by LA Housing Authority.

Any offer to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed. This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing that tenancy offered through a lack of support. An offer of accommodation under Part 6 Housing Act will only be made to 16- or 17-year-olds if Bolton Council and the relevant partner landlord are satisfied the customer has adequate support and the customer accepts the support offered. Any final decision to allocate a tenancy will sit with the relevant provider landlord.

If a person who is 16 or 17 is granted a tenancy, this will usually be held in trust until they reach 18. This means that another suitable person (such as a parent, legal guardian, social worker or relative) will be responsible for the tenancy.

### **3.2 Eligible customers**

Everyone over the age of 16 can apply to join the register but there are some groups of people who by law cannot join the register, regardless of their housing need or circumstances. These are people who:

- Come under the Government's 'persons from abroad' eligibility rules and cannot lawfully be given housing help;
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland);
- Do not have the right to live in the UK;
- Plus, other categories of people who the Government may in the future, decide are not eligible for housing assistance.

Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 the Council cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control or a person from abroad who is prescribed as ineligible.

The relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294

- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861) and SI 2021/665.

The rules are complicated and may be subject to change. Anyone who is impacted or believe they may be impacted can approach the Council for advice or seek independent legal advice.

The acceptance of an application onto the housing register is not in itself a decision that the applicant is eligible for an allocation. Eligibility for an allocation may change over time and with circumstances. Relevant information as to the application including eligibility may or may not be available or brought to the attention of Homes for Bolton at the time of application or at any time thereafter.

As such, whilst an applicant may be informed at any time from point of application as to their eligibility, ultimately the matter of eligibility for an allocation will be determined at the time of any possible offer or allocation of a property by the partner landlord with reference to Homes for Bolton.

### **3.3 The qualification rules adopted by Bolton Council under the Policy**

In addition to the Government's 'persons from abroad' eligibility rules that set out when a person is ineligible for an allocation of housing accommodation, the housing laws allow Bolton Council to define in the Policy who will be regarded as 'qualifying persons' (Part 6 of the Housing Act 1996 section 160ZA).

What this means is that under section 160ZA(7) the Council can agree classes of people who are, or are not, qualifying persons. The Council has decided to adopt a number of rules. There are also a number of defined exceptions to all, or to an individual disqualification rule.

The qualification rules are (with the exceptions are set out) –

#### **3.3.1 Disqualification rule 1: Serious unacceptable behavior**

This will apply where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour that, in the view of the Council, makes them unsuitable to be a tenant. It is important to note that whether an applicant's behavior means that they are not allowed to register is entirely a matter for the Council and that the qualification rule is not restricted to whether the unacceptable behavior would entitle the Council to an outright Possession Order if the applicant were to be a tenant. This was the 'threshold test' set by the legislation for Housing Allocation Policies until the Localism Act was implemented in 2012. Since 2012 the housing legislation allows qualification for unacceptable behavior to be defined through the rules adopted in any new Housing Allocation Policy.

In applying this qualification rule the Council will decide on the facts of the case whether:

- a) The applicant should not qualify to be included on the Housing Register due to their (or household member's) serious unacceptable behaviour, or
- b) Will be allowed to qualify but will not be allowed to bid (or will not have any bid considered) until the applicant (or household member) has demonstrated to the satisfaction of the Council that their behavior has changed.

In the circumstances as described in b) the applicant will be placed in the band that reflects their housing need and will continue to accrue 'time' on the register for the band awarded, despite not being able to bid. Once they have resolved their unacceptable behavior, their effective date within the band allocated will remain the date they were awarded that band for their housing need and will not be the date they resolved the unacceptable behavior to the satisfaction of the Council. This is fair and will encourage an applicant to address any unacceptable behavior as quickly as possible.

The rule of non-qualification, or qualification but being unable to bid, will apply where the Council is satisfied that an applicant (or a member of their current or prospective household) has:

- 1) Demonstrated a serious failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they previously have lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, that circumstances have changed such that the previous conduct is unlikely to reoccur. In many cases this could include demonstrating co-operation with support agencies leading to a substantial improvement in behaviour.
- 2) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behavior that does not only relate to a previous social housing or private rented sector tenancy agreement but conduct or behaviour that the Council has assessed is still current. This includes where an applicant or a member of their current or prospective household is the subject of actions being taken by a Council (or some other recognised body) on grounds of alleged Anti-Social Behaviour (ASB).
- 3) Rent arrears for their last private rented tenancy where the Council has been able to obtain information that confirms on the balance of probabilities a debt is owed. If there is a debt owed it will be for the assessing officer to decide on the level and debt and any facts gathered regarding the level of debt and the reasons for it whether the applicant should be classified as a non-qualifying case or, should be allowed to qualify but prevented from bidding until the debt is resolved, or should be allowed to qualify with no penalty applied.

- 4) Circumstances where the applicant, or any member of their household, has assaulted a member of staff, whether or not an injunction is being sought or has already been obtained

Specific examples of serious unacceptable behavior are:

- a) Being subject to a court order (including an interim order) for breach of tenancy conditions
- b) Conviction for illegal or immoral use of their current or former home
- c) Causing nuisance and annoyance to neighbours or visitors
- d) Committing criminal offences in or near the home and still posing a threat to neighbours or the community
- e) Being violent towards a partner or members of the family
- f) Allowing the condition of the property to deteriorate
- g) Paying money illegally to obtain a tenancy for example a corrupt payment
- h) Unlawfully subletting their tenancy
- i) Applicants that have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- j) Having unspent convictions where the assessment concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- k) An applicant or any member of their household has been responsible for any racial harassment or other hate crime. Racial harassment and Hate Crimes are defined as racist, religiously aggravated, faith, gender, age, disability, and trans phobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

Note: This disqualification rule also applies to applicants who have been registered. An applicant's eligibility to remain on the Housing Register will be kept under review during their time on the register. An applicant may be rendered 'ineligible' (or allowed to remain on the register but not be allowed to bid until the behaviour is resolved) at any time during the process should the Council become satisfied that the rule relating to unacceptable behaviour should be applied to their case.

Any new application will normally only be reconsidered at the request of the applicant, and as a guideline the Council will consider whether there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a period of 12 months.

Note: Where an applicant has resolved their behaviour to the satisfaction of the Council it may still be the cases that a BCH 'Registered Provider' Housing Association Partner where the behaviour occurred, might decide they do not want to consider rehousing their former tenant. However, this will not prevent an applicant from being considered for housing by another BCH partner.

Whilst Bolton Council are responsible for the management and maintenance of the housing register and applications to the housing register; a decision in relation qualification for allocation will be made on a case-by-case basis and may be considered by the allocating landlord when a potential allocation arises. The individual provider landlord when assessing an applicant for suitability for an offer may consider whether any unacceptable behaviour is/was sufficient for a landlord to refuse allocation. In so doing the landlord retains responsibility for their decision and any challenges relating to that decision.

The assessing officer (whether of the Council or partner landlord) will be guided by the following considerations:

1. The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible
2. In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate.
3. There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

The assessing officer will specifically consider:

- a) The seriousness of the applicant's behaviour
- b) The duration of the behaviour and/or the number and frequency of incidents
- c) The length of time that has elapsed since the behaviour took place
- d) Any relevant vulnerability or support needs that may explain the behaviour
- e) Whether there is meaningful engagement with support agencies
- f) Critically, whether there has been a significant and sustained change in the applicant's behaviour, and
- g) Whether they believe on the evidence that the behavior is likely to still reoccur now or at the point a tenancy was offered or commenced

Applicants to whom the rule is applied will be written to and informed by the officer of the organisation making the decision that:

- a) That the unacceptable behavior rule has been applied to their case and either they do not qualify, or that they qualify but cannot bid until the behavior has been resolved
- b) What they must do to resolve the problem
- c) That for either decision i.e. disqualification or qualification but not allowed to bid, it is the applicant's responsibility to notify the Council and/or relevant partner landlord when they have, in their view, resolved the issue and that they will need to present evidence to back up their view.
- d) Where an applicant is disqualified for unacceptable behaviour they will have a right to ask for a review of the decision made to disqualify them.

Note where an applicant is disqualified, any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

### **3.3.2 Disqualification rule 2: Applicants with a housing related debt**

This section sets out the rules for allocating social landlord to account for housing debts related to current social housing tenants and former social housing tenants. The allocation policy accounts for individual allocating landlords to apply their own organisational policies, which may vary from landlord to landlord.

All decisions of disqualification in relation to current and former tenancy debt will be for the individual allocating landlord and subject to appropriate written notification of decision and rights for review for the applicant.

Where a current social housing tenant will not normally be allowed an offer of an allocation where they have current arrears and/or are in breach of the tenancy agreement. There may be occasions where an existing tenant wishes to move but has accrued rent arrears because of under occupying a property or other welfare reforms. These tenants will have their application assessed and may be allowed to move where they are addressing current arrears and to help prevent further hardship.

When considering current and former social housing arrears and/or debt, landlords should invite applicants to address any outstanding debt to satisfaction of landlord and account for date, nature and circumstances of those debts.

### **3.3.3 How exceptional circumstances will be considered for any of the qualification rules**

The Council retains the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules. Note, it is for the applicant to request that discretion should be applied for exceptional circumstances and once requested this will be considered by a senior housing operational manager from the Council. A request for a review of a decision that an applicant does not meet the qualification rule will be taken as a request for any exceptional circumstances to be considered. A senior housing manager will consider:

- 1) Whether the application would result in the applicant being awarded a statutory housing need reasonable preference Band, and if so
- 2) Whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that the qualification rule should be waived.

They will assess the case for exceptional circumstances and will record all decisions reached along with full reasons for that decision. The applicant will receive a written decision with the reasons set out.

Please note 1: that the Council cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the 'person from abroad' legal eligibility rules set by Central Government.

Please note 2: In deciding whether an applicant's circumstances are exceptional the Council will fully consider the Equality Act 2010 and Children Act 2004. For the Equality Act we will specifically consider:

- a) Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010
- b) If we agree that the applicant or a member of their household comes under the definition for a protected characteristic the Council will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic, and
- c) Ensure that any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate aims and objectives set out in this policy.

### **3.4 Suspension from bidding**

In addition to the qualification rules there are circumstances where applicants will be suspended from bidding. These are:

#### **3.4.1 a) Mental capacity**

Where an individual has been assessed in accordance with the Mental Capacity Act 2005 as being unable to hold or to manage a tenancy, they may be suspended from the register until a suitable advocate is appointed to act on their behalf. Where an application has been received from a person without mental capacity, and a suitable advocate is appointed to act for that person, the start date of the application will be the date the application was originally processed.

#### **3.4.2 b) Suspensions from the housing register – necessity for support**

Where an applicant is assessed as requiring a particular level and nature of support in order to be capable of sustaining a tenancy in an appropriate manner, and without that support the applicant may otherwise be deemed 'unsuitable to be a tenant' (due to their earlier behaviour and/or lack of capacity to maintain a tenancy appropriately without such support); that application may be suspended until such a time that the necessary support is in place, retaining the original date of application and/or time in need date as reflected in any high priority banding award.

### **3.4 Circumstances where a BCH partner may reject a bid from an applicant due to their own rules or organisational charitable and/or other objectives**

Despite qualifying for the BCH housing register an applicant may have any bid rejected by a BCH partner due to applying the rules of that organisation. In terms of identifying cases where an allocation may be contrary to an organisation's rules, charitable objectives or other covenants, partner organisations may put in place a process at offer stage to prompt further enquiry and assessment as appropriate. This may include query as to age, disability, receipt of state benefit(s), income and/or access to significant capital or other assets. The detail in relation to individual applicant households may prompt further enquiry and assessment by that provider.

Any such refusals to allocate are decisions for partner landlords to make within the scope of their allocations policy which should be as far as possible consistent and in line with the Homes for Bolton / Council policy. However, it is accepted that individual partner landlords may have their own adopted rules for assessing whether a person who is due an allocation or is nominated by the Council, is suitable for the particular property advertised.

Where an applicant shortlisted or nominated to a property advertised by a Partner Housing Association has been bypassed for that property there is no statutory review to that decision under the rules of this Allocation Policy. This is not one of the decisions subject in law to a statutory right of review. Therefore, an applicant seeking a review of any such decision will be informed of the details of the partner landlord's complaints policy and will need to make a complaint directly to that Social Landlord. Any review of such decisions should be made by a more senior officer not involved with the earlier decision within that provider's organisation. The applicant will receive a written decision on their complaint.

The provider should also inform the local housing authority (Bolton Council) of the number of these decisions and associated reasons to enable the Council to monitor that applicants are being treated fairly, which is an agreed objective for the scheme for all BCH partners.

Examples of when a BCH partner may apply their own rules include:

a) If they are viewed by the provider to have the ability and means to maintain and/or secure suitable alternative accommodation to meet their household needs where an allocation by the provider may be considered contrary to their organisation's charitable objectives.

Any such decision will take into account:

- Household circumstances

- Any needs of the household including in relation to age, health, disability or other vulnerability
- Income, capital and other financial resources
- Ownership of property
- Household financial capacity including consideration of other commitments and/or debt
- Availability / affordability of alternative options

b) Where an applicant has resolved their behaviour or a former arrears/debt it may be the case that for a BCH partner where that debt was owed may still wish to apply their own policy and not rehouse their former tenant. It will not prevent an applicant from being considered for housing by another BCH partner

c) Where a BCH partner has their own adopted rules for assessing when an applicant is able to afford the rent for a property advertised.

## **Section 4 Determining housing needs and the banding to be awarded**

### **4.1 Reasonable preference**

The Housing Act 1996, as amended, requires the allocations scheme to ensure that reasonable preference is given to certain categories of people and circumstances.

The Housing Act 1996 at section 166A(3) requires that the allocations system to secure a “reasonable preference” for people in five groups:

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds (including grounds relating to a disability); and
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

The local authority may also give “additional preference” to particular descriptions of people with urgent housing needs, The authority may take into account a wide range of factors when considering whether to give an “additional preference” or whether to give a lesser priority.

The scheme may also contain provision for determining priorities in allocating housing accommodation, and factors which the scheme may allow to be considered include: financial resources available; any behaviour of a person or member of the household; and local connection.

This Allocations Policy has been designed to ensure applicants who fall within the reasonable preference categories will be awarded the due reasonable preference through an appropriate mechanism.

Every application received by the Council will be considered according to its facts. Because every applicant’s situation is different, applications will be considered on an individual basis and individual circumstances will be taken into account. Accepted applications will be placed in a housing needs band following application and any further assessment of their household’s needs as required.

#### **4.2 Equal opportunities and diversity**

The Council and its partners will ensure that the Allocations Policy is applied in a manner that actively promotes equality and complies with its statutory obligations relating to equal opportunities and diversity. A new Equality Impact Assessment was completed and adopted for the last review of the policy, and this will be kept up to date.

#### **4.3 Housing need bands and other preference mechanisms**

Customers will have their household’s housing needs categorised into one of four bands on the housing register should their application be accepted.

These bands will reflect the household’s application details, circumstances, identified needs and reflect the relevant mechanism to provide a reasonable or additional preference as required.

In some instances where a reasonable or additional preference may apply, this may be reflected through inclusion within another mechanism that affords this preference for an allocation within the scheme or both in parallel as may be determined on the facts of each individual case. Mechanisms other than banding may include for example: inclusion within the Adapted Housing Register and/or consideration for a management allocation, or a direct offer outside of band and date order (see section 1 on choice for details of when a direct offer may be made under the policy).

An applicant may be appropriately provided a reasonable preference for a suitably adapted / accessible property or another specific type or location of property in order to meet particular identified needs by inclusion on the Adapted Housing Register or via Housing Management Allocation processes, and in such cases it would not necessarily be appropriate to provide a reasonable preference through purely a change of banding as such a reasonable preference may specifically be in relation to securing a specific type or location of a suitable property, and not for purpose of providing a preference over other applicants for properties otherwise not suitable or appropriate to meet those particular needs.

The allocations policy provides for four different need bands. These are:

**Band 1 High Need Plus (HNP): This is an award of reasonable preference and additional preference**

This band consists of customers meeting criteria set out in appendix 1 for having a very urgent / exceptionally high housing need.

**Band 2 High Need (HNL): This is an award of reasonable preference at the higher assessed level of housing need**

This band consists of customers meeting criteria set out in appendix 1 for having a high / urgent need.

**Band 3 Preference Need (PND): This is an award of reasonable preference at the lower assessed level of housing need**

This band consists of applicants in housing need and who meet the local connection criteria set by Bolton Council under the policy but whose housing need does not meet the level of assessed housing need for an award of band 1 (HNP priority) or band 2 (HNL priority).

This band will also include applicants:

- with identified housing need(s), however these are appropriately afforded a preference through another mechanism, for example Adapted Housing Register or management allocation
- whose high/urgent need priority award has expired
- whose high/urgent need priority has been removed, for example, but not exclusively, after they refused or failed to secure a reasonable offer of suitable accommodation

- who are current tenants or those in shared ownership schemes of Homes for Bolton or other partner social landlords where there are no identified need(s) covered by a level or degree of urgency of a higher banded application.

#### **Band 4 Conditional Need (CND)**

This band will be made up of other customers with no assessed housing need and other applicants in a statutory housing need who do not meet the local connection rules set by Bolton Council under the policy. This band will include:

- Customers who own their own home who are under state retirement age and/or
- Any applicant who lives outside the borough and doesn't meet the local connection criteria set, or who live in Bolton but do not meet the length of residence local connection rule, and do not have a local connection for employment, family circumstances, special circumstances, or meet the former asylum seeker rule (within scope of the local connection criteria in this policy).
- Customers who own a property, however, do not live in it.

Those placed in the Conditional Need band will be ranked below any other customer expressing an interest in advertised properties.

Note, in order to be awarded High Needs Plus (HNP) or High Needs (HNL) banding an applicant must meet the local connection rules set out in the policy. The only exception would be where a formal referral has been made to Bolton Council within scope of Housing Act 1996 Part VII under a s213 referral and the Council at its discretion has accepted such a referral for a full relief or main homelessness duty. Adult Social Care referrals accepted by the Council may be supported with a move for suitable accommodation within the borough through application of high / urgent priority need where such a case has in parallel been accepted through s213. In addition, a priority may be awarded at the discretion of Bolton Council in circumstances where Bolton Council Adult Social Care or Children Services request housing assistance in relation to the transfer of responsibility of a case to Bolton.

The next section explains in more detail the criteria adopted under the policy to establish whether an applicant has a local connection with Bolton.

#### **4.4 Local Connection criteria adopted under the policy**

The Council has drawn upon the definition of what constitutes a local connection under homelessness law and guidance to help determine the rules adopted for the purposes of part VI allocations, however these have

been adapted and are not wholly aligned with part VII. This provides that a person has a local connection with the district of a housing authority if he or she has a connection with it because:

- he or she is, or was in the past, normally resident there, and that residence is or was of his or her own choice or
- he or she is employed there or
- has family associations there or
- has other special circumstances.

For the purposes of this allocations policy local connection is defined as follows:

Only those applicants with a local connection to Bolton are eligible to be included for the statutory reasonable preference housing needs bands 1 (High Need Plus), 2 (High Need), 3 (Preference Need). The local connection rules do not prevent an applicant from being awarded band 4 (Conditional Need) as long as they meet the qualification rules set under the policy, for example – as long as they are not disqualified through the unacceptable behavior or debt rules.

The local connection rules adopted under this policy are:

**Residence:** Have lived continuous in Bolton by choice for 6 months in the last 12 months, or 3 years in the last 5 years.

Or

**Employment:** Are employed in permanent employment in Bolton. Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work, they perform is in the Bolton area and is on average 16 hours a week or more. The employment must be based on their actual place of work in the area and not based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours fluctuate i.e. casual or zero hours contract, an average will be taken over the last year the applicant actually worked in the district.

Or

**Family Association:** Relates to parents, adult children or siblings (where there is demonstrable frequency of contact, commitment and/or dependency for care and support needs). In addition to the immediate family, this may include associations with other close family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links in the form of frequency of contact and demonstrable dependency upon them for significant care and support needs and that need cannot be met elsewhere.

Also, those associations should normally have been resident in Bolton for the previous 5 years.

Family associations may also extend to unmarried couples, provided that the relationship is demonstrated to be sufficiently enduring and would equally apply to same sex couples.

Or

**Special circumstances:** might include the need to be near special medical or support services which are available only in a particular district, though there would clearly need to be evidence of this and some kind of confirmation of receipt of that service.

Or

**Former asylum seekers:** would have a local connection with Bolton because he or she was (at any time) provided with accommodation there under s.95 of the Immigration and Asylum Act 1999 ("s.95 accommodation"). There would be no local connection with Bolton if they were subsequently provided with s.95 accommodation in a different area. Where a former asylum seeker has been provided with s.95 accommodation in more than one area, the local connection is with the area where such accommodation was last provided. A local connection with a district by virtue of an Immigration and Asylum placement does not override a local connection by virtue of another local connection reason. Thus, a former asylum seeker who has a local connection with a district because he or she was provided with accommodation there under s.95 may also have a local connection elsewhere for some other reason, for example, because of employment or family associations.

For the purposes of determining local connection for residence in Bolton, as long as they meet the qualification period for residency, this will include:

- 1) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch; and
- 2) People who are not voluntarily sleeping rough in Bolton;

There is no exception to the residency local connection qualification rule in the following circumstances:

Residence will not be considered to be by choice if the person has been placed in temporary accommodation in Bolton by another local authority in discharge of its homelessness duties (whether to meet a temporary or full homelessness duty) or have been placed or self-referred into supported accommodation or any other accommodation with support. This may include people who have been placed in care settings and those placed into foster care or other Looked After Child settings by another authority external to Bolton such as another local authority or health agency serving the needs of an area outside Bolton.

The exemptions specifically to the residency local connection rule are:

- 1) An applicant is homeless, and Bolton Council has accepted the section 189B 'relief of homelessness duty' or the main section 193(2) housing duty under the Housing Act 1996 and are not intending to refer the applicant to another Council under the homelessness local connection rules.
- 2) Bolton Council has placed an applicant into temporary accommodation outside of Bolton.
- 3) Where there are significant and special circumstances requiring a move to Bolton. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application. Examples include:
  - a) Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area, or
  - b) Is on a witness protection programme and Bolton Council have agreed that there is an essential reason why they need to move to Bolton.
- 4) Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Bolton and the applicant was resident in Bolton for 6 months in 12 months, or 3 out of the previous 5 years prior to the date of application.
- 5) Bolton will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule, as the period may have been broken by travelling. The Council will consider the facts of each case when deciding whether the rule should be waived.
- 6) Care Leavers below the age of 21 years who are owed a duty under section 23C of the Children Act 1989 by Bolton Children Services and have been looked after in accommodation outside of Bolton.
- 7) Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 and will be considered within the criteria detailed within Appendix 6. These are:
  - a) Applicants who are serving members of the regular armed forces
  - b) Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
  - c) Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a consequence of their service
  - d) Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
- 8) Applicants who satisfy the 'Right to Move' criteria. The Right to Move qualification regulations 20155 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another Council district in England and who have a need to move for work related reasons to avoid hardship.

To qualify for the 'Right to Move', the applicant must:

- Be social housing tenant living in England

- Wish to join the Housing Register in Bolton due to work related reasons to avoid hardship are able to do so provided that they can provide evidence to that effect that is accepted.
- Satisfy the criteria that the tenant needs, rather than wishes to move for work related reasons and if they were unable to do so would result in hardship.

#### **4.5 The criteria set under the policy to help assess the band to be awarded**

The criteria set to help assess the band to be awarded for an applicant's housing need is set out in the table in appendix 1 of this policy. Where there is further operational guidance (beyond that contained in the appendix 1 table), this is set out as a further appendix to the policy. For example, how the Council will assess applications with a claim that there is a housing need for medical or disability needs is detailed in appendix 7.

It is important to note that an applicant will be placed in the appropriate band following an assessment that their housing need meets the threshold for that band. An applicant who qualifies under more than one of the housing need criteria will be awarded the highest priority they are entitled to under the criteria. They will not be awarded a higher band just because they meet more than one housing need criteria unless the assessed needs together are considered very urgent or exceptional. So for example, an applicant with a need that is awarded band 1 (High Need Plus) and another need that would be awarded band 2 (High Need) will be awarded band 1. An applicant with meets 2 Housing Need criteria for band 2 (High Need) will still only be awarded band 2 unless the assessed needs together are considered very urgent or exceptional.

Assessments of need will be undertaken by an officer trained in the policy and how to undertake such assessments. This will include officers from the Homes for Bolton team, Housing Options / Homeless team and other partner agency responsible for assessing certain aspects of housing need.

An award of priority will usually be made from the date assessment is completed and the housing need is identified. An increase in the banding of an application to a higher need banding will be accompanied by a new 'effective date' for that higher banding. The effective date is the date within which all applications within that level of banding will be ordered on any shortlist for a property.

Appendix 1 provides a comprehensive but not exhaustive list of example circumstances where consideration may be given to providing an application with a higher level of banding in order to meet a high or urgent level of housing need.

Provision of a high or urgent need band for households also subject to part VII homelessness assistance will vary depending upon each individual case circumstance, including: the household priority need status; which duty or power under part VII that may apply; any consideration of intentionality which may occur under any main duty; any barriers to accessing social housing such as relevant former tenancy arrears or evictions; any behaviour related matters which may affect the applicant's suitability to be a tenant; as well as any other

assistance which may be provided such as assistance with alternative accommodation including private rented and/or supported housing.

These assessments may be reviewed at any time during the period of the award taking into account for example; any relevant change in circumstances; unreasonable refusal of suitable offers of accommodation; or provision of other interventions or assistance which may alleviate or reduce the level of need.

#### **4.6 Conditions placed on any award of band 1 (HNP) or band 2 (HNL) for an urgent/high needs award**

Should a 'High or Urgent Need' priority be awarded this will, unless stated, apply for a limited period and/or maximum number of offers only. The period for which a 'High / Urgent Need' banding is awarded is referred to as '**the priority period**'.

Bands 1 or 2 are a high or urgent need award based on an applicant's urgent need to be housed. The need to house someone urgently will be undermined if an applicant fails to bid because they may, for example, be waiting for the ideal or 'perfect property' to become available.

The purpose of the awarding of a 'high/urgent need' banding for a 'priority period' is to provide an 'additional priority'. Where this additional priority is awarded, this can be removed on account of a refusal of accommodation or failure to bid within a specified timescale.

Any outstanding offers of accommodation that may be open to the applicant at the time assistance of an 'High / Urgent Need' priority is being assessed (whether made before or after the award of a priority) are relevant offers of accommodation and will be accounted for when assessing the maximum number of offers an applicant may receive with any such 'High / Urgent Need' banding priority award.

The restrictions are:

- **Households placed into and/or accommodated in temporary / homelessness accommodation** (including under a s193 duty or power to accommodate of the Housing Act 1996 as amended by the Homelessness Act 2002 and by the Homeless Reduction Act 2017), **the priority period** will be **up to 2 months or 1 suitable offer (whichever occurs first)**; or
- **Households who have presented for assistance to the Council as threatened with homelessness and/or are homeless and being assisted to prevent or relieve their homelessness** (who have not otherwise been placed into or accommodated in temporary / homelessness accommodation as above) **the priority period** will be **up to 3 months or 1 suitable offer (whichever occurs first)**; or

- **For other households** (not prioritised in relation to a part VII homelessness application) **the priority period** will usually be up to **3 months or 2 offers (whichever occurs first)**.

Note: If an applicant owed any of the statutory homelessness duties refuses a written offer of suitable social housing accommodation made through this policy, then the duty owed to them will be discharged and they will lose any high need priority status afforded to them because of the homeless duty owed.

The period of priority and maximum number of offers is more limited for households who are placed by Bolton Council into or are otherwise accommodated in temporary homeless accommodation and those who are also being assisted to prevent or relieve their homelessness under the terms of Part 7 Housing Act 1996.

Any such consideration to vary the terms of a priority award for a particular applicant / household within the allocation scheme in the context of homelessness will account for any continuing duties owed under Part 7 Housing Act 1996.

#### **4.6.1 The 'priority period' and/or maximum offer considerations**

The 'priority period' and/or maximum number of offers should allow sufficient time and choice for a household to secure a suitable offer of accommodation. When reviewing the applicant's engagement with the process a number of considerations will be taken into account, including:

- Whilst expressing interest in properties, applicants must take into account any 'Lettings/Property Criteria' that apply. The applicant is responsible for ensuring that any expressions of interest made are appropriate. Bolton Council also reserves the right to place expressions of interest for the applicant to assist in the securing of an offer.
- Applicants will be expected to express a reasonable level of interest in a range of suitable properties across a range of areas. Guidance on what constitutes a reasonable 'suitable' offer of accommodation is set out in Appendix 4.
- Should an applicant fail to secure an offer of accommodation within this timescale and/or secure an offer but fail to accept that offer, the priority awarded will be removed and the household will be placed into the 'Preference Need' band. The application may not subsequently be provided with further priority in relation to those particular circumstances.
- Applicants will be allowed to express interest in properties that are in high demand areas, as can all applicants. However, applicants who fail to secure an offer within the priority period due to being unduly restrictive on areas of choice, may still be removed from the 'High / Urgent' need band.

- Applicants awarded a 'High or Urgent Need' priority who fail to express an interest in the maximum number of suitable properties available each week may be placed onto the automated bidding system to ensure bids are being placed to facilitate securing an offer of accommodation.

#### **4.6.2 Priority award and subsequent temporary accommodation placement**

**For any household awarded a high need priority** under the 3 month / 2 offer maximum in consideration of circumstances at the time which are out of scope of homelessness assistance (within the terms of the Housing Act 1996 as amended) (OR applicants who have been prioritised under **3 months / 1 offer** in consideration of being **threatened with homelessness and/or are homeless and being assisted to prevent or relieve their homelessness** (who have not otherwise been placed into or accommodated in temporary / homelessness accommodation) who **subsequently present to the Council for homelessness relief assistance requiring placement into temporary / homelessness accommodation** (under s193 of the Housing Act 1996) **during this priority period**, the following rules will apply for further offers or the length of the priority period (whichever occurs first):

##### **a) Number of offers:**

- Those who have accepted an offer or are under offer of suitable accommodation when placed temporarily will be accommodated until that offer is ready (subject to usual conditions of residence).
- Those who have not yet secured an offer when placed temporarily under part VII will be allowed to secure one suitable offer through bidding or a direct offer within the existing priority period (subject to review) OR up to 2 months / 1 offer whichever is the lesser.
- Those who secured and refused a suitable offer of accommodation (whether with high / urgent priority or not) whilst being subject to a prevention duty, will be allowed 1 further month / 1 offer whilst temporarily accommodated under part VII subject to review OR alternatively duty may be discharged with a suitable offer of private rented accommodation.

##### **b) Length of time priority will be awarded:**

- The homelessness duty may be discharged prior to the end of the priority period if a suitable offer of accommodation has already been secured. Any refusal of a suitable offer prior to a temporary placement may be regarded as sufficient to discharge the duty provided it has been awarded and the suitable offer secured in consideration of a relief or main duty.

#### **4.6.2. Priority award and subsequent temporary accommodation placement**

Offers of Private Rented Sector (PRS) Accommodation pursuant of Part VII duty to secure suitable accommodation or to meet another housing need outside of homelessness may be secured and made by the Council at any stage of a homelessness and/or housing application administration.

Such offers will usually be secured to prevent homelessness in advance of a relief duty, to prevent the need for alternative temporary accommodation or to assist the move-on from temporary accommodation . They may also be made to meet other housing needs for which the availability of social housing may be limited.

The securing and offer of PRS may be made in parallel with any social housing application. Any offer of suitable PRS may be utilised to discharge homelessness functions as appropriate.

The acceptance or refusal of a suitable offer of PRS will result in the review of the social housing application and any removal of an associated high / urgent need banding.

Unlike an offer of social housing through the housing register however an offer of PRS will not result in the cancellation of the current housing application.

#### **4.6.3 Review and extension of 'priority award'**

An award of Band 1 (HNP) or 2 (HNL) will be reviewed after relevant set period (details set out above).

The review after the relevant period of 1, 2 or 3 months could result in a decision that:

- a) The banding priority should continue with further reviews scheduled for every 1, 2 or 3 months as appropriate, or
- b) The banding priority should be removed with the applicant losing additional preference and being placed into the Band 3 preference need band, or
- c) That a direct offer should be made as soon as possible due to the urgent need for the applicant to move.

Note: There may be circumstances where no suitable properties have become available for an applicant to bid on within the relevant period. In these circumstances an applicant will not have the banding priority removed and will continue to be able to bid. However, in recognition of their urgent need to move a direct offer may still be made for any property that the Council assesses as suitable to meet their high/urgent housing need.

Only in certain circumstances will a 'High / Urgent' priority be extended beyond the initial priority period. These will be considered on a case-by-case basis taking into account individual circumstances, including:

- These may include situations where a household has expressed a high level of interest across a reasonable range of properties and areas, however, has been unsuccessful due to the level of others also expressing interest at that time.

- Other reasons may arise where there is a demonstrable need for a property in a particular area and either: expressions of interest have not resulted in an offer; or there has been no suitable property advertised as available.
- Where a household has a particular and demonstrable need for a specific property type in a particular area, the applicant has a responsibility to bring this need to the attention of the 'priority housing need assessor' dealing with the case at the earliest possible opportunity from the point at which an 'High/Urgent' need priority is awarded. Failure to do so may mean that any such reasons cannot be taken into account or relied upon at a later stage.
- The 'priority housing need assessor' will then consider whether this is a reasonable restriction to place on individual expressions of interest, and whether there are exceptional reasons to warrant the extension of the priority period and/or the securing of any further offer or not.
- Decisions on whether to extend the priority award may take into account a number of considerations, including:
  - any change in the customer's circumstances;
  - level and nature of expressions of interest;
  - any particular support needs relating to their re-housing;
  - the number of and level of demand for suitable properties advertised during the priority period;
  - the customer's short-list position for properties in which they expressed interest;
  - any continuing responsibilities or discharge of functions for example in relation to homelessness assistance
  - Customers will be advised whether an extension has been permitted and the detail of any extension.
  - Customers have the right to request a review of a decision not to extend / withdraw any such priority award.

#### **4.7 Property type, size and bedroom requirements**

Homes for Bolton will consider applicants for property types, which are appropriate to the needs of their household. Homes for Bolton advertise properties on behalf of the Bolton Community Homes (BCH) partner landlords, who are independent of Bolton Council. BCH landlords are responsible for the setting of any individual property criteria they will apply when deciding who to allocate a property to.

Preference for offers of bungalows will normally be given to customers aged 55 or 60 years and over, and to disabled customers with an appropriate housing recommendation which will be clearly defined by the criteria of any advertised property.

Preference for offers of adapted properties will normally be given to customers requiring the adaptations, as assessed by a council approved occupational therapist.

Homes for Bolton consider applicants for accommodation appropriate to the needs and size of their household. Applicants will generally have to meet the size and other criteria set out in the advert or the expression of interest may be rejected. Circumstances may arise where additional rooms are required and further consideration should be given in such cases, for example:

- Where a customer requires a carer (who is not their partner or spouse) to live with them or there is equipment or adaptations which require more space
- To allow an adaptable property to be adapted, for example, to enable a through floor lift to be fitted
- On request from Children's Services, to enable a foster placement to continue.

Under Welfare Reform changes to Housing Benefit regulations will affect the assistance available to households (of working age) to enable them to pay their rent. As such in applying individual property criteria, Homes for Bolton partner landlords will consider this impact and may restrict certain type and size of properties by household make-up. In addition, the needs of foster children should be taken into consideration, however foster arrangements are often fluid

The Housing Cost Element criteria utilised within benefit regulations allow one bedroom for:

- Every adult couple (married or unmarried)
- Any other adult aged 16 or over
- Any two children of the same sex aged under 16
- Any two children aged under 10
- Any other child, (other than a foster child or child whose main home is elsewhere)

The DWP may also allow additional Housing Costs for an additional bedroom in the following circumstances:

- There is a disabled child or adult who are unable to share a bedroom
- The claimant or disabled child or non-dependant requires an overnight carer
- The claimant or couple is a foster parent(s).

### **Disabled adult**

An extra bedroom is allowed when one or both members of a couple are unable to share a bedroom because of their disability. In addition, the disabled adult must be in receipt of one of the following:

- Attendance Allowance (including Armed Forces Independence Payment)
- Disability Living Allowance care component at the middle or higher rate

- Personal Independence Payment daily living component (either rate).
- Adult Disability Payment (ADP)

### **Disabled child**

An extra bedroom is allowed for a disabled child, if the claimant or another member of their household is responsible for a child who would otherwise be expected to share a bedroom, and:

- The child is in receipt of Disability Living Allowance or in Scotland care component, at the middle or highest rate, and
- because of their disability the child is not reasonably able to share a bedroom with another child

Where a claimant or partner (or both) satisfy the disabled child condition in relation to one or more children, they are entitled to as many additional bedrooms as are necessary to ensure that each such child has their own bedroom.

### **Overnight carer**

An adult or severely disabled child, or a severely disabled non-dependant needing overnight care, is allowed an extra bedroom when:

- Regular overnight care is provided, and
- the provider of care is a person(s) who does not live in the rent-payer's home, and
- They are in receipt of Attendance Allowance (including Armed Forces Independence Payment) or Disability Living Allowance or care component at the middle or higher rate or Personal Independence Payment (PIP) daily living component (either rate) or Adult Disability Payment (ADP)

Only one extra bedroom is allowed regardless of how many people in the property satisfy the above condition.

- A carer (or team of carers) are people who do not live with you but provide you or your partner (or other household member) with overnight care
- A Carer where the assessing officer has agreed that on the evidence there is a need for a live in Carer. Care must be provided during the night, solely being put to bed, and woken up in the morning does not constitute overnight care and the care provided must be more than simply a presence overnight, such as changing bedding or administering medication. The care must be provided by someone who does not normally live with the applicant and the carer must use the additional bedroom for their overnight stays, as opposed to sleeping in the living room. Only one extra bedroom will be allowed even if the applicant and their partner both need individual carers.

### **Household Size and Property Size**

When shortlisting applicants, Homes for Bolton partner landlords will usually provide a preference for households who meet the size criteria and who will not under-occupy the property. Those likely to under-occupy will be assessed on the basis of overall demand for the property, any transition in household composition, affordability and any other particular needs.

Unless there are exceptional circumstances, those not meeting the property criteria may not be assisted.

Whilst applicants with substantial & regular weekly staying contact arrangements with children (as a result of either a court order or an informal arrangement), may be considered for suitably sized accommodation to allow that staying contact, any such case will be assessed as noted and preference may be afforded to applicants who have children with them permanently.

In some cases it may be possible to permit customers to under occupy (or technically under-occupy in the case of for example foster care arrangements), or over occupy a property (if the customer elects to do so in certain circumstances), however partner landlords would have to satisfy themselves that any property was affordable for that household.

The table below gives a general guide ONLY to the property sizes that different household groups may be considered for Homes for Bolton and the partner landlords. The household types will be dependent upon the ages and gender of the children, the relationships between adults and other circumstances. Further restrictions may apply to certain types of property for example those which are sheltered or adapted.

<b>Household size</b>	<b>Property size</b>
Single person	Bedsit or 1 bed
Single person with staying contact to child or children	1 or 2 bed
Couple	1 bed
2 person household (includes single person with resident carer)	2 bed
Household with 1 child	2 bed
Household with 2 children	2 or 3 bed depending on age / sex of children
Household with 3 children	3 bed or more depending on age /sex of children
Household with 4 or more children	3 or more depending on age / sex of children
Household with 5 or more children	4 or more depending on age / sex of children

## **4.8 Adapted Housing Register**

Certain applications may be accepted for inclusion within the Adapted Housing Register (AHR). Such applications will be provided a preference for adapted properties for which they apply for and which may be suitable to meet particular identified disability housing needs.

Applications will usually only be accepted onto the AHR following an appropriate assessment and referral from or via one of the Council's disability social work teams accompanied by appropriate detail and confirmation of relevant housing needs. The relevant circumstances must have been assessed by an appropriate professional, i.e. Occupational Therapist or Disability Officer and appropriately referred as requiring an adapted or adaptable property.

Properties advertised via the Homes for Bolton scheme by our partner landlords will include adapted properties. They properties will be advertised will a clear indicator to highlight the property is adapted with details of the adaptations within a individual property. All applicants will be able to apply for adapted properties, however, preference will be given during the allocations process to those included on the Adapted Housing Register with an identified need for the property type and adaptations.

Part of this allocations process may include consultation and viewing alongside the relevant professional such Occupational Therapist or Social worker to ensure the property offered is suitable and will meet the needs of the applicant.

The Homes for Bolton Choice Based Lettings team may also work with partner landlords to identify properties coming available for allocation which have particular adaptations and would be suitable for matching with applications on the AHR.

Applicants with a relevant disability housing need may be included within the AHR and/or provided with a priority within the general scheme (for purpose of expressing interest and shortlisting). Such a priority award would however only apply for properties which would be suitable to meet a particular relevant need, including the securing of an un-adapted property which is suitable for any required aids or adaptations.

Adapted properties may be advertised and open to other applicants without a disability where such an adapted property has not been successfully matched with an applicant with disability housing needs.

#### **4.9 Management Allocations of Accommodation**

There will be certain circumstances when vacant properties will not be advertised in the normal way. In such circumstances individual properties can be withheld from the normal advertisement route and utilised to meet the needs of individual households. The two broad categories for management route moves would be: a) to enable the appropriate management of the stock and/or b) to meet a particular need or manage risk.

There must be very clear reasons as to why a property need's to be allocated to an individual / household outside the normal process, for example, to ensure that accommodation is secured as a matter of urgency or where there is a clear need to maintain a tight control over the re-housing location.

Examples of when a management letting may be made include where the Homes for Bolton Partner needs to move a customer who is eligible:

- As a result of a legal obligation outside of Part 6 Housing Act 1996;
- As a result of a contractual/ partnership obligation;
- Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty and the Council decides it needs to move applicants out of temporary accommodation to manage the budgetary or legal impact on the Council, the Council may make a direct offer of suitable accommodation at any time. See also Policy on Choice and Direct Offers for further information on when an offer may be made outside of CBL and or outside of Band and date order
- To make best use of housing stock; or
- on completion of a Family Intervention Service support in a case where Bolton Council considers it appropriate to assist the family back into mainstream social housing from a Family Intervention Tenancy.

Further examples of the types of circumstances when a Management Allocation may/ would be appropriate are shown in Appendix 2.

Applicants who are being assisted with a management allocation will normally be made one reasonable offer suitable to meet the particular need. Where possible the offer will take into account applicant preferences, for example of property type and area. In some circumstances however this may/will not be possible, for example in areas where demand for social housing is high and available properties are in short supply or in circumstances where for example the overriding purpose is the management of risk which may be in such circumstances where the applicant may otherwise be deemed unsuitable to be a tenant.

#### **4.10 Applicants who have deliberately made their housing situation worse**

The Council will consider whether an applicant has deliberately made their housing situation worse to increase their housing need, and consequently improve their chances of rehousing through the Housing Register.

Applicants who have deliberately made their situation worse will be assessed on the basis of their circumstances before their deliberate actions.

- If the Council decides that the applicant has made their housing situation worse, the applicant will remain in the band that reflects their housing need before the deliberate action (or inaction) that made their situation worse.
- If the applicant was not on the Housing Register when the deliberate action (or inaction) that made their situation worse occurred, the assessment of housing need will be based on their housing need immediately before that date.

The assessment will be reviewed on request when there is a relevant change of circumstance(s) of the application being made. If the restriction is removed, the application will be placed in the band that reflects the applicant's current circumstances and their 'effective date' will be the date that the application was moved to the new band.

Those who have deliberately made their situation worse in order to take advantage of the housing allocations scheme may also be considered not to qualify for an allocation, as they may be considered guilty of 'unacceptable behaviour'.

## **Section 5: Advertising and Expressions of Interest**

### **5.1 Choice based lettings – how it works**

Under the 'Homes for Bolton' choice based lettings scheme, available BCH and other partner landlord including possible Private Landlords (as part of a prevailing suitable accreditation scheme), will be advertised.

The 'Homes for Bolton' choice based lettings scheme allows customers the opportunity to make up to two expressions of interest in properties at any one time. Under the scheme customers are expected to make expressions of interest in properties. Customers who require support with the and housing application process should contact the Homes for Bolton choice based lettings team or other Housing Options and Advice services for advice and assistance.

## 5.2 Advertising properties

Available Homes for Bolton properties are usually advertised for one week, however landlords may advertise properties for shorter or longer periods as required. Details of available properties are advertised in the following ways:

- **Homes for Bolton** website, [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk)

The property advert will provide details of the individual property and will stipulate which particular property/lettings criteria may apply for example what type of household will be considered for a particular property. Customers who do not meet criteria will not usually be considered for the property. If an applicant has any doubt over criteria they can speak to the 'Homes for Bolton' team or the local housing office responsible for that property. Customers can make expressions of interest in advertised properties by:

- a) Using the Homes for Bolton website;
- b) E-mailing, or phoning the Homes for Bolton team;
- c) Access support from the Homes for Bolton Customer Support Team.

Customers who are unable to access the Homes for Bolton website can be supported by the Homes for Bolton Customer Support Team to register and place expressions of interest. The Customer Support Team will liaise with individual customers requiring support to gain details of their preferences and needs. Once this has been completed customers can be provided with an automatic bidding service whereby their preferences are indicated within their Homes for Bolton application and expressions are automatically placed on their behalf should a property meeting their specified preferences become available.

At the end of the advertising period, expressions of interest for each property will be placed and ranked into a shortlist according to the allocations policy criteria, and the allocating landlords will ordinarily make offers to the highest ranked suitable and eligible customer.

Allocating landlords will usually offer properties in shortlisting rank order in turn, notwithstanding application of individual property criteria, other restrictions or allocation conditions or restrictions until the property is let. Feedback on advertised homes will be published on the Homes for Bolton website.

Allocating landlords may contact a number of applicants from the shortlist at one time to gauge interest however should still consider the applicants' in shortlist order and according to any criteria which may apply.

### 5.2.1 Subsequent refusal or withdrawal of offer

In circumstances where an applicant accepts and later refuses an offer or an offer is later withdrawn, the housing provider may revisit the original shortlist until it is exhausted. Once exhausted the property may be placed into the 'Homes Available Now' (HAN) advertising process or readvertise the property, however this will depend upon the time elapsed.

In general, all properties are to be re-advertised (generating a further shortlist) where the preceding time from advert to shortlist being exhausted is in excess of 2 months.

Where the period from advert to shortlist being exhausted is less than 2 months, properties can then be progressed to a HAN. Exceptions to this may include in a small number of cases of peculiar property types such as 4 bedroom plus or properties with particular adaptations. These will need to be discussed with the re-let team manager and the Homes for Bolton team.

### **5.3. Homes Available Now (HAN) and First Comes First Serve (FCFS)**

Properties which have not successfully been allocated and let following advert and shortlisting process may be placed into the 'Homes Available Now' (HAN) advert/category and may be allocated to the first suitable customer (who meets the lettings criteria and subject to appropriate landlord checks) to contact the landlord of that property directly. 'Homes Available Now' will usually be accompanied by specific landlord contact details.

Alternatively a property may be advertised as First Come First Serve (FCFS) advert, whereby applicants can express an interest. The shortlist position will be based on the date and time of the first bid placed as opposed to banding and date of registration.

Offers of 'Homes Available Now' and First Come First Serve properties can be made before the end of the advertising cycle. Partner social landlords who advertise available properties through the Homes for Bolton choice based lettings scheme may use different lettings criteria to decide which customer to offer the property to.

Private landlords who advertise accredited or other properties through 'Homes for Bolton' use their own criteria to assess applicants such as property size or other requirements, and will not necessarily select the customer with the highest priority as the successful applicant.

However, in the processes of the allocation and letting of housing and/or associated services no person or group of persons applying will be treated less favourably than any other person or group of persons because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

### **5.4 Restrictions**

Landlords may place restrictions on certain properties e.g. pets cannot usually be kept in 'Homes for Bolton' properties with a shared entrance.

Customers will be informed of any restrictions in the advert, in any conditional offer letter and/or during any part of the allocation/ lettings process.

## **5.5 Short-listing and Offers of Accommodation**

Offers of Homes for Bolton accommodation are made on the basis of the information provided by the customer on their application form and in any housing needs assessment. It is the customer's responsibility to inform Bolton Council or partner landlord of any changes in their housing circumstances.

Once selected and, prior to an offer being made, the BCH landlord for that property may carry out a further verification of their eligibility and priority. In certain situations an offer will not be made, or if made may be withdrawn if:

- Since joining the scheme an applicant has become ineligible.
- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The BCH landlord for the property has evidenced housing management reason not to offer the property.

Customers will only be made one offer of accommodation at a time. Once they have been made a provisional offer they may continue to make expressions of interest in further properties but may not be considered for other offers of accommodation. If the offer is refused or withdrawn then further offers may be made. If the offer is accepted, no further expressions of interest or offers may be made or considered.

In exceptional circumstances a 'Homes for Bolton' partner may withdraw an offer of accommodation, for example, with the customer's agreement, or where there is a change in the customer's circumstances which affects their application or where circumstances affecting the customer's application had not previously been disclosed or ascertained or the property is no longer available.

### **5.5.1 Shortlist applicants for a letting**

Homes for Bolton properties advertised through the choice based lettings scheme will normally be offered to the customer who has made an expression of interest in the property who has the highest level of housing need and/or has had this need for the longest period of time.

This will generally be in order of:

- Housing need band: High Needs Plus, High/Urgent Need, Preference and then Conditional Need.

- Date of priority award within that band.
- The customer meeting the lettings criteria stated in the property advert, for example, requiring the number of bedrooms, or meeting the requirements of a local lettings policy.

There may however be circumstances where it is appropriate to allocate outside this process. This includes the circumstances where a direct offer may be made either in date order or outside of date order. (See section 1 in the policy on choice and direct offers for details).

## **5.6 Letting of new section 106 developments**

Under the Town & Country Planning Act 1990 some developments are subject to Section 106 planning obligations. Where this applies only those applicants meeting the requirements of the Section 106 agreement will be eligible for an offer of a property. Advert details will state when the letting of a property is governed by a Section 106 agreement and what the letting criteria is.

## **5.7 Local Lettings Policies**

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities. Appendix 4 gives full details for how local lettings policies will be assessed and applied.

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive:

- Age restrictions.
- Specific local lettings policies for a particular ward
- Prioritising applicants who are key workers.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- Ensuring that there is a balance of working and non-working households allocated to a scheme.

New developments will normally have local lettings policies (this will usually only apply to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing

statement. Where a new development is subject to a Section 106 planning agreement the criteria set by the planning consent will be followed.

## **5.8 Letting of adapted properties**

Homes for Bolton will generally make the offer of an adapted property to customers on the Adapted Housing Register taking into account the recommendation of the Occupational Therapist or other appropriate professional.

An adapted property advertised in error or matched after advertisement may be withdrawn or allocated to an applicant with an identified need for such a property.

## **5.9 When might an applicant be bypassed?**

In certain circumstances an applicant being considered for an allocation in shortlist order may not be offered the property should the applicant not meet specific property criteria and their application bypassed. The circumstances where a customer may be bypassed are in circumstances where specific restrictions have already been applied to an application for example restriction of area due to various reasons or the need for other specific considerations or where the applicant simply does not meet any specified property criteria, including those noted below. In doing so, officers must make appropriate checks in relation to any such restriction of specific considerations. Any decisions to refuse an allocation out side of this scope must be made in accordance with appropriate written decisions and rights for review.

### **5.9.1 Area Specific**

Used to bypass a customer who has been awarded a priority because they need to move to a particular locality but they are top of a shortlist for a property in a different area. It can also be used where a customer needs to avoid a particular locality and be housed in a different area, for example:

- A customer who has successfully completed a drug treatment programme who is top of a shortlist could be bypassed if the area is known to have a large proportion of other drug users or there is evidence of drug dealing in the area;
- someone who has been convicted of particular criminal offences and to allocate a property in a certain area may present heightened risks or re-offending;
- in order to minimize or reduce risks of violence from a former perpetrator of domestic violence.

In such cases however the provider should usually make the applicant aware of this and in certain circumstances agree this with the applicant and any other supporting agencies as appropriate.

### **5.9.2 Anti-social and other unacceptable behaviour and associated orders or restrictions**

Used to bypass a customer for a property in an area they, or a member of their household, is either prevented from entering or otherwise restricted from due to the conditions of an order associated with anti-social or other unacceptable behavior or injunctive action.

### **5.9.3 Incorrect bedroom calculation**

Used to ensure the offer is not made to an applicant if they would substantially under / over occupy the property.

### **5.9.4 Known perpetrator of violence / abuse in area**

Used to bypass an applicant if the letting would result in:

- A known and proven perpetrator of domestic violence/abuse, racial abuse or other hate crimes or threat being rehoused within the vicinity of the victim of the violence; or
- A customer previously evicted for anti-social behaviour being rehoused in the same area as the behaviour took place, even if the customer is now suitable to be rehoused.

### **5.9.5 Local Lettings Policy**

Used to bypass a customer not given preference under an approved local lettings policy.

### **5.9.6 Multi Agency Public Protection and high risk offender management.**

Used to bypass high risk offenders (sexual, violent and other offenders likely to pose a risk of serious harm) if:

- They would be housed near their victims or known associates; and/or
- They would be housed in an area or property type considered unsuitable and/or
- The letting would breach particular bail /probation / licence or other formal conditions that may apply or otherwise unduly compromise risk management of the particular case; and
- Following appropriate consideration officers and agencies under MAPPA (Multi Agency Public Protection Arrangements) and other associated high risk offender management processes.

All such cases must be raised with the appropriate housing MAPPA coordinator / lead, Offender Manager and/or other MAPPA agency as appropriate and/or detailed within application notes. Any decision is to be led by the appropriate public protection agency, with any disagreement or dispute brought to the attention of the Bolton Council MAPPA housing co-ordinator / lead.

### **5.9.7 Property type - ineligible**

Used to bypass a customer who is ineligible for a property type, e.g. a 25 year old non-disabled applicant for sheltered or adapted accommodation.

### **5.9.8 Support package**

Where an applicant is assessed as requiring a particular level and nature of support in order to be capable of sustaining a tenancy in an appropriate manner, and without that support the applicant may otherwise be deemed 'suspended from bidding' under the policy until an appropriate support package has been agreed.

May be used to bypass an applicant who has no appropriate support package in place where one is recommended by the caseworker/appropriate agency; and in the view of the support agency, a person requires a support package which cannot be obtained straight away. This may apply to, for example: 16/17 years olds; and those with a range of support needs not being met or engaged with adequately. Appropriate liaison must be undertaken with relevant agencies.

### **5.9.10 Administrative reasons**

This enables the offer to be made to the applicant who has held the highest priority for the longest time according to the lettings policy, should the CBL shortlist not be generated in the correct order or where there other system malfunction or error occurs, for example incorrect inputting banding, application or effective date or delay in alteration to application details due to normal processing delays.

### **5.10 Refusal of an Offer**

Should an applicant refuse an offer of accommodation, this may under the policy affect their application (see appendix 5). A refusal, or series of several refusals may result in:

- The Council fulfilling any legal obligations or duties it may have to that applicant and a possible discharge of relevant functions by virtue of any such refusal(s);
- The banding of that application being changed including removal of a priority banding; or
- The application being cancelled.

When a customer refuses an offer of accommodation made either through expression of interest/shortlisting or by a management letting, the relevant partner will, using the criteria set by this policy, consider whether the refusal was reasonable and inform Homes for Bolton / Bolton Council of its decision, recording any such outcome within the ICT / administrative facilities as appropriate.

#### **5.10.1 Assessment of refusal**

Every decision will be made on a case by case basis however the partner will take into account the following factors:

- Property size – based on the customer's assessed bedroom requirements;
- Property type – based on the lettings policy criteria;
- Property condition – whether the property meets the lettings standard, or will meet it following repairs;

- Whether an adapted property has the potential to meet a disabled customer's needs. This will be based on the recommendation or assessment of an appropriate professional or other supporting agency, i.e. Occupational Therapist, Disability Officer or appropriate social worker/support agency;
- Geographical location of the property – whether the property is suitably located for relevant and identified needs and/or considering the reason for any priority award.

### **5.10.2 Unreasonable refusal (see appendix 5 for full details of the criteria for assessing whether a refusal is reasonable)**

Where an offer is made of a suitable property (in terms of size, type, condition and geographical location), Homes for Bolton will generally consider a refusal to be unreasonable unless other relevant factors apply. Homes for Bolton will also take into account whether the customer made an expression of interest in the property they subsequently refused – Homes for Bolton is a choice based lettings scheme, and unless an offer is forthcoming through some other route, most offers are provided following an applicant making a positive expression of interest.

If a customer refuses an offer from a partner landlord solely because there is no right to buy or right to acquire associated with the property, Homes for Bolton will consider this to be an unreasonable refusal.

Applicant's with a priority award are notified of the effect of refusal and may lose their priority preference should they unreasonably refuse a suitable offer or a number of offers specified. In this event notwithstanding any other restriction, the application would remain on the housing register in the appropriate band. The applicant will be able to express interest in future properties which may result in further offers being made.

Should a customer refuse a suitable offer of accommodation made via a management letting, depending upon the circumstances they may no longer be considered for a further management allocation at that time. In this event, notwithstanding any other restriction, the application would remain on the housing register in the appropriate band. The applicant will be able to express interest in future properties which may result in further offers being made.

### **5.10.3 Refusal of offer – removal of priority**

Customers have the right to request a review of the decision to remove their priority following the refusal of an offer(s) of accommodation. Statutorily homeless customers have an additional right to request a review of the suitability of the accommodation offered to discharge Bolton Council's duty to them, regardless of whether or not they accept the offer. If an offer letter is returned by the Post Office as undelivered or email offer as undeliverable, Bolton Council will class the offer as refused and the housing application may be cancelled.

### **5.11 Lettings to Elected Councillors, or Housing Association Board Members, or Housing staff of the Council or a BCH partner.**

Elected Councillors, or Housing Association Board Members, cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent Councillors seeking or providing information on behalf of applicants. Canvassing is not allowed in any circumstances by or on behalf of members of staff.

In order to ensure that the Council is treating all applicants fairly, any application for housing from a Councillor, Board Member, or employee of any BCH partner will be assessed in the normal way, but an offer of housing must be approved by:

- In the case of an elected councillor or member of the housing department – the head of housing services for Bolton Council.
- In the case of a BCH Board Member or member of staff for the partner offering the vacancy – the lead officer for the housing partner advertising the vacant home.

## **Section 6 - Reviews, appeals and complaints**

### **6.1 The right to review**

The Council is committed to making the correct decisions on all applications. Correspondence notifying an applicant of ineligibility or non-qualification for joining the Housing Register, or about the band that they have been awarded, or about any other decision concerning the facts of an applicant's case, will state that the applicant has a legal right to request a review of the decision made.

A customer must request a review within a reasonable time period, usually 21 days unless otherwise agreed, of being notified of the decision. When a request for a review is made 'Homes for Bolton' will at the applicant's request advise the applicant about the review process, including guidance on how to present information for the review to consider. It will usually be required for the applicant to provide any such request and supporting information in writing. If this is not possible, further advice and assistance may be provided as appropriate.

Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the Council:

- A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
- A decision regarding which band an applicant has been awarded.
- The priority date granted for the band awarded.
- To remove an applicant from the Housing Register.
- Any decision about the facts of the case that has been used to assess their application.

- Where an applicant considers that a decision has been reached based on incorrect information.

## **6.2 How a request for a review will be dealt with**

- A review must be requested within 21 days of the date of the letter advising the applicant of the decision on their application.
- The request for review should be made in writing by email or letter addressed to:

The Review Officer, Homes for Bolton, Bolton Council Housing Options Service, Town Hall Victoria Square Bolton BL1 1RU or [homesforbolton@bolton.gov.uk](mailto:homesforbolton@bolton.gov.uk)

- The applicant, or their representative, should give reasons why they wish to have the decision reviewed so that the Council can ensure that the request falls under the statutory review request criteria.
- The officer undertaking the review will not normally have been involved in an original decision.
- An applicant may be asked to attend an interview and, if so, can be accompanied by an advisor or friend.
- Where it appears that the applicant needs an interpreter this can be arranged.
- The review will be carried out and the decision and the reasons for it will be given to the applicant in writing within 56 days of the request being received. There is no right to request a review of this review decision.

## **6.3 Complaints and compliments**

Bolton Council and BCH are committed to providing services that are efficient and effective, and are committed to equal access for all. In the case of a complaint, where possible, Homes for Bolton will resolve it there and then.

Customers can make a complaint, or a compliment, about Homes for Bolton services:

- By using the Homes for Bolton or Council website [www.homesforbolton.org.uk](http://www.homesforbolton.org.uk) or [www.bolton.gov.uk](http://www.bolton.gov.uk) click on the tab 'Your Council' and follow complaints, compliments and comments.
- By contacting the dedicated Customer Services Division on (01204) 333333
- In person at an appropriate Council building or office
- Via the Council website at [Make a complaint – Bolton Council](#)
- By emailing Bolton Council at [CCCGroup@bolton.gov.uk](mailto:CCCGroup@bolton.gov.uk)

Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. Such a request should be made under the review procedure set out above and not through the complaints procedure.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the Council's complaints procedure. A copy of the current complaints procedure is available on the Council's website.

Where a complaint relates to how an applicant has been dealt with under this policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it.

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration. For example, if a Council has:

- Delayed taking action without good reason.
- Taken into account facts which are not relevant or ignored facts which are relevant.
- Not followed their own rules or complied with the law.
- Not taken action that they had promised to.
- Given a customer the wrong information.
- Not reached a decision in the correct way.

The Ombudsman will not normally investigate a complaint:

- Until a Council has had the opportunity to review its decision (normally by accessing the complaints process), or
- If it is a matter which has been, are, or could be dealt with by the courts or an internal review procedure
- If it was a matter which the applicant was aware of more than twelve months before making the complaint.

All complaints to the Ombudsman must be in writing. Applicants can request assistance from their local Councilor or ask an advocate to write on their behalf. The contact details for the Local Government Ombudsman are:

Local Government & Social Care Ombudsman  
PO Box 4771  
Coventry CV4 0EH

Tel: 0300 061 0614.

Online complaint service: [www.lgo.org.uk/make-a-complaint/how-to-register-a-complaint](http://www.lgo.org.uk/make-a-complaint/how-to-register-a-complaint)

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

#### 6.4 Summary table: Reviews, complaints and appeals

Issue that an applicant is concerned about	What the applicant should do
<p>Any of the following decisions on the applicant's housing application:</p> <ul style="list-style-type: none"><li>a) A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.</li><li>b) A decision regarding which band an applicant has been awarded.</li><li>c) The priority date granted for the band awarded.</li><li>d) To remove an applicant from the Housing Register.</li><li>e) Any decision about the facts of the case that has been used to assess their application.</li><li>f) Where an applicant considers that a decision has been reached based on incorrect information.</li></ul>	<p>Seek a statutory review of the Council's decision</p>
<p>Where an applicant wishes to make a complaint about poor service from the Council, or the way they have been treated by the Council Appeal</p>	<p>Complain using Bolton Council's complaints procedure</p>
<p>Where an applicant wishes to make a complaint about poor service from a BCH partner housing association or a decision of a BCH partner such as to refuse to consider a 'successful' bid from an applicant after applying their own rules.</p>	<p>Appeal or complain using the BCH Partner's complaints procedure available from that organisation directly or through their website</p>

# **Bolton Council – Homes for Bolton Allocations policy – 2024**

## **Appendix 1:**

### **Housing need criteria or circumstances where consideration may be given to providing an application with a higher level of banding to reflect their urgent/high housing need (HNP (High Need Plus) or HNL (High Need Level))**

Appendix 1 provides a list of housing need circumstances where consideration may be given to providing an application with a higher level of banding (HNP or HNL) in order to meet their high/urgent level of housing need.

In exceptional circumstances where an applicant has several high housing needs an award of high need plus may be granted based on the facts of the case and the cumulative nature of need.

The Housing Act 1996, as amended, requires the allocations scheme to secure that reasonable preference is given to certain categories of people and circumstances.

The Housing Act 1996 at section 167(2) requires that the allocations system secure a “reasonable preference” for people in five groups:

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any local housing authority under section 189B(2), 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds (including grounds relating to a disability); and
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others)

The local authority may also give “additional preference” to particular descriptions of people within the reasonable preference categories (i.e. those already identified as having urgent housing needs). The authority may take into account a wide range of factors when considering whether to give an “additional preference” or whether to give a lesser priority.

This Allocations Policy has been designed to ensure that:

- Applications received by the Council will be considered according to their individual circumstances; and
- Applicants who fall within the reasonable preference categories as defined by the policy will be awarded the due reasonable preference through an appropriate mechanism.

This appendix does not provide a definitive list of headline circumstances. Each case must be considered on the merits of the individual circumstances of that case.

This appendix should be read in conjunction with the Allocation Policy document as a whole as well as relevant legislation, good practice and case law.

Note in order to be awarded a High Needs Plus (HNP) or High Needs (HNL) banding an applicant must meet the local connection rules set out in the policy.

Housing Need	Description of circumstances which may be taken into account and banding award
<b>Clearance</b>	<p><b>Band 2 - High Needs Lower (HNL).</b></p> <p><i>Note: where an applicant:</i></p> <p>a) <i>Has additional urgent housing needs, or</i></p> <p>b) <i>It is imperative to vacate the area so that work can commence or for safety reasons</i></p> <p><i>In these circumstances an award of band 1 HNP may be considered as well as a direct offer</i></p> <p>Customer is occupying a property or living in an area that has been approved for:</p> <ul style="list-style-type: none"> <li>• A Compulsory Purchase Order</li> <li>• A Registered Social Landlord Board approval to demolish or remodel a scheme</li> </ul> <p><b>Clearance</b></p> <ul style="list-style-type: none"> <li>• Where a customer’s property is scheduled for demolition or purchase under a Council Executive decision, Bolton Council will award affected customers High Needs Priority within the scheme and encourage customers to make expressions of interest in properties advertised through the choice based lettings scheme. Customers may also be considered for a direct offer of accommodation.</li> </ul>

	<ul style="list-style-type: none"> <li>The decision on when to award the High Needs Priority can be taken by the landlord undertaking clearance on the Council's behalf, or council's regeneration team. Customers in different phases of a clearance scheme may be awarded their priority at different times, depending on when their property is scheduled for clearance. This will allow customers moving from clearance areas to be rehoused in the order in which their property is due to be demolished. Priority will be awarded to owner-occupiers once an agreement to purchase has been received by Bolton Council. Priority will be awarded to private tenants once an agreement to purchase the property from the owner of the property has been approved by Bolton Council. Except where an owner occupier sells the property and then rents it back pending demolition, customers who take up a tenancy of that property after the owner has agreed to sell will not usually be eligible for an award of High /Urgent Needs Priority, but will be considered as any other applicant</li> </ul> <p><b>Ring fencing</b></p> <ul style="list-style-type: none"> <li>Landlords can ring fence areas with the approval of the Community Housing Services to give preference to customers moving from a designated clearance area. The preference will apply to lettings of properties within the ring fenced area advertised through the choice based lettings scheme or let by direct offer. All ring-fenced properties will be clearly advertised as such in the Find a Home scheme.</li> </ul> <p><b>Bedroom requirements</b></p> <ul style="list-style-type: none"> <li>Customers moving from clearance areas will generally be made an offer of a property based on their assessed housing needs (e.g. bedroom requirements) unless there are exceptional circumstances. In ring fenced areas, offers may be made outside the normal assessed bedroom requirements.</li> </ul>
<p><b>Insanitary / unsatisfactory housing conditions</b></p>	<p>Customer is occupying a property that has been identified as having such disrepair or other reasons for being uninhabitable and posing an immediate and severe hazard / threat to life or damage to health for which satisfactory alternative remedies are not available e.g. property served with a closing order and is referred from Housing Public Health Unit or Legal Services</p> <p><b>Examples of when band 1 HNP may be awarded for very urgent housing need.</b></p>

There are 2 circumstances where Band 1 HNP may be awarded:

**1: Applicants without access at all to any of the following facilities:**

No access to:

- a) A bath or shower
- b) A toilet
- c) Cooking facilities
- d) Running hot water supplies
- e) Electric/gas needed for essential activities

Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.

**2: Exceptional impact cases unsatisfactory housing.**

Applicants who currently occupy a private sector property which has at least one Category 1 Hazard (excluding overcrowding) under the Housing Health and Safety Rating System (HHSRS) and where a Prohibition Order has been served or is intended to be served under the Housing Act 2004 and the effect of the Prohibition Order is likely to mean that the applicant(s) will lose the use of their home on a permanent basis. The relevant conditions at the property must be life-threatening or present an immediate threat of serious injury to the occupant(s)

This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a period considered to be reasonable by the Council and the household are not able to afford to resolve their own housing problem by moving to alternative private sector accommodation.

Note - this does not include Council or Housing Association homes as there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants

**When band 2 HNL may be awarded for very urgent housing need**

Private sector tenants that the Council has determined that the property poses a category 1 hazard under the Health and Safety fitness rating and the Council's assessing officer is satisfied that the problem cannot be resolved by the landlord

	<p>within a reasonable time period and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, <u>and</u> there is no prospect of the problems being remedied within a reasonable time period, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation. The reasonableness assessment detailed above shall be at the sole discretion of the Council's assessing officer.</p>
<p><b>Overcrowding</b></p>	<p>Customer is occupying a property that is overcrowded within the meaning of the Housing Act 1985 as measured by the 'bedroom standard'.</p> <p><b>When band 1 HNP may be awarded for very urgent housing need.</b></p> <p>Where an applicant household is severely overcrowded defined as defined by the statutory overcrowding standard or requiring 2 or more additional bedrooms to reach the bedroom standard, and</p> <ul style="list-style-type: none"> <li>• The situation has existed for at least 6 months, and</li> <li>• The overcrowding has not been contrived or brought about through an eviction due to rent arrears or anti-social behaviour</li> </ul> <p><b>When band 2 HNL may be awarded</b></p> <p>Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being 1 bedroom short of what they need as measured by the bedroom standard, and</p> <ul style="list-style-type: none"> <li>• The situation has existed for at least 6 months, and</li> <li>• The overcrowding has not been contrived or brought about through an eviction due to rent arrears or anti-social behaviour</li> </ul>
<p><b>Homeless under 16/17 year old</b></p>	<p>Generally, 16/17 year olds can be registered on Housing for Bolton housing register and express interest in properties. Any 16/17 year olds presenting as homeless (whether care leavers or non-care leavers) will be assisted through the Children Services /Housing protocol for managing homeless 16/17 year old presentations. Assistance may or may not be offered through the allocation process depending upon the individual circumstances including provision of any alternate assistance and whether or not the applicant meets the Council's and/or Social Landlord's qualification criteria as to their suitability to be a tenant.</p>

	<p>Appropriate priority may be awarded to enable the securing of an allocation dependant on individual circumstances.</p> <p>Any offer of accommodation through Homes for Bolton would usually result in a tenancy being granted though held on trust by a responsible adult aged over 18 or an agency within the procedures for 'equitable tenancies'.</p>
<b>Care leavers</b>	<p><b>Band 1 HNP will be awarded in the following circumstances</b></p> <p>Under the formal referral arrangements with Leaving Care Team (LCT) for Care Leavers up to 21 years of age where the care leaver must be a former "Relevant Child" as defined by the Children Leaving Care Act 2002. In addition the following evidence to support the award must be provided by the council's leaving care service and will consist of confirmation that:</p> <ul style="list-style-type: none"> <li>• The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living.</li> <li>• The care leaver possesses the life skills to manage a tenancy including managing a rent account.</li> <li>• The care leaver has either long term or medium term tenancy support arranged, as required with a Pathway plan provided by the LCT.</li> <li>• Ongoing support needs have been assessed and, where appropriate, a support plan is in place and</li> <li>• The Council's assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature and/or issues associated with affordability, have a detrimental effect on their well-being.</li> </ul>
<b>Child Concern / Protection Cases</b>	<p>For circumstances where there is a serious threat to the well being of a child and their accommodation is a major contributory factor to that risk. This will be in circumstances where the relevant manager in Children's Services or equivalent assesses the level of risk exposure in relation to the child or children remaining in the current property as being so critical that no other reasonable options in relation to accommodation are available to protect the child and/or there are no satisfactory mitigations to address identified risks</p> <p><b>Band 1 HNP may be awarded in the following circumstances</b></p> <ul style="list-style-type: none"> <li>• <b>Child Safeguarding / Protection involvement on-going</b> levels 2/3 or higher as defined within the Child Concern model) and/or return of children from</li> </ul>

interim foster care and recommendation of case conference where accommodation is a key element of protection / provision of services

**Band 2 HNL may be awarded in the following circumstances**

**a) Lower need child concern cases** i.e. level 2 (or level 1 / 2 as defined within the Child Concern model with a clear and high likelihood of deterioration). These cases will not necessarily have or require any direct Children Services involvement however there may be:

- Involvement of other agencies or further referral to involve other agencies may be required (written support);
- There may be homelessness or a clear threat of homelessness
- Where parallel assessment of circumstances under 'homelessness criteria' and the 'Assessment Framework' establishes clear and enduring concerns as to high likelihood of further deterioration of the family circumstances and a high probability of increasing vulnerability and child concerns;
- Where accommodation is identified as a key element in reducing these concerns and the assessment is that the contribution of re-housing to substantially or otherwise significantly ameliorating / mitigating additional vulnerabilities identified.

**b) Some intentionally families in the following circumstances:** Consideration may be given to the provision of a more limited high need assistance or management allocation in circumstances of for example of intentionally homeless households accommodated in temporary accommodation where there are concerns as to the applicants ability to secure alternative accommodation in order to meet the needs of the children within the household.

Nature of any such case circumstances taken into account may include: reason for any intentionality decision; previous tenancy history / behaviour; level and nature of engagement by the household with services including full reflection, recognition and personal responsibility for the current circumstances of the household; any other relevant issues. Any such assistance will be discretionary on behalf of the authority and normal requirements as to suitability will not be binding as such assistance will not be a discharge of a full main statutory homelessness duty.

<p><b>Approved Foster Carers /Adoptive Parents</b></p>	<p><b>Band 1 HNP will be awarded in the following circumstances</b></p> <ul style="list-style-type: none"> <li>• Circumstances where someone is approved as a foster carer or for adopting, and the applicant's current accommodation is such that the relevant authorities are not in a position to approve and progress such a placement / adoption due to the inadequate nature of that applicant's current accommodation and a move to a suitable property will enable such a placement / adoption to take place.</li> <li>• Referral by Bolton Children’s Services (e.g. Family Placement or other team as appropriate) confirming the high likelihood of foster placement or adoption when suitable accommodation is in place and confirmation that current accommodation would prevent such a placement or bring a current arrangement to an end.</li> <li>• Where there is a need to move to a larger home in order to accommodate a looked after child this would not normally apply where the home required would be 4 bedrooms or more due to the shortage of larger accommodation</li> <li>• Where there is no suitably detailed and explicit support and/or approval of Bolton Children’s Services, high/urgent need assistance will not be provided.</li> <li>• Under Welfare Reform changes to Housing Benefit regulations may affect the assistance available to households (of working age) to enable them to pay their rent. As such the needs of foster children will need to be taken into account when considering size requirements, the calculation of Housing Benefit and those foster carers reliant upon Housing Benefit. Foster children should be taken into consideration for housing benefit purposes, however foster arrangements are often fluid (See Allocations Policy: Property &amp; size criteria).</li> <li>• In considering such cases (for priority, offers and allocations) there will be a need to consider issues of: affordability; other financial assistance that may be available in cases reliant upon Housing Benefit; and the longevity of any proposed arrangements.</li> </ul>
<p><b>An enhanced / higher level of Care Programme Approach</b></p>	<p><b>When band 1 HNP may be awarded</b></p> <p><b>1) Urgent / high need mental health / learning disability cases</b> <i>(Note: where there has been a homeless application made then any banding award would be for the relevant duty owed).</i></p>

	<p>Those assessed and accepted for an enhanced / higher level of Care Programme Approach (CPA) by the appropriate Community Mental Health / Assertive Outreach or Early Intervention Team with involvement of an attached care co-ordinator / key worker.</p> <p>This level of vulnerability (with its implied assessed level of social functioning / independent living skill capability) will usually indicate that the applicant is entitled to an award of additional preference.</p> <p>Regard may still be had however as to whether the applicant meets the Council's own qualification criteria, i.e. it may still be possible that the applicant does not qualify on account of his/her behaviour.</p> <p>Regard to be had of the circumstances at the time of the relevant act or omission (e.g. whether or not the applicant was suffering from an episode at that time, was considered to have capacity and responsible for their own actions or omission).</p> <p><b>2) Other urgent/high need mental health / learning disability cases where assistance may be sought to secure a move to more suitable accommodation</b></p> <p>Those assessed and accepted for an enhanced / higher level of Care Programme Approach (CPA) by the appropriate Community Mental Health / Assertive Outreach or Early Intervention Team with involvement of an attached care co-ordinator / key worker may be referred for with priority assistance however any additional supporting information must demonstrate that a move to alternative accommodation is a required element of the care plan in order to maintain someone in the community and that the plan is sustainable.</p>
<p><b>Urgent Physical Health and Disability needs</b> (See appendix 7 for full details on how medical/physical health/disability</p>	<p><b>Band 1 (HNP): Covers urgent and immediate medical impact problem</b></p> <p>This top category band 1 will be reserved for exceptional cases where an applicant's health is seriously at risk (including a risk to life) due to the associated medical and housing difficulties that are inherent in their existing accommodation.</p> <p><b>Band 2: (HNL): Covers serious medical impact problem</b></p> <p>A band 2 award also reflects urgent medical impact cases that have a clear relationship with the applicant's existing housing circumstances.</p>

<p>cases will be assessed)</p>	<p><b>When band 1 HNP may be awarded for very urgent medical/physical health/disability housing need where there is a direct substantial causative effect of the accommodation on the physical health and disability needs.</b></p> <p>Where an applicant (or a member of their household) is unable to continue to occupy their current accommodation due to exceptional medical need or disability. Examples of when Band 1 may be awarded include:</p> <ul style="list-style-type: none"> <li>• Member of the household has a life threatening medical condition, which has been assessed as seriously affected by current housing.</li> <li>• Applicant, or member of their household, is unsafe or unable to remain in their present accommodation because of a significant and sudden deterioration of an established illness or disability, or a recently acquired degenerative illness or substantial disability, where the person is a) in hospital and unable to return home, or b) at home but with no access to essential facilities i.e. bedroom, bathroom.</li> <li>• Applicants ready to be discharged from hospital who: have somewhere to live but their accommodation is unsuitable due to their medical needs and cannot be made suitable through adaptations because of cost effectiveness or structural difficulties or the property cannot be adapted within a reasonable amount of time and/or appropriate package of care.</li> <li>• Applicants who have urgent need to move due to them having medical problems or disabilities that are being exacerbated by their current housing situation. This includes applicants: <ul style="list-style-type: none"> <li>a) Whose life is at risk due to their current housing conditions or who are housebound, effectively housebound or cannot access the essential facilities in their home and there are critical concerns about their safety, for example through falls due to difficulties with access.</li> <li>b) Whose condition is terminal and rehousing is required to provide a basis for the provision of suitable care</li> <li>c) Whose condition is life threatening and their existing accommodation is a major contributory factor</li> <li>d) Whose health is so severely affected by the accommodation that it is likely to become life threatening for example, where an applicant has significant mental health problems which are exacerbated by their accommodation</li> </ul> </li> </ul>
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- e) With disabilities, who have restricted mobility and are limited by their accommodation such that they are unable to carry out day-to-day activities or have difficulties accessing facilities inside and outside of their accommodation and require rehousing into accommodation suitable for their use.
- f) In overcrowded accommodation which puts the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection

**Note 1:** This will normally require a referral from a 'specialist' agency e.g. Social Worker, Occupational Therapist Disability Officer or other relevant professional agency and should evidence that the present accommodation remains unsafe irrespective of what additional support/assistance can be provided. NB: Supporting evidence from a general practitioner will be considered, but alone may not suffice.

**Note 2:** Applicants with substantial and significant disability needs who require specifically adapted property following assessment by Disability Officer or Occupational Therapist to be included on the Adapted Housing Register.

All of the above circumstances will be subject to a wider assessment involving Adult Social Care and Health professionals and account for urgency/timeline/longevity of arrangements.

**When band 2 HNL may be awarded for very urgent physical health/disability housing need where there is a direct causative effect of the accommodation on the physical health and disability needs.**

Applicants who have need to move due to them having medical problems or disabilities where their housing conditions exacerbates a serious medical condition or disability but do not qualify for an award of Band 1. This includes (the examples are to illustrate the level of housing need to be awarded Band 2 and is not an exhaustive list):

- The applicant's current accommodation to a significant extent directly exacerbates an existing medical condition, is the direct cause of a medical condition or impacts on the ease of use of the facilities within their home for a disabled person.

	<ul style="list-style-type: none"> <li>• Applicants who have mobility issues and it has been assess need to move to ground floor or level access accommodation.</li> <li>• Applicants who have mobility issues and need to move to accommodation that has level access showering facilities.</li> <li>• Applicants who have a significant physical or mental health condition that is directly affected by their accommodation and where a move to alternative accommodation would help to ease or resolve their condition.</li> <li>• Applicants who have a medical need for an additional bedroom (e.g. because they need an overnight carer or need to accommodate a substantial amount of medical equipment).</li> </ul>
<p><b>Where a move is essential to provide or receive essential care and support.</b></p>	<p><b>An award of HNP or HNL may be made in the following circumstances</b></p> <p>Hardship on support grounds: Applicants that have demonstrable evidence that they provide or receive substantial and on-going support to or from relatives or friends and where moving would prevent significant physical, psychological or financial hardship.</p> <p>This award will only be considered where there are significant medical or welfare issues including grounds relating to disability. This award for applicants who give or require support from relatives or friends will only be considered where there is a severe disability or mental ill health, medical or welfare issue (relating to the applicant or their household or the relatives or friends) and there are reasons why this support cannot be made available through reliance on public transport or the persons own transport. (The assessment will include the availability and ability to use public transport).</p> <p>Applicants who need to move closer to a specialist organisation, agency or institution located in an area of Bolton, where moving would prevent significant physical, psychological or financial hardship. (The assessment will include the availability and ability to use available transport)</p> <p>To assist officers in making this this decision they will consider the following guidance:</p> <ul style="list-style-type: none"> <li>• A move to a more suitable location / property is a critical element to supporting an individual in the community where existing Home Care / Mental Health Network provision is insufficient to maintain their accommodation.</li> </ul>

	<ul style="list-style-type: none"> <li>• Absence of a priority move will likely result in that individuals health deteriorating – necessitating long term or frequent short term admission(s) to health / medical or other facility.</li> <li>• The applicant must be either the person in need of care or the main care provider.</li> <li>• Current accommodation must be beyond reasonable travelling distance to either provide or receive support.</li> <li>• The recipient must be resident in the Bolton Borough.</li> <li>• Requires the provision of relevant supporting information / evidence detailing the level and extent of the care provided or required.</li> </ul>
<p><b>Armed forces discharges</b></p>	<p>Armed Forces and Former Armed Forces personnel may require assistance with re-housing during the period of transition from leaving the forces</p> <p><b>When band 1 HNP may be awarded</b></p> <p>Applicants assessed as having an urgent housing in the following circumstances:</p> <ul style="list-style-type: none"> <li>• Is serving (and will soon leave) the regular forces and is suffering from serious injury, illness, mental ill health, or disability which is attributable to the person's service.</li> <li>• Has recently ceased, or will ceased to be entitled, to reside in accommodation provided by the MOD 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 or</li> <li>• Is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the persons service.</li> </ul> <p><b>When band 2 HNL may be awarded</b></p> <p>Members of the Armed Forces persons who are serving in the regular forces who:</p> <ol style="list-style-type: none"> <li>a) Will be discharged within three months and have served for six years preceding their application for an allocation of housing accommodation, or</li> <li>b) Have been recently discharged from the armed forces (within the last 6 months) and have not been able to obtain settled accommodation in that period, and for a) or b)</li> </ol> <ul style="list-style-type: none"> <li>• This has not been a dishonorable discharge, or</li> </ul>

	<ul style="list-style-type: none"> <li>• They do not own or have a legal interest in any other accommodation</li> </ul> <p>Applications from former members of the armed forces (longer than 6 months since discharge) will need to be considered carefully to assess whether the applicant is vulnerable as a result of having served in the armed forces.</p> <p>Behaviour including anti-social and/or criminal activity and/or any other behaviour which unreasonably results in their loss of their own suitable accommodation due to their own fault, as with all other applicants, will be considered when assessing eligibility/suitability to be a tenant.</p> <p>Bolton Council will take account of any relevant vulnerabilities including those directly associated with armed forces service when assessing eligibility and suitability.</p>
<p><b>Mortgage arrears / repossession cases</b></p>	<p><b>When band 2 HNL may be awarded</b></p> <p>Band 2 HNL may be awarded for applicants with the following circumstances:</p> <ul style="list-style-type: none"> <li>• Where either there is a court order granting possession or a suspended possession order where there is a continuing failure to meet conditions of that order due to income difficulties.</li> <li>• The case is not formally threatened with homelessness within 56 days so no statutory homeless application has been triggered.</li> <li>• Unlikely to be resolved / high likelihood of further application for full possession as evidenced by recent correspondence.</li> <li>• Also in cases where repossession action is imminent with high likelihood of success and a sale of the property has been confirmed so as to avoid repossession (not withstanding any considerations in relation to intentional homelessness).</li> <li>• Subject to households also being established as having a priority need as defined by the homelessness legislation and likely to be unintentionally homeless.</li> </ul>
<p><b>Move-on from supported accommodation projects and 'Floating Support'</b></p>	<p>Move-on from single homeless accommodation projects, supported housing projects, and rehousing as part of a floating support scheme funded by local authority supported housing and/or adult/social care support funding mechanisms.</p> <p>Move on will free up specialist units for other people who need supported accommodation.</p>

**When band 1 HNP may be awarded**

Band 1 HNP may be awarded in the following circumstances:

1) An applicant is occupying supported housing type accommodation and meet the following criteria:

- On the recommendation of a support worker, the resident is ready to move on from hostel to independent housing and
- The Council's assessing officer agrees that due to the nature and extent of their vulnerability, accommodation in the private rented sector would, through its short-term nature and/or issues of affordability, have a detrimental effect on their well being.
- Support needs have been assessed and, where appropriate, a support plan put in place to increase the chances of the tenancy succeeding.

*Note: If an application for housing is made before it has been determined by the Council that the individual is ready for independent living, taking into account information from the applicant's support worker and other agencies, the application will not be afforded any priority status until the support worker presents the evidence to the Council that the individual is ready to move on and the council agree with that evidence*

2) Those in receipt of a floating support service may be granted a HNP banding where an appropriate assessment under the floating support programme and any allied assessment establishes that the client is eligible for a floating support service, and that:

- Rehousing is considered a critical issue in stabilising or resolving the clients support issues / needs AND critical to the client remaining in the community, or alternatively that rehousing is part of the process of promoting increased independence; AND
- Any such re-housing assistance is appropriate to avoid deterioration and maintain the individual / household in the community and this is compatible with the support provided; AND
- Any matters in relation to eligibility and access to housing are addressed e.g. any behavioural issues or addressing current or former tenancy rent matters

Note: HNP or any other high needs banding may not be awarded if that person:

	<ul style="list-style-type: none"> <li>• Has not utilised the project for the purposes, aims and/or objectives intended; AND/OR</li> <li>• Has not been successful with their development of relevant skills as per action / support plan (reasons for this may include non co-operation or unsuitability); AND/OR</li> <li>• Is otherwise being required to leave or vacate the project, or has already left or been removed from the project; AND/OR</li> <li>• If the client merely wishes to move-on, cannot demonstrate a 'successful' period of 'skill' development whilst on placement, and there is no clear confirmation of preparedness as assessed by that project (and/or other relevant agencies); AND/OR</li> <li>• Have not adequately addressed any matters in relation to eligibility and access to housing e.g. any behavioural issues or addressing current or former tenancy rent matters AND/OR</li> <li>• Is otherwise not deemed to be a priority need due to the nature of any vulnerability.</li> </ul>
<p><b>Homeless statutory duty cases</b></p>	<p>For applicants who are owed, or were owed a statutory homeless duty, by Bolton Council the starting point for a banding award will usually be as follows, subject to certain conditionalities on the merits of the individual household application. Which will also be mirrored in the individual's personal housing plan as appropriate:</p> <p>People where it has been verified by the authority that they are rough sleeping in the Bolton Council area and meet the local connection rules regardless of whether they have made a homeless application – <i>High Need (HNL) Band</i>.</p> <p>Applicants owed the prevention of homelessness duty under Section 195(2) – <i>Preference Need Band (PND)</i>.</p> <p>Applicants owed the 'relief of homelessness duty under Section 189B(2) and are in priority need and likely to be unintentionally homeless - <i>High Needs Plus (HNP)</i> (see notes on restricted choice for these cases).</p> <p>Applicants owed the 'relief of homelessness duty under Section 189B(2) and have been assessed as not in priority need or unlikely to be in priority need - <i>Preference Need Band (PND)</i>.</p>

Applicants where the relief duty has been brought to an end and an applicant has been assessed as then being owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty) (see note below) - *Preference Need Band (PND)*.

Where the relief duty has been brought to an end and an applicant has been assessed at that point as not being in priority need (see note below) – *Preference Need Band (PND)*.

Where the relief duty has been brought to an end and an applicant has been assessed as then being owed the section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty - *High Needs Plus Band (see note below on restricted choice)*.

Note 1: to clarify the award where an applicant is found to be homeless but not in priority need or found to be homeless but intentionally homeless. Where an applicant has a decision made by Bolton Council on their Homeless application, which is the relief of homelessness duty has come to an end and the applicant is not in priority need. Note: for this award to continue to be granted, the applicant must still be assessed as homeless whilst on the register and still be homeless at the point that any offer is made.

Where an applicant has a decision made by Bolton Council on their Homeless application, which is that the relief of homelessness duty has come to an end and the applicant is intentionally homeless and owed a section 190(2) duty for being intentionally homeless. Note: This award will only be for the period that the Council is under a section 190(2) intentional homeless duty. This is normally for no more than 1 month, this being the period that an intentionally homeless household is owed a temporary accommodation duty.

Note 2: For applicants owed the main section 193 duty or the relief duty and have been assessed as in priority need and unlikely to be intentionally homeless they will be subject to restricted choice under the policy due to the need to move them on from temporary accommodation due to the financial consequences for the council.

A banding award for insecure housing is provided for in the policy. If an applicant owed a prevention of homelessness duty is able to remain where they are for at least a year whilst they bid for accommodation they may be granted the HNL banding and the prevention duty ended successfully.

All applicants in these circumstances will be informed of the following information relevant to the banding they would be allocated.

***To stay in the family home and wait for an offer of social housing - an award of HNL may be made. Implications are:***

- Longer wait could be 12 -18 months depending on areas of choice and which option chosen by Bolton re: the band allocated and criteria to qualify.
- Priority recognised on the allocations scheme for being a new family unit living within an existing family or for the housing need due to overcrowding.
- The eventual solution is very likely to be social housing.
- More choice – re the number of offers allowable.
- For those households who find during the period they cannot wait any longer there would be ‘back up’ support at that point to help the household make a planned move.

***To be excluded and become homeless now – an award of HNP may be made. Implications are:***

- Temporary accommodation would be provided where there is a priority need
- The solution is likely to be a 6-month short-term PRS solution and not social housing.
- If they were to be able to obtain a social housing offer this would be likely to be a direct offer anywhere in Bolton that is assessed as being suitable, so they would lose their ability to choose where to live. The direct offer is justified due to the need to reduce the time spent in TA and to free up TA for new cases presenting.
- Only 1 suitable offer would be made of a private rented or social housing property and if refused would end the homeless duty owed and mean that the applicant would be placed in the preference need band.

	<p>Note 3: Offers of Private Rented Sector (PRS) Accommodation pursuant of Part VII duty to secure suitable accommodation or to meet another housing need outside of homelessness may be secured and made by the Council at any stage of a homelessness and/or housing application administration.</p> <p>Such offers will usually be secured to prevent homelessness in advance of a relief duty, to prevent the need for alternative temporary accommodation or to assist the move-on from temporary accommodation. They may also be made to meet other housing needs for which the availability of social housing may be limited.</p> <p>The securing and offer of PRS may be made in parallel with any social housing application. Any offer of suitable PRS may be utilised to discharge homelessness functions.</p> <p>The acceptance or refusal of a suitable offer of PRS will result in the review of the social housing application and any removal of an associated high / urgent need banding.</p> <p>Unlike an offer of social housing through the housing register however an offer of PRS will not result in the cancellation of the current housing application.</p>
<p><b>Insecure accommodation where the prevention of homelessness section 195 duty has been ended successfully through the applicant remaining in the accommodation presented from or where they have moved to extended family</b></p>	<p><b>An award of band 2 (HNL) may be made in the following circumstances:</b></p> <p>A pregnant woman or applicant with a child or children who are sharing a home with family who are not part of their household and where:</p> <p>a) They have no ownership or tenancy rights and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and</p> <p>b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their HNL priority and it is likely that they can remain for at least a year, and</p> <p>c) The family member with the interest in the home has agreed to allow the applicant to remain for at least a year.</p>

<p><b>on a temporary basis</b></p>	<p>NOTE: This assessment will be part of the homelessness prevention assessment and personalised housing plan.</p>
<p><b>Domestic violence abuse cases</b></p>	<p><b>Cases of urgent housing need for reasons of domestic abuse / violence</b>  <i>(includes cases of domestic violence or threats of violence from inside or outside of the home and includes threats from associated persons).</i></p> <p>Note: most domestic abuse cases will be dealt with via the ‘homelessness route’ with appropriate assessment and assistance for many of those households through provision of a place of safety. Priority assistance will be managed in these instances either within the formal homelessness assessment and/or as part of a move on assessment where persons are placed in supported accommodation.</p> <p>For cases dealt with outside of a formal homelessness application the <b>circumstances in which band 1 HNP will be considered are:</b></p> <p>Applicants who the Council agree need to move immediately due to domestic abuse threats from an ex partner or family member they do not live with, or extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household’s welfare and wellbeing.</p> <p>Applicants fleeing domestic violence and abuse that have been assessed by MARAC (or any subsequent multi agency arrangement) as needing to move urgently for the safety and security of themselves and or any dependent children and are assessed as being in immediate danger, and</p> <p>a) The MARAC partnership has referred the case and provided evidence as to why the applicant requires social housing, and</p> <p>b) The Council’s assessing officer agrees that due to the nature and extent of the circumstances of the MARAC case accommodation in the private rented sector would, through its short-term nature and/or affordability, have a substantial detrimental effect on individual or household.</p> <p><i>Note: In undertaking the assessment whether to award Band 1 HNP the officer will be guided by the following advice:</i></p> <ul style="list-style-type: none"> <li>• It is not necessary to show an actual history of violence indeed “The fact that violence has not yet occurred does not on its own suggest that it is not likely to occur”, however, clearly presentations where there is evidence / history /</li> </ul>

	<p>previous reports (other agency involvement) will be clearer. Where reports of threat / violence / domestic incidents have been made, further enquiries with the agencies should be undertaken. Consideration to be taken of level / nature / seriousness / frequency / likelihood of re-occurrence.</p> <ul style="list-style-type: none"> <li>• Where no reports have been made to other agencies, this is to be encouraged (e.g. estate office/housing provider, Police Domestic Abuse Unit, Fort Alice / Women’s Aid, and/or IDVAs (Independent Domestic Violence Advocate).</li> <li>• Where there is support / recommendation to move from a domestic violence / victim support agency.</li> <li>• Other compounding health / welfare issues will be considered.</li> <li>• An individual or household that is or has been subject to domestic violence (threat) and/or abuse who has repeatedly fled violence/abuse from accommodation on a number of occasions, particularly consideration needs to be given to the likely effectiveness re-housing will have at reducing or removing that risk. If that person has continually maintained contact or a relationship with their (ex) partner/ perpetrator, or there is a high likelihood of the perpetrator tracing and pursuing the victim(s) to a new address, re-housing may not necessarily be viewed as a solution. Exploring options will be particularly important. Options of alarms, injunctions etc may need some consideration. In some circumstances these options may be appropriate and people wishing to explore this option should be directed for appropriate advice. However, court injunctions against a perpetrator will not necessarily be effective (the fact that injunctions have been sought are clearly evidence of a problem, however if injunctions have <u>not</u> been sought this does <u>not</u> in any way mean there is <u>no</u> threat).</li> <li>• Appropriate advice should be sought and given. Presentations to be assessed against CAADA risk assessment threshold guidelines with appropriate referral through MARAC (Multi-Agency Risk Assessment Committee).</li> <li>• Issues of ‘suitability to be a tenant’, any behavioural concerns and/or former tenancy histories on behalf of the applicant as well as any loss of interim / temporary accommodation due to own behaviour may also affect options and appropriateness of a ‘high/urgent’ need priority.</li> </ul>
<p><b>Other violence / harassment cases</b></p>	<p><b>Covers violence or threats of violence or extreme harassment</b></p> <p><b>When band 1 HNP may be awarded</b></p>

	<p>Applicants who the Council agree need to move immediately due to extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's immediate safety, welfare and wellbeing.</p> <p>The following guidance will be used as part of any assessment of these cases:</p> <ul style="list-style-type: none"> <li>• Harassment of social housing tenant - where possible, reasonable and practicable, should first be directed to the provider landlord organisations Anti-Social-Behaviour policies and/or other procedures. A written recommendation of the provider landlord should be sought except where this is not possible, reasonable or practicable. And that landlord confirms appropriate reporting to Police and clear assessment as to a move being necessary to mitigate risk.</li> <li>• Consideration to be taken of level / nature / seriousness / frequency / likelihood of re-occurrence.</li> <li>• Detail contained within supporting information / written request / recommendation from police / victim support / doctors / health visitors/ social services etc.</li> <li>• Other compounding health / welfare / child concern issues will be considered.</li> <li>• Provider landlords to consider 'management route' or transfer solutions as appropriate before referral for reasons of homelessness.</li> <li>• Can/may involve consideration of moving a perpetrator as appropriate.</li> <li>• Issues of 'suitability to be a tenant', any behavioural concerns and/or former tenancy histories on behalf of the applicant may affect options and appropriateness of a 'high/urgent' need priority, including any issues in relation to 'intentionality' and homelessness.</li> <li>• Does not include other possible threat where Police (or other appropriate criminal justice agency) are not formally expressing any high level of concern or where it is viewed that there has been significant contribution to any identified difficulties directly by the presenting household themselves / their being a level of culpability.</li> <li>• Other lower level harassment cases not supported as above can apply for re-housing through the preference need route.</li> </ul>
<p><b>Witness protection</b></p>	<p><b>When band 1 HNP may be awarded:</b></p> <ul style="list-style-type: none"> <li>• Formal Witness Protection referrals.</li> <li>• Other cases with clear written support from the Police /Crown Prosecution Service (CPS) or other clear requests from Police to assist with rehousing</li> </ul>

	<p>to protect the safety of a witness to a crime who is testifying / giving evidence.</p> <ul style="list-style-type: none"> <li>• Victim Support links: may consider other 'stand-alone' Victim Support Group type advocacy as per a normal homelessness assessment processes within the scope of the relevant homelessness legislation; considering nature, level, seriousness, frequency of any threat.</li> </ul>
<b>Prison leavers</b>	<p>Will normally be picked up through the homelessness application and duty route and if found not in priority need will be awarded <i>Preference Need Band (PND)</i>.</p> <p>Those found to be in priority need and not intentionally homeless will be awarded HNL as long as they qualify for the housing register.</p> <p>MAPPA Cases and those linked to offender management protocols/arrangements may require particular assessment of housing need consideration under that section that covers awards of HNP and HNL (see high risk offenders section of this table below).</p>
<b>High risk offenders</b>	<p><b>An award of HNP or HNL may be granted subject to the assessment of circumstances.</b></p> <p><b>This covers: High risk offender cases covered under the MAPPA (Multi Agency Public Protection Arrangements – including MAPPP level 1 and LRMM level2) process and Housing/ Probation information sharing protocol.</b></p> <p>Relevant terms:</p> <ul style="list-style-type: none"> <li>• MAPPA – Multi Agency Public Protection Arrangements</li> <li>• MAPPP - Multi Agency Public Protection Panel</li> <li>• LRMM – Local Risk Management Meetings</li> <li>• RMX - Risk Management information sharing processes</li> </ul> <p>Under MAPPA the duty of local housing authorities to co-operate with the Responsible Authority does not create a duty to accommodate offenders. The Council may agree to assist in supporting a high risk offender's application for social housing in circumstances where this is consistent with the exercise of their other statutory functions. Bolton Council is a non-stock holding authority and all individual social housing allocations are made by independent social housing providers outside of Bolton Council's direct control.</p>

	<p>Where the Council agrees that on the recommendation through MAPPA or RMX the applicant requires and is suitable for independent housing and qualifies for the Housing Register and, after considering evidence submitted; due to the nature and extent of the circumstances of the case, accommodation in the private rented sector may in some circumstances not be ideal for the multi agency planning for that individual, however may also provide greater flexibility and speed of access.</p> <p>Priority may be awarded on a case by case basis following consideration of:</p> <ul style="list-style-type: none"> <li>• Any applicant vulnerabilities relevant to housing need their extent / severity;</li> <li>• Specific urgent need request;</li> <li>• Re-housing will demonstrably add value to the management of risk;</li> <li>• There is clear and appropriate supporting information;</li> <li>• Any consideration for an offer is accompanied by an appropriate assessment of suitability involving appropriate agencies as necessary in each case</li> </ul> <p>As Bolton is a non-stock holding authority, any decision to support a high risk offender through urgent / priority need assistance with their part VI housing application will require full agreement and approval by at least one of the partner housing providers. All allocation decisions are made directly by the provider landlords.</p> <p>All individuals not picked up for urgent priority or management route re-housing can still apply for re-housing as any other applicant, and may be awarded priority under other criteria dependent upon their individual circumstances (subject to and issues of applicant suitability / eligibility – policy detail) and subject to assessment as to suitability of any subsequent / potential offers of accommodation.</p> <p>Given the nature of the offences relating to high risk offenders, a housing provider may view an applicant as not being suitable to be a tenant depending upon the individual case circumstances.</p>
<p><b>Social Tenant 'Right to move' qualifying cases under the</b></p>	<p>Existing social tenants of accommodation in England who the Council have assessed as qualifying under the Government's Right to Move regulations will be placed into Band 2.</p>

<b>Government's regulations</b>	The proportion of lettings made through Right to Move may be limited by regulation.
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## Bolton Council – Homes for Bolton Allocations policy - 2024

### Appendix 2: Management Allocations – case circumstances

These are any management allocations where for good management reasons it is important to make an allocation outside of the strict CBL process. This will generally be based on assessed housing needs (including bedroom requirements) unless there are exceptional circumstances.

The following list outlines examples of the types of circumstances when a Management Allocation may / would be appropriate:

Criteria	Description
Decants	<p>When someone has to move out of their home to enable major repairs to be carried out, including incidents of fire or flood damage.</p> <p>These could be within public sector or from private sector where area renewal activity is being undertaken or in cases of emergencies.</p>
Witness Protection Scheme	<p>Formal Witness Protection Scheme referrals.</p> <p>Other cases with clear written support from the Police /Crown Prosecution Service or other clear requests from police to assist with rehousing to protect the safety of a witness to a crime who is testifying / giving evidence.</p> <p>Referral being made by appropriate agency to either Homelessness or Choice Based Lettings Manager who will liaise with appropriate Estate/Community/RSL Manager to secure suitable letting.</p>
High risk offenders / MAPPP(Multi Agency Public Protection Panel) process	<p>Where re-housing will add value to multi-agency approach to managing the risk identified by the Housing / Probation risk management protocol and MAPPA processes.</p> <p>Managed via the Council Homeless and Choice Based lettings teams with appropriate liaison with Estate/Community/BCH-Social Landlord Manager to secure suitable letting, with suitability assessment involving Probation, Police and other agencies as appropriate.</p>
Resettlement / Supported re-housing	<p>Assistance to a care provider or person in need of care where there is a high level of care needs, where a move to a more suitable location / property is a critical element to supporting an individual in the community where existing Home Care / Mental Health Network provision is insufficient to maintain, and</p>

	<p>to not do so will likely result in that individuals' health deteriorating - necessitating long term or frequent short term admission(s) to health / medical or other facility.</p> <p>Whilst such cases would normally be managed via a 'high/urgent' need banding, in 'exceptional' cases there needs to be a prescriptive approach to the securing of a property i.e. there is a clearly identifiable need for a specific type of property in a specific area / location.</p> <p>Requires appropriate assessment and referral from relevant social care team, liaison with appropriate Estate/Community/BCH-Social Landlord Manager to secure suitable letting.</p>
Officer Appointments	Where as a condition of employment a BCH / partner landlord wishes to offer accommodation.
Retiring Wardens / Other Warden Moves	<p>Where an elderly services Community Support Officer (CSO) or Warden retires or indicates a wish to become non-resident and loses their right to occupy their current tied accommodation, management route can be applied by the individual partner landlord.</p> <p>Wherever possible properties will be allocated on a 'Like for Like' basis according to the type of property they are leaving, however this may not always be possible due to demand and supply in different areas.</p> <p>Managed by the relevant partner landlord.</p>
Management Transfers	<p>Partner landlords may wish to assist current tenants to transfer within or between partners' housing stock for a range of reasons including: under-occupancy, over-occupancy, anti-social behaviour or other reasons. Some examples are noted below:</p> <ul style="list-style-type: none"> <li>• Single / couple in large family accommodation in high demand area;</li> <li>• Exceptional cases of Anti-Social Behaviour and Harassment, where an alternative property to either victim or perpetrator may diffuse an on-going situation. This to be done in clear view of alternative remedies and in line with broad principles of tackling ASB.</li> <li>• Relationship breakdown where partner leaving the tenancy – in instances of joint tenancies where there may be domestic abuse – a tenancy may be terminated and re-allocated or an alternate provided.</li> </ul>

	<ul style="list-style-type: none"> <li>Where severe hardship is incurred through the unsuitability of current dwelling (i.e. severe overcrowding, inability to manage stairs to property etc.)</li> </ul>
Incentive Schemes	Formerly Approved reward and incentive schemes that a partner landlord has established for transfers/moves within their own stock.
Community Care / High Need Care Programme Approach	<p>Urgent need mental health / learning disability cases in the event of homelessness / threat of homelessness or where current accommodation is severely detrimental to health and there is a very real risk of hospital or residential admission; the level of need of the individual is of a high level requiring Secondary community mental health services.</p> <p>Where there is high-level Social Services / Community Mental Health services involvement with an attached key worker; there is a clear care plan and / or supporting information / referral not only clarifying level and nature of vulnerabilities and support, but additionally that a move to alternative accommodation is a critical element of the care plan, that the plan is sustainable and there is a clearly identifiable need for a specific type of property in a specific area / location.</p> <p>Homeless, Choice Based Lettings or Supported Housing Manager will liaise with appropriate Estate/Community/RSL Manager to secure suitable letting.</p>
Other legal duties	Where a Court order requires Homes for Bolton or partner landlord to provide accommodation.
Clearance or substantial area renewal	To make a final offer where demolition or substantial refurbishment of properties in Bolton has been approved or a compulsory purchase order has been made requiring the customer and their household to move on a permanent basis.
Approved Corporate Objectives	<p>In order to meet or fulfill corporate objectives of the Council and its partner organisations, including:</p> <p>Corporate contracts such as:</p> <ul style="list-style-type: none"> <li>Adult social care (e.g. former Supporting People contracts to provide supported accommodation or 'network' type supported accommodation).</li> </ul>

	<ul style="list-style-type: none"> <li>• Accommodation assistance in support of asylum seeker and/or refugee support including arrangement in liaison with UK Border Agency / Home Office.</li> </ul> <p>Corporate emergencies where accommodation is requested by Bolton Council as a result of a fire, flood or other major incident.</p> <p>Corporate parent where accommodation is required to enable Bolton Council to fulfill its Corporate parent duty.</p> <p>New corporate objectives where there is approval by Bolton Council's Executive Board or delegated decision powers.</p>
Other case examples	<ul style="list-style-type: none"> <li>• Duty to accommodate priority need household where no suitable alternative accommodation available and urgency requires a timely response.</li> <li>• Formal homelessness duty to accommodate exists but no alternative accommodation is available – this may be on a permanent or temporary basis.</li> <li>• Other circumstances where high or urgent needs may exist and the normal expressions of interest and allocations process will be unlikely to deliver a suitable offer within an appropriate timescale.</li> <li>• Exceptional circumstances where it is appropriate to allocate a standing property currently provided on a different basis and where 'normal' CBL process unlikely to deliver a suitable offer within an appropriate timescale.</li> <li>• Offers of accommodation as a temporary measure under the terms of a non-secure tenancy to fulfil legal obligations to accommodate.</li> </ul> <p>Any case would require appropriate justification, referral by relevant staff team and to an appropriate Estate/Community Manager and decision by appropriate manager within Council / Homes for Bolton / provider landlord.</p>

## **Bolton Council – Homes for Bolton Allocations policy – 2024**

### **Appendix 3 The legal requirements that have been incorporated in devising the policy**

The Allocation policy has been devised with full regard to all relevant legislation.

This is the Bolton Council Housing Allocation Policy as required by Part 6 of the Housing Act 1996.

In developing this policy the Council has followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England).
- The Housing Act 1996, Part 7 as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017.
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”.
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.

Plus the following statutory regulations:

- a. Allocation of Housing (Procedure) Regulations 1997, SI 1997/483.
- b. Allocation of Housing (England) Regulations 2002, SI 2002/3264.
- c. Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments.
- d. Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- e. Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- f. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.
- g. ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’.

In framing our allocations scheme regard has also been had to the Council’s Homelessness and Rough Sleeping Strategy, Bolton Council’s Housing Strategy, and Tenancy Strategy as well as the Equality Act 2010.

In relation to f) above, in accordance with the ‘Right to Move’ statutory guidance on housing allocations for local housing authorities in England (Department for Communities and Local Government, March 2015), the Policy sets a limit of no more than 2% of lettings will be allocated to social housing tenants from outside of

Bolton who need to move for employment purposes. Details of how the right to move scheme will be applied by Bolton Council is set out in Appendix 8.

All references to statutory materials are by way of summary and for convenience only, and are not to be used as substitutes for the details within the original.

### **General Data Protection Regulations 2018**

We will ensure for any person on the housing register their information is stored lawfully and we act in a fair and transparent way in processing their data. We will only collect data that is specific, explicit and legitimate for the purpose of the application and lettings processes set out in this policy. The data will be kept up to date and not held unnecessarily or without appropriate security measures in place. Information will only be shared with other organisations or individuals in order to legitimately assess and progress a person's housing, for the prevention of fraud or with the person's explicit consent.

An Applicant's permission to share their personal information is a qualification condition of being accepted onto the housing register.

A Data Protection Impact Assessment (DPIA) will be undertaken for any proposed changes to the policy or procedures where those changes are likely to result in a high risk to individuals' interests in order to comply with the requirements of General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.

Personal information will only be used in ways that the applicant reasonably expects in order to process their application. This will include the sharing of information with housing association partners to this scheme, or any other housing association that is not a member of the scheme.

Where it is necessary for personal information to be shared with third parties, it will be transferred in a secure way to ensure it is not compromised or accessed by anyone who is not entitled to it.

On a case by case basis, where the law requires or permits, and the disclosure is necessary and proportionate, information about an applicant may be shared in the absence of consent without breaching data protection, human rights or the common law obligation of confidence.

Usually this will involve striking a balance between the rights of the applicant and other legitimate interests, which may justify the information sharing. An obligation of confidentiality/privacy may be set aside where the interference is in accordance with the law, necessary and proportionate to the legitimate aim being pursued to meet one or more of the following interests:

- National security

- Public safety
- The detection or prevention of disorder or crime
- Protection of health or morals
- The protection of the rights or freedoms of others (e.g. safeguarding public funds, protecting those at work)

### **Privacy Notice**

Bolton Council has a legal duty to protect public funds. The Council may obtain and share information about any applicant to:

- Prevent or detect crime or fraud
- Protect public funds
- To make sure information is correct

Third parties include government departments, other Councils, private sector companies, including companies that assist us in fraud detection and prevention, such as '*Credit Reference Agencies*'. Information may also be obtained from social media.

Any use of personal data will be in full accordance with the Data Protection Act 1998. A full copy of the 'Privacy Notice' is available on request via "The Information Governance Team", Bolton Council, Room 120, Town Hall, Bolton BL1 1RU, or [freedomofinfo@bolton.gov.uk](mailto:freedomofinfo@bolton.gov.uk)

### **Right to information**

The 'Freedom of Information Act 2000' makes it a requirement for every public authority to produce a 'Publication Scheme' which sets out all the information it makes available to the public, and whether copies of that information are available free of charge. The 'Publication Scheme' includes information that a Council is legally obliged to publish. The Scheme is also intended to assist in developing a culture in which openness and transparency is encouraged as per the 'spirit' of the Local Government Act 2000.

## **Bolton Council – Homes for Bolton Allocations policy – 2024**

### **Appendix 4 Local Lettings Policies**

The policy allows Bolton Community Homes Partner Landlords to operate clearly defined local lettings schemes to enhance the sustainability of defined communities. The principle of a local lettings policy will be to address localised issues, as identified by the partner landlord. These may include worklessness, the local economy, migration and other sustainability issues. They may also be proposed to address issues with demand & supply; and may adopt different approaches to advertisement, target marketing and shortlisting.

Where LLPs operate, preference for offers of accommodation may be given to applicants meeting specific criteria. These criteria should be clearly defined as well as any processes for receiving applications, shortlisting, offer and selection processes.

Shortlists will usually continue to be generated, identifying different banding and needs. LLPs will not discriminate unjustifiably, directly or indirectly on any equality grounds.

LLPs will be evidence based and approved for particular property descriptions in defined geographical areas, following consultation for example with elected members/ officers and the local community as appropriate. LLPs will be reviewed at least annually.

Consultation will be based on appropriate evidence and justification provided by the proposing partner landlord and presented in an appropriate format agreed with BCH and Bolton Council.

If supported by the relevant organisational senior manager; approval will be required by the appropriate board/committee and the request then forwarded to the Head of Bolton Housing Service for an appropriate Council officer for sign-off, and for implementation.

The intention is in time for all local lettings policies current at the time, to be listed as a link to the on-line version of this policy so the public can see which policies are in operation at any point in time. In addition any property advert will state whether there are any local lettings restrictions or criteria.

In the meantime details of local lettings policies are available from the relevant provider landlord or from Bolton Council via Homes for Bolton.

### **How will a local lettings policy be assessed and agreed?**

The Council and the relevant BCH partner will decide when a local lettings policy may be appropriate and why.

There should be a clear evidence base for adopting a local lettings policy. The following framework will be used by the Council to decide whether a local lettings policy is appropriate:

- 1) That there is a clear definition of the objective to be achieved by that particular local lettings policy.
- 2) That there is a clear evidence base to back up the need for a local lettings policy.
- 3) That any potential equality impact has been considered.
- 4) How long the local lettings policy is intended to operate.
- 5) When the local lettings policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that local lettings policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

The following are examples of local lettings policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- Age restrictions.
- Prioritising applicants who are key workers, as defined by the policy.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- Ensuring that there is a balance of working and non-working households allocated to a scheme.

New developments will normally have local lettings policies (usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

## **Bolton Council – Homes for Bolton Allocations policy – 2024**

### **Appendix 5: Definition of a reasonable offer**

Bolton Council and Bolton Community Homes is committed to helping secure that 'suitable' accommodation is available for customers who have a high/urgent need for accommodation within the Homes for Bolton choice based lettings scheme. Below are criteria used for purposes of guidance when considering the 'suitability' of available accommodation. Any such assessment will also take into account availability, demand and supply of alternate properties, types and locations; as well as timescales and reasonable expectations:

A refusal of an offer of the correct size and type will normally be considered unreasonable.

Guidance on reasonable and unreasonable refusals:

#### **1) Property size:**

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms they may need.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the Council.

In circumstances where a household has a need for a larger property of 4 bedrooms or more and given the extremely limited supply of large properties; an offer of accommodation for larger households that would result in over occupancy that is however short of being statutorily overcrowded may also be considered reasonable under this policy. Family make up will need to be considered including age, sex, relationship and dependency as well as availability of alternative accommodation.

#### **2) Property type**

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore an applicant cannot reasonably refuse an offer because for example, it is a flat or within a high-rise, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the Council.

Where specialist accommodation is offered to a household inappropriately, this may be considered to be a reasonable refusal. This may be for example:

- a) Offers of wheelchair standard housing to households which do not have wheelchair users.
- b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy.
- c) Offers of sheltered housing where the applicant is not of the appropriate age.

### **3) Property condition**

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the provider landlord voids team decides to withdraw the property from letting for further works to be carried out. Social housing providers will only offer accommodation that will vbe of a lettable standard at point of sign-up.

### **4) Area of choice**

Where the offer is not within one of the applicant's specified areas, the refusal will not be considered to be reasonable. It should also be noted that where an applicant is made a direct offer such as: where the applicant has been assessed as being statutory homeless and are owed a statutory homeless duty, area of choice will not apply.

### **5) Free from fear of violence and/or Racial harassment**

It would be wrong to enforce rehousing in a specific area where violence or threat of violence or racial harassment to the customer has been recorded and is considered by the appropriate authorities to pose an on-going substantial and/or unmanageable risk. However, this should not mean that customers will not be rehoused in the same district, but on a different area from previous violence and /or harassment. Common sense will be needed and advice of appropriate agencies. Where an applicant refuses an offer of a property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal may be considered reasonable. Reference will be made to the allocating landlord and Police as appropriate.

### **6) Choice of landlord**

An applicant cannot choose whether they are rehoused by a specific Housing Association. Therefore, any refusal for example by an applicant of a property because it is a property with no 'Right to Buy', or 'Right to Acquire', or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

### **7) Pets**

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the BCH partner landlord's tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

### **8) Medical or other proven need of support in given locality**

There will be need for substantial medical or other convincing proof that a customer must be housed in a specific area for reasons of family or other support. A wish to simply be near a relative, etc. will not suffice. In addition flexibility to areas will be applied if existing demand and pressure for housing in a particular area would mean an excessive wait in temporary accommodation or other arrangements.

### **9) Reasonably close to place of work**

Defined as 60 minutes travel by public transport with no more than two buses needed for the journey, in the reasonable absence of private means of transport. Sensitivity needed for shift workers, who may start / finish in early hours of morning when there is no public transport. Sensitivity needed in cases where the loss of organised childcare would mean a parent / guardian giving up work. Account cannot be taken of distance to places of work at greater distance outside of the borough.

### **10) Reasonably close to children's school(s)**

Consideration will be given to minimise disruption to schooling where possible, however given the very limited availability of social housing in parts of the borough account will also be taken of individual circumstances and any assistance that may be available under the Council's travel to school and college assistance policy.

### **11) Reasonably close to place of worship**

Defined as 60 minutes travel by public transport with no more than two buses needed for the journey, in the reasonable absence of private means of transport. Sensitivity will be displayed where, for example, worship takes place on a daily basis. Account cannot be taken of distance to places of worship at greater distance outside of the borough.

## **Bolton Council – Homes for Bolton Allocations policy – 2024**

### **Appendix 6 Armed Forces Personnel and their families**

Armed Forces, Former Armed Forces personnel and their families may require assistance with re-housing during the period of transition from leaving the forces or at some future date. The make-up of households and circumstances will be varied.

The policy therefore provides for:

- Arrangements to facilitate housing applications in a planned way in advance of final discharge date.
- Assistance for those without settled accommodation following discharge from the forces who are living in insecure accommodation arrangements, or those who are homeless or threatened with homelessness.
- Prioritising single forces personnel with lengthy and /or active service who may be vulnerable as a result.
- Working with and supporting people who have had historic records of active military service for the Country who may now require assistance with housing.
- Provision of arrangements to facilitate forces personnel to seek housing assistance in a planned way in advance of final discharge date.

The principal responsibility for providing housing information and advice to Service personnel lies with the armed forces up to the point of discharge and these services are delivered through the Joint Service Housing Advice Office. Some people, who have served in the armed forces for a long period, and those who are medically discharged, may be offered assistance with resettlement by Ministry of Defence (MOD) resettlement staff. The MOD issues a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation (see examples appended within Homelessness Code of Guidance) six months before discharge.

Prior to discharge from the forces applicants will need to provide:

- Relevant armed forces discharge documentation detailing final date of discharge, length of service and details of all household members AND
- Documentation confirming the requirement to leave any forces accommodation from the Ministry Of Defence Housing Directorate or other appropriate agency. (As noted above).

Once received their applications will then be considered for an Urgent/High Need priority award:

- Households including dependent children to be considered to be in priority need.
- Households containing single personnel or childless couples may also be considered to be in priority need should they have served for a period of not less than six years at the date of discharge, irrespective of assessment of 'vulnerability'.

- Other personnel being discharged from the forces with less than six years of service should also be assessed as to their vulnerability (as noted below).

Bolton Council will accept the date specified on the 'Certification of Cessation Of Right to Occupy' as the final date for which they are required to vacate , and will NOT require the MOD to pursue and secure possession via County Court eviction processes before offering assistance.

Should any such prioritised applicant fail to secure a suitable offer during this transition period they can also request assistance with alternative temporary accommodation whilst they pursue their housing application.

### **6.1 Other circumstances of former armed forces personnel**

Assistance may be provided for those without intervening settled accommodation following discharge from the forces who are living in insecure accommodation arrangements, or those who are homeless or threatened with homelessness.

Those leaving the armed forces, whether applying in advance or post discharge, may also be considered for priority depending upon their individual circumstances.

Applicants who have access to suitable accommodation (for example if they are already owner occupiers of suitable & adequate accommodation that is available to them) may not be prioritised.

Those without suitable accommodation or having secured accommodation on a temporary basis only (for example in lodging arrangements), can be considered via the Part VII 'homelessness' assessment (or against any other relevant housing need that may exist).

Behaviour including anti-social and/or criminal activity and/or any other behaviour which unreasonably results in their loss of their own suitable accommodation due to their own fault, as with all other applicants, will be considered when assessing eligibility/suitability to be a tenant.

Bolton Council will take account of any relevant vulnerabilities including those directly associated with armed forces service when assessing eligibility and suitability.

### **6.2 Assessment of priority and vulnerability of armed forces personnel & their families**

Families with dependent children will generally be viewed as being in priority need; and single people and childless couples will be assessed as to their vulnerability, notably:

- Those with lengthy service and/or active service and/or any indications of post-traumatic stress related issues and/or injury be considered vulnerable and prioritised for assistance.
- This vulnerability may be as a result of recent service or service some considerable period before application.

Those returning from being stationed abroad will not be subject to the Habitual Residence test.

### **6.3 Assessment of ‘vulnerability’**

Applications from former members of the armed forces will need to be considered carefully to assess whether the applicant is vulnerable as a result of having served in the armed forces.

Those who are vulnerable as a result of having been a member of Her Majesty’s Armed Forces have a priority need for accommodation. Armed forces will include a person who was previously a member of the (regular, territorial or other reserve) naval, military or air forces, including a person who has been released following detention in a military corrective training centre.

In considering whether former members of the Armed Forces are vulnerable as a result of their time spent in the Forces, the following factors will be taken into account:

- The length of time the applicant spent in the armed forces (although authorities should not assume that vulnerability could not occur as a result of a short period of service).
- The type of service the applicant was engaged in (those on active service may find it more difficult to cope with civilian life).
- Whether the applicant spent any time in a military hospital (this could be an indicator of a serious health problem or of post-traumatic stress).
- Whether HM Forces’ medical and welfare advisers have judged an individual to be particularly vulnerable in their view and have issued a Medical History Release Form (F Med 133) giving a summary of the circumstances causing that vulnerability;
- The length of time since the applicant left the armed forces, and whether he or she had been able to obtain and/or maintain accommodation during that time.
- Whether the applicant has any existing support networks, particularly by way of family or friends.

Any medical evidence from the MOD, including a Medical History Release Form may be of assistance.

If there is a need for particular type of accommodation, for example disabled access or other adaptations, case should be referred through to the Customer Support Team for consideration for the Adapted Housing Register.

#### **6.4 Armed forces – local connection and assistance to bereaved spouses and partners**

Local connection shall be defined by the application of part VII Housing Act 1996 (as amended by the Homelessness Act 2002), however it being noted that where recent residence or family associations are limited, earlier residence or 'other ' connections/special reasons shall be used to 'include' an applicant for assistance where appropriate (and not for purposes of exclusion).

It is also noted that bereaved spouses or civil partners of those serving in the regular forces (where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service) AND existing or former members of the reserve forces (who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service) also fall within the scope of this policy.

In addition, any housing application made by former service personnel\* within five years of discharge shall not be disqualified from consideration for an allocation (under part VI Housing Act 1996 & s146 Localism Act 2011) by virtue of a local connection. (\*This including those serving in regular forces currently or within the previous five years bereaved spouse or civil partner and members of reserve forces as noted above.) Within the Bolton allocation policy, those cases without a local connection whilst being 'qualified' and open for consideration for an allocation may however be placed within the Conditional Need band.

## **Bolton Council – Homes for Bolton Allocations policy – 2024**

### **Appendix 7: Assessing whether an applicant qualifies for a priority band 1 (HNP) or band 2 (HNL) on the basis of medical priority**

***The assessment: Awarding Medical Priority for significant Medical Conditions that are being made worse by an applicant's housing circumstances.*** The framework the Council will use to assess medical impact cases

This appendix provides detailed operational guidance to help officers to make their decisions on whether medical or welfare impact priority should be awarded.

Applicants may provide information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why their health cannot be managed in their current accommodation. Depending on the information provided the Council may ask the applicant or other appropriate healthcare professional sighted by the applicant to provide further information.

On receipt, officers will consider whether any supplementary information is needed from any other relevant professional who may be able to explain the impact the applicant's current accommodation is having on their medical condition/disability.

While this information is being provided, and pending the assessment of priority for medical reasons, eligible applications who have another statutory housing need will be registered and placed in a band according to their circumstances excluding priority for medical reasons. Where no other housing need exists, the application will remain as pending until priority for medical reasons is determined.

The assessing officer supported, where necessary, by a senior officer will normally make a decision based upon the information provided whether or not to award a priority band based on medical grounds.

If the Council believes it may be beneficial to obtain an opinion from an independent Medical Advisor, any Medical Advisor will not normally be asked to carry out a medical examination. Their opinion will be based on the information provided by the applicant. Applicants do not necessarily have to submit any supporting medical evidence in support of their application though where this is available they should provide it to the Council to support their case.

Where the assessing officer believes that further medical information is required they may request it from a relevant medical professional dealing with the applicant.

Priority for medical reasons will not be awarded in the following circumstances:

- Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied.
- Health problems that are not affected by housing or cannot be improved by moving.
- Where a move would only make a marginal improvement to the applicant's condition.
- Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- Where another reasonable course of action is available to the applicant to resolve their difficulties.
- Time-related medical problems (e.g. pregnancy-related problems or a broken leg).
- Disrepair problems not impacting significantly on the applicant's medical condition.
- Overcrowding not impacting significantly on the applicants medical condition.
- Where the medical condition is as a result of a lifestyle choice (e.g. drug use).
- If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.
- If the situation can be resolved by an appropriate provision of care which can be implemented in a reasonable period of time.

Applicants who require support to live independently with their medical condition will only be placed in a priority band for their medical need if an appropriate package of support has been agreed and even with the delivery of the support package the accommodation will continue to adversely affect their health. If no appropriate support package has been agreed the applicant will not be offered accommodation whilst a support plan/package is pursued.

Each individual on the application with a health or welfare problem will be assessed. If there is more than 1 member of the household whose health and/or welfare is being affected by their housing, their application will be awarded the need relating to the severest problem.

Where an applicant has been placed in bands 1 or 2 as a result of a medical need this may be reviewed on a regular basis to ensure the award is still relevant.

The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/or support agency, an email, or a home visit.

Once the assessment has been completed the Council will notify the applicant advising them of the outcome, and if a priority band is awarded what that band is.

Where an applicant already registered notifies a change of medical circumstances due to the impact of their current housing the applicant's priority will be reviewed and re-assessed as necessary.

This section below quotes examples of when Bands 1 or 2 could be awarded. These are just examples and an assessment will be made on the facts of the case.

**Band 1 (HNP): Covers urgent and immediate medical impact problem**

This top category band 1 will be reserved for exceptional cases where an applicant's health is seriously at risk (including a risk to life) due to the associated medical and housing difficulties that are inherent in their existing accommodation.

**Band 2: (HNL): Covers serious medical impact problem**

A band 2 award also reflects urgent medical impact cases that have a clear relationship with the applicant's existing housing circumstances.

**The detail for the operational guidance that used by the Council to assess medical cases**

- The applicant will be asked to indicate on their on-line application form whether they or anyone in their household has an illness or disability that is affected by their current accommodation circumstances.
- Applicants may provide information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why their health cannot be managed in their current accommodation.
- Depending on the information provided the Council may ask the applicant or other appropriate healthcare professional sighted by the applicant to provide further information.
- Where supporting information from a health professional is available, the applicant should provide this information to support their application, but that the Council as a matter of course do not request that an applicant must submit a medical report, or obtain letters from their GP. The Council do not wish to create further work or costs for doctors or applicants by insisting that medical reports are produced before any application is considered.
- The assessing officer should then carry out an assessment using the criteria adopted by the Council and set out in this guidance note.
- Depending on the seriousness of the circumstances claimed the Council may decide to refer to an independent medical advisor and/or other health or social care professional to provide it with advice on the condition in order to help the officer make an assessment of the impact of the applicant's current accommodation on that condition. However, it is expected that the majority of cases can be assessed by the assessing officer by using this guidance and where necessary taking advice from their manager. Only where relevant and appropriate will a view from an independent medical advice be sought.
- Where the information indicates that the applicants condition is not so urgent and immediate that they are unable to live in their current home, or that there is insufficient evidence that the medical condition would be significantly improved by alternative housing no award of priority band 1 or 2 will be made.

- Where appropriate in the cases of severe disability where the applicant may be unable to continue to live at their present home, the case can with a manager's approval be submitted to an Occupational Therapy Officer (OTT) and/or independent living service (ILS) for a more detailed assessment. The OT officer professional and/or ILS officer may need to visit the home of the applicant and consider any supporting information and may recommend whether band 1 or 2 priority should or should not be awarded. The Council will consider the OT and/or ILS report and recommendation in deciding what band to award.
- The OT and/or ILS may also make recommendations re the type of housing that the applicant may need.
- Where priority is awarded applicants will only be considered for the type of accommodation assessed as being required. For example, if it is assessed that an applicant needs to move to a bungalow because due to their condition they need to use a wheelchair, they will only be considered for suitable properties that meet this need.
- There will be occasions when advice, or clarification, from a GP or consultant may need to be sought. For example, where it is claimed that an applicant's housing circumstances is affecting their mental health.
- The following list sets out some of the main factors that may qualify for an award of priority banding:
  - a) An applicant's inability to manage stairs.
  - b) Where an applicant's accommodation is having a significant or exceptional impact or is causing an applicant's mental or physical health.
  - c) An applicant's restricted ability to fend for him/herself.
  - d) The need for adapted housing and/or extra facilities.
  - e) The need for sheltered or supported housing due to the impact of their current housing on a medical condition.
  - f) The need for alternative housing as part of a care plan.

When assessing whether to award band 1 or 2 or no band officers will follow a 5 stage assessment process. The 5 stage process is:

1. Is the medical condition serious enough for a priority banding to be considered?
2. If the medical condition is serious enough for a priority banding to be considered the next stage is for the assessing officer to decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation? i.e. Is the applicant's current housing accommodation/circumstances making the medical condition substantially worse, or will make it worse.
3. In practical terms the officer should consider what degree of need exists and, secondly, what adverse effect this has on the ability of the applicant to manage day to day tasks in their current home.
4. If the assessment officer agrees this to be the cases they will next need to be satisfied that there a realistic expectation that the identified medical condition would improve significantly, and not marginally, if alternative suitable accommodation were to be made available.

5. If the answer is it would be improved the final question is whether to award Band 1 or 2 depending on the severity of the condition.

**More extensive examples to help the assessing officer to decide if band 1 should be awarded on medical or disability grounds**

These examples are intended to guide the assessing officer on the threshold set for a band 1 or band 2 priority award or whether no award should be made. They will also serve to help an applicant understand the threshold for a priority award to be given.

The following are examples of cases that may qualify for Band 1 award. It may apply to the applicant or a member of their household:

- Applicants who have a progressive, chronic or life threatening medical condition and cannot be discharged from hospital because they do not have any accommodation.
- An immediate life threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage.
- A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care.
- The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g. applicant has severe mental health problems that are significantly exacerbated by their accommodation.
- Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced AIDs.
- Where a member of the applicant's household cannot be discharged from hospital until a suitable property is provided.
- A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
- Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.
- Veterans who have seen active service within the armed forces and are suffering from severe post traumatic stress disorder or serious illness directly related to service in the forces and the current accommodation arrangements substantially impacts the post traumatic stress disorder or serious illness.
- People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
- People living in a mobile home, caravan or converted vehicle which, due to medical conditions, does not meet their needs.

- Where remaining in the current accommodation poses an immediate risk of serious and permanent injury and/or permanent severe disability.
- Where someone cannot be discharged from hospital because his or her home is, and will remain, significantly unsuitable or entirely inaccessible to live in.
- Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition.
- Where it is impossible for the person to use essential facilities within the home and no adaptation is possible.

**More extensive examples to help the assessing officer to decide if band 2 should be awarded on medical or disability grounds**

- Applicants who have mobility issues and need to move to ground floor or level access accommodation due to a serious risk of falls.
- Applicants who have a medical need for an additional bedroom for example, because they have been assessed by the Council as requiring an 'overnight carer', or they need to accommodate a substantial amount of medical equipment and this is required urgently to ensure continuity of provision of care.
- Children with severe conditions such as autism, or cerebral palsy where their long term needs cannot be met without long term settled accommodation.
- A person with a severe disability requiring substantial adaptations to a property not provided for in their current accommodation, whereby they are unable to maintain independence in their own home by accessing essential facilities such as toilet or bathroom.
- Where an applicant can access their home, but is unable to access normal day-to-day facilities within it (e.g. bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. Where an adaptation is possible, practical and affordable this should always be pursued. If an adaptation is possible but cannot be undertaken in a reasonable period of time, band 2 may be awarded in the interim. (Any priority would be removed once an adaptation is undertaken).
- An applicant is suffering from a long-term mental illness that is being exacerbated by their accommodation. There will normally not only be GP involvement, but other specific mental health support already provided.
- An applicant or member of their household with a terminal illness, or long term medical debilitating condition, whose current accommodation is not necessarily having a significant impact on their condition but where it is agreed by the council that their quality of life would be significantly improved by moving to alternative more suitable accommodation or accommodation that is nearer to support that is essential for their well being.

## **Appendix 8 'Right to Move' qualifying criteria adopted**

To meet the Allocation of Housing (qualification criteria for the Right to Move - England) Regulations 2015, 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 Section 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.

### **Qualifying criteria**

This applies to existing social housing tenants:-

- Who need to move within a Local Authority area or to another local authority area to avoid hardship, and
- Who need to move because the tenant works in the district, or
- Who need to move to take up an offer of work?

### **What Bolton Council will take into account:-**

#### **Need to Move:**

Tenants must need to move, not simply want to move. Factors to consider in determining `need` are:-

- The distance and/or time taken to travel between home and work.
- Availability and affordability of transport as against earnings.
- Nature of the work and whether similar opportunities are available nearer home.
- Other personal factors, for instance medical conditions, child care.
- Length of work contract.
- Would failure to move mean a lost opportunity to improve employment circumstances or prospects?

#### **Work:**

`Work` only qualifies as `work` if it is not:-

#### **Short term:**

- Consider whether the work is regular or intermittent (particularly relevant for the self-employed).
- Consider the period of employment – a contract of less than 12 months could be considered short-term.

#### **Marginal:**

- Less than 16 hours per week could be considered marginal
- Consider the level of earnings.

**Voluntary:**

- Unpaid, or expenses only.

**Ancillary:**

- That is, if the person works occasionally in another local authority area, but main place of work is a different area, the work is excluded.

**Verification and Evidence**

The tenant must be able demonstrate that he/she has a genuine job offer and that he/she has a genuine intention to take it up.

Appropriate evidence could include:-

- A formal offer letter.
- A contract of employment.
- Wage/salary slips covering a certain period, or bank statements (zero hour contracts).
- Tax and benefits information, for example proof of receipt of working tax credit.