



# Housing Allocation Scheme 2021

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## 1. Introduction and Overview

### 1.1 Introduction

Cherwell District Council (CDC) transferred its housing stock, which is now owned by Sanctuary Housing Group, through a Large Scale Voluntary Transfer (LSVT). Over 95% of all social housing in Cherwell is owned by partner Registered Providers (RPs). Therefore, it is important to note that with the exception of a small number of units this allocation scheme relates primarily to housing owned by partner RPs.

In Cherwell, the demand for social housing is greater than the number of homes available. This allocation scheme describes how CDC prioritises housing applicants and ensures that those in greatest housing need, as described by the legal definition of Reasonable Preference in the Housing Act 1996 (as amended by the Homelessness Act 2002, the Localism Act 2011 and the Homelessness Reduction Act 2017) (the Act), are given appropriate priority to access available social housing. Whilst CDC will nominate applicants to housing that is owned by RPs, in accordance with this allocation scheme, RPs will also have due regard to their own lettings policies when letting their properties.

This allocation scheme applies to:

- new applicants
- current applicants
- existing tenants of a RP who want to transfer either with their current landlord or to another RP

This allocation scheme sets out in detail who is eligible and who will qualify to join the housing register as well as how this assessment is made. It also sets out how applicants can apply for and access housing and what service standards an applicant can expect from CDC.

The vast majority of the housing that CDC allocates under this allocation scheme is through a Choice Based Lettings (CBL) system ([www.cherwell-homechoice.org.uk](http://www.cherwell-homechoice.org.uk)) which allows applicants to view available properties and express interest by making bids.

### 1.2 Aims and objectives

The key objectives of this allocation scheme are to:

- provide housing applicants in Cherwell with a fair and transparent system by which they are prioritised for affordable housing
- help applicants most in housing need
- promote the development of sustainable mixed communities and neighbourhoods of choice
- encourage residents to access employment, education and training
- make efficient use of CDC's resources and those of its partner RPs

This Scheme is part of Cherwell's Housing Strategy 2019-2024, which has three strategic priorities, these are:

- Increase the supply and diversity of affordable housing to ensure the right types of housing are available in the right places

- Improve the quality and sustainability of our homes and build thriving, healthy communities.
- Enhance opportunities for people to access suitable homes and have housing choices

CDC designed this allocation scheme to meet all legal requirements and to support and contribute towards the objectives of its Housing Strategy. CDC's Housing Strategy, and the ways in which it provides advice and assistance to home seekers on a whole range of housing options, including access to the private rented sector and low cost homeownership, can be found on CDC's website at [www.cherwell.gov.uk](http://www.cherwell.gov.uk).

### **1.3 The legal context**

This allocation scheme sits within a tight and complex legal framework of Part VI of the Act. This section describes this legal framework.

The Act requires local authorities to make all allocations and nominations in accordance with an allocation scheme. A summary of the allocation scheme must be published and made available free of charge to any person who asks for a copy. A summary of this allocation scheme and the general principles behind it are available at CDC's offices and on CDC's website. This document is the full version of the allocation scheme and is available for inspection at CDC's main office at Bodicote House.

The Act requires local authorities to give Reasonable Preference in their allocation scheme to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Act also requires local authorities to state within their allocation scheme what its position is on offering applicants a choice of housing or offering them the opportunity to express preference about the housing to be allocated to them.

This allocation scheme complies with the requirements of the Act and takes into account the various codes of guidance issued by the Ministry for Housing, Communities and Local Government including:

- Providing social housing for local people (December 2013)
- Right to Move and social housing allocations (March 2015)
- Improving access to social housing for victims of domestic abuse (November 2018)
- Improving access to social housing for members of the Armed Forces (June 2020)
- Allocation of Accommodation: guidance for local housing authorities in England (Jan 2021)

The allocation scheme is drafted to ensure that it is compatible with CDC's equality duties, under the Equality Act 2010, including the duty to eliminate unlawful discrimination and to promote good relations between persons who share a relevant protected characteristic and those who do not. The 9 protected characteristics are age, race (including ethnic or national origins, colour or

nationality), disability, sex, pregnancy and maternity, sexual orientation, religion or belief, marriage and civil partnership, and gender reassignment.

Further, this allocation scheme has taken into account all other relevant legislation and case law, CDC's Homelessness Strategy and Tenancy Strategy and CDC's duties under the Care Act 2014. This allocation scheme has also taken into account the changes brought into effect by the Homelessness Reduction Act 2017.

In summary this allocation scheme has considered:

- CDC's statutory obligations and discretion as to who is eligible for housing allocation
- CDC's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law
- CDC's statutory discretion to grant 'additional preference' and/or to determine priority between applicants with Reasonable Preference
- the general and specific statutory discretions CDC can exercise when allocating housing in support of its Housing Strategy
- the local flexibility offered through the Localism Act (2011)

This allocation scheme, or the manner in which CDC allocates housing under this allocation scheme, may be amended and updated from time to time to take account of any new guidance, regulations and legislation which is adopted by the Government. CDC will always act in accordance with the most up to date guidance, regulations and legislation which are relevant to this allocation scheme and will endeavour to reflect those changes in formal written updates as soon as possible.

#### **1.4 Advice and assistance**

CDC acknowledges that this allocation scheme requires the active participation of housing applicants and to reflect this, CDC aims to provide advice and assistance to ensure that no person is disadvantaged by the way the scheme operates.

General information about the scheme will be made available as follows:

- the procedures for applying to the allocation scheme and for bidding for advertised vacancies
- how applicants are prioritised under this allocation scheme
- how successful applicants will be selected by CDC
- rules on how properties will be advertised including bidding cycles and restrictive labelling
- review procedures
- RPs that have vacancies advertised through CBL

Applicants will also be provided with information regarding their own application which will include:

- what band is applied to their application under this allocation scheme
- what size properties they are eligible for
- what information and documentation they need to provide for CDC to verify their circumstances and when this information will need to be provided
- the reasons for a disqualification and the period of time the applicant will be disqualified for.

Properties are advertised through the CBL scheme. In partnership with RPs, CDC endeavours for all advertisements to be as comprehensive as possible. The CBL scheme promotes informed choices and expects to guide applicants to bid only for properties they can realistically expect to secure. Advertisements will include as many of the following as possible:

- location
- property type, size and floor level
- nature of tenancy on offer
- type of heating
- whether the property has a garden
- whether parking is available
- the amount of rent and any other charges that are payable
- photos of the property
- the Energy Performance Certificate rating

Applicants who have any difficulty reading or understanding this allocation scheme will be offered the following services:

- an interpretation service if their first language is not English
- signing if speech or hearing is impaired
- provision of documents in large print if an applicant is visually impaired
- an interview to explain the content of this document and information about where independent advice can be obtained about this allocation scheme

As there are likely to be many more applicants than properties available, CDC will also provide information about other housing options. This will include:

- advice on RPs
- advice and help on renting in the private sector, if there are few affordable homes available in the areas where any applicant wishes to live
- advice on available low cost home ownership options
- advice on how welfare benefits, employment, education and training that may improve the housing options available
- Enhanced Housing Options Service – self-help tool via the website at [www.cherwell.gov.uk](http://www.cherwell.gov.uk)

## **2. Choice and constraints**

### **2.1 Policy on expressing choice of rehousing area**

The amount of choice that CDC can offer is limited by the housing pressures it faces and responsibilities it has to some groups in housing need, such as those found to be statutorily homeless. CDC believes that any applicant considered to be eligible under this allocation scheme should be able to express a preference over the type of property and the area in which they would like to live. However, applicants should be aware that CDC's ability to satisfy their expressed preference may be limited.

Most applicants will be able to bid using Choice Based Lettings (CBL) to apply for properties they have been assessed as eligible for across Cherwell. There are some circumstances in which this will not apply.

CDC requests that applicants state those areas where they believe they cannot live due to fear of violence, harassment or domestic abuse. CDC must be satisfied such factors exist and that it is necessary to allocate accordingly. Consideration must also be given as to how an allocation in Cherwell would provide a place of safety. This is to assist CDC in making more informed decisions and will also help support workers who may be assisting an applicant.

### **2.2 Statutory Homeless Applicants**

All statutory homeless households as defined in Part VII of the Act and owed a statutory duty by CDC under section 188, 192, or 193 of the Act will be placed on automatic bidding at the point a duty is accepted.

To discharge a statutory homeless duty the local authority will only make 1 final offer. To be deemed a final offer the accommodation must be reasonable and suitable for the needs of the household. This may be social housing, private rented or supported accommodation. An application to the Housing Register will be suspended until the outcome of the final offer is decided. Refusal of a final offer will result in Housing Register applications being closed for a period of 6 months.

Whilst we consider each applicant's personal circumstances, given the good transport links and access to employment, education, health and support services throughout our district it is likely an offer anywhere within Cherwell will be considered suitable as a final offer.

Applicants owed a duty under s195 who are deemed to be at risk of homelessness and who qualify to join the Housing Register will be able to apply for up to 3 properties per lettings cycle.

### **2.3 Move-on from Supported Accommodation**

CDC has protocols in place with providers of supported accommodation to assist clients who are ready to move-on to independent living. Those who qualify to be on the Housing Register are awarded a priority banding to acknowledge that supported accommodation is a scarce resource and should be vacated as soon as possible, so a household which requires support can be placed.

Those with Move-on Priority will be placed on automatic bidding at the point their referral is accepted.

The council will make 1 final offer to facilitate a move-on. To be deemed a final offer the accommodation must be reasonable and suitable for the needs of the household. This may be social housing, private rented or further supported accommodation. An application to the Housing Register will be suspended until the outcome of the final offer is decided. Refusal of a final offer will result in Housing Register applications being closed for a period of 6 months.

Whilst we consider each applicant's personal circumstances, given the good transport links and access to employment, education, health and support services throughout our district it is likely an offer anywhere within Cherwell will be considered suitable as a final offer.



### **3. Eligibility and qualification criteria**

This section provides detail on how CDC determines whether any applicant is eligible and qualifies to join the housing register.

#### **3.1 Who can apply to the Housing Register**

Anyone can apply to join the housing register. On receipt of an application to join the housing register, CDC will consider:

- whether the applicant/s are eligible for an allocation of social housing
- whether the applicant/s qualify under the allocation scheme rules

#### **3.2 Young person under 18 years**

In order to be nominated for supported accommodation, any applicants aged 16 or 17 years old must meet one or more of the following conditions as being:

- accepted as homeless under Part VII of the Housing Act 1996
- over the age of 16 where a referral for assistance has been made by Social Services authorities under Section 27 of the Children Act 1989
- a young person who is deemed a relevant or eligible child under the Children (Leaving Care) Act 2000 as amended.

In each case, CDC will undertake a joint assessment with Social Services of the applicant's housing, care and support needs to ensure that adequate support is available.

In order to secure accommodation any person under 18 years of age must provide details of a suitable guarantor who will sign the applicant's tenancy agreement. Applicants under the age of 18 who are eligible can only be considered for supported accommodation provided by CDC's RP partners unless accepted as statutory homeless or in exceptional circumstances.

#### **3.3 Care leavers**

Any person over the age of 18 who has duties as a care leaver, having been looked after by Oxfordshire Children's Services under Section 20 of the Care Act 2014, and has been accommodated anywhere within the county of Oxfordshire, or outside the district, will be treated as if they have a local connection to Cherwell District and therefore be eligible to apply for housing accommodation under this allocation scheme. Care leavers who have been placed in the district by another local authority for a considerable period will also be given consideration.

#### **3.4 Councillors, employees and their close relatives**

This allocation scheme is designed to ensure that CDC (and any relevant organisation) is transparent and equitable when letting homes to staff, its Councillors or any of their relatives. This allocation scheme is open to any eligible applicant. Council staff, Councillors and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment in the course of their application, nor shall they be disadvantaged. For further information see Appendix 2.

### **3.5 Who can and cannot be included on a housing register application**

The persons who can be included on a housing application must be members of the applicant's immediate family who normally live with the applicant. Any other person will only be included on an application if CDC is satisfied that it is reasonable for that person to live with the applicant. This will exclude lodgers or anyone subletting from the applicant. Anyone over 16 years included on an application as part of a household will also be included in the full assessment of the application including income, capital and assets.

For the purposes of this allocation scheme a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

### **3.6 Who cannot be accepted onto the Housing Register**

CDC will refuse an application to join the housing register in the following circumstances:

#### **3.6.1 Those not eligible**

##### **Persons from abroad**

A person may not be allocated accommodation under Part VI of the Act 1996 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA.

There are two categories for the purposes of s.160ZA:

- (i) a person subject to immigration control - such a person is not eligible for an allocation of accommodation unless he or she comes within a class prescribed in regulations made by the Secretary of State (s.160ZA(2)), and
- (ii) a person from abroad other than a person subject to immigration control - regulations may provide for other descriptions of persons from abroad who, although not subject to immigration control, are to be treated as ineligible for an allocation of accommodation (s.160ZA(4)).

The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations').

Persons who are able to produce evidence of an in-time appeal of their leave to remain will be treated as though they continue to have leave to remain.

## **3.6.2 Those who are disqualified**

### **3.6.2.1 Unacceptable behaviour**

CDC will disqualify an applicant from the housing register if the applicant, or any member of their household, has behaved in an unacceptable way as described in this allocation scheme and at the time of their application to the housing register, they are still considered by CDC to be unsuitable to be a tenant by reason of that behaviour.

CDC considers that unacceptable behaviour includes the following circumstances:

#### **Fraud or deception**

Applicants will not qualify to join the housing register in cases where they have:

- Obtained a tenancy by deception, including by making false, misleading or omissive statement(s).
- Payed money or money's worth to obtain a social tenancy including by exchanging properties with another social tenant.
- Made false, misleading or omissive statement(s) in connection with a housing register application, homelessness application or benefit claim or award.

#### **Convictions, anti-social behaviour and breaches of tenancy**

Applicants will not qualify to join the housing register in cases where they have:

- Been evicted from private or social rented housing for any form of anti-social behaviour or illegal subletting, or where there has been formal action taken by the landlord in relation to the applicant, the applicant's household or his/her visitors for causing a nuisance, annoyance or otherwise anti-social behaviour to others including, but not limited to neighbours, visitors, the landlord or a person employed in connection with the exercise of the landlord's management functions.
- Used their property for an immoral or illegal purpose.
- Been convicted of a criminal offence that makes the tenant unsuitable to be a tenant, including in relation to domestic violence.
- Been subject to an injunction or order in relation to their anti-social behaviour inside or outside of the home.
- Assaulted or threatened the landlord, a person employed in connection with the exercise of the landlord's management functions, CDC or one of the CDC's partner agencies including, but not limited to, providers of housing and housing related support services.
- Been responsible for the deterioration of a property, its fixtures, fittings or furniture provided for use under the tenancy and the deterioration was due to neglectful or deliberate acts by applicant, the applicant's household or his/her visitors.

#### **Rent arrears and other housing related debts**

Applicants will not be disqualified from the housing register for having housing related debt including rent arrears, service charges, chargeable repairs (including Cherwell Bond Scheme debt) or associated court costs and fees.

However, applicants must ensure that a repayment plan is in place to reduce any housing related debt as this must be cleared or substantially reduced before an offer of accommodation can be made by a provider of social housing.

Applicants will not be nominated to an RP for a potential offer of accommodation unless outstanding housing related debt is cleared in full or the applicant can evidence that substantial efforts have been made to address their housing related debt.

Substantial efforts would typically include a sustained repayment pattern over a period of at least 12 months and with any housing related debts outstanding being no more than the equivalent of 8 weeks' rent.

CDC will be sympathetic toward former service personnel or former partners of service personnel who have accrued mesne profit debt. Occupants of Service Families Accommodation who remain in residence following the expiry of a notice to vacate and have become irregular occupants can be charged mesne profit charges for trespass. This may occur after service personnel leave the Armed Forces, or estranged partners remain in occupation after a relationship breakdown. CDC understands that housing costs support for mesne profit charges is not available within Universal Credit, nor is Housing Benefit available to those living in a Crown Property. As a result, occupants may accrue mesne profit debt. Occupants may provide a copy of their notice to vacate or Certificate of cessation of Entitlement to Service Families Accommodation as evidence that they are no longer able to occupy their home.

### 3.6.2.2 Duration of disqualification

Other than in exceptional circumstances, the maximum period of disqualification will be 5 years from the date of the last incident of, or conviction for, unacceptable behaviour as defined by this allocation scheme. The minimum period of disqualification will be 12 months.

CDC will use the following matrix as a guide for officers to determine the appropriate period of disqualification for unacceptable behaviour:

	Low culpability	Medium culpability	High culpability
Low harm	12 months	24 months	36 months
Medium harm	24 months	36 months	48 months
High harm	36 months	48 months	60 months

The following examples may be used by officers to determine the levels of culpability and harm in applying the above matrix, however, the list is not exhaustive and other matters can be taken into account at the officers' discretion. Any reference to an applicant also includes the joint applicant and any member of his or her household:

#### **Example of factors indicating higher culpability:**

- Applicant has a previous history or pattern of unacceptable behaviour or convictions

- Failure to respond to warnings in relation to unacceptable behaviour
- Applicant knowingly and purposefully provided false, misleading or ommissive information
- Abuse of power or position of trust
- Gratuitous violence or wilful damage or vandalism caused
- Use of weapons, or involvement in gangs

**Examples of factors indicating lower culpability:**

- First or only one incident of unacceptable behaviour
- Applicant has carelessly but inadvertently provided inaccurate information
- Actions were as a result of a negative environment or circumstances and evidence demonstrates that this has now positively changed.

**Examples of factors indicating a higher degree of harm:**

- Multiple or vulnerable people were directly affected or targeted including minority groups or those with protected characteristics.
- A person has been physically, psychological or emotionally harmed or threatened by the applicant or his/her actions
- Sustained behaviour or incident
- The offence or incident was directed at public sector workers or workers acting in connection with the landlord's management functions.
- High value of damage to property

**Examples of factors indicating lower degree of harm**

- No act of violence or lasting psychological harm on another person
- A high degree of provocation was directed at the applicant
- Mental illness or disability affected the decisions made
- The direct role taken in carrying out the action/s was minimal
- Full cooperation and remorse following the incidents
- Accidental or low value of damage to property

If further unacceptable behaviour occurs during the period where the applicants are disqualified, further periods of disqualification from the housing register may be applied in relation to that behaviour.

After the relevant period of disqualification from the housing register has elapsed, the applicants must re-apply to the housing register for an up to date assessment of their eligibility, qualification and housing circumstances to be completed.

If the applicant has a change in their circumstances during a period of disqualification from the housing register, they may submit a new application for this to be assessed and considered. Any further application will be assessed in accordance with this allocation scheme.

### **3.6.2.3 No local / district connection to Cherwell**

Applicants without a local connection to Cherwell will not qualify to join CDC's housing register. In order to be considered to have a local connection to Cherwell applicants will need to either:

1. have resided in Cherwell for a period of at least 6 out of the last 12 months continuously prior to an application to join the housing register
2. have previously resided in Cherwell for 3 out of the past 5 years
3. have a contract of employment to work within Cherwell for a minimum of 16 hours per week excluding short-term, marginal, temporary and voluntary work. Employees on 'zero hour' contracts must demonstrate a consistent previous record of, or clear expectation to work for a minimum of 16 hours per week.
4. Have a contract of employment as a Category 1, 2, 3 or 4 key worker (as defined by section 7.4 of this scheme) to work in Oxfordshire for a minimum of 16 hours per week excluding short-term, marginal, temporary and voluntary work. Employees on 'zero hour' contracts must demonstrate a consistent previous record of, or clear expectation to work for a minimum of 16 hours per week.
5. have immediate family members, who have lived in Cherwell for at least 5 years, where there has been frequent contact, and there is a clear commitment to, and / or dependency on, those family members immediately prior to the date of application
6. be a household with a Right to Move
7. be leaving the care of Oxfordshire Children's Services; or
8. have a special reason for needing to live in the area

Exceptions to the above local connection requirements are:

- Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Forces at any time in the 5 years preceding their application to join the housing register.
- 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.
- Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.
- Divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.
- Existing social housing tenants, who need to move into CDC's district, either from another local authority area in England, or from one location to another within Cherwell, for work related reasons to avoid hardship (Right to Move Applicants)

Close relatives are defined by CDC as parents, children, siblings, grandparents or grandchildren (in each case including step relatives and fostered or adopted children), where there is evidence of frequent contact, commitment to, and/or dependency on, those family members.

In order to establish a local connection to Cherwell through a period of residence as above this must be normal residence of the applicants own choice. As such a period of residence will not contribute towards establishing a local connection for the purpose of this allocation scheme when the applicants reside in Cherwell because they are:

- in prison
- resident in a bail hostel or other such accommodation
- detained under the Mental Health Act
- receiving hospital treatment
- in occupation of a mobile home, caravan or motor caravan which is not placed on a registered residential site
- in occupation of a holiday letting, this includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday
- placed in temporary or private sector accommodation by another housing authority

Applicants should note that the above list is illustrative only and not exhaustive. CDC retains discretion to determine whether any individual applicant can establish a local/district connection or not based on each applicant's individual circumstances.

#### **3.6.2.4 Homeowners**

Regardless of the level of equity held, applicants who already own their own home (either freehold, leasehold, under mortgage or shared ownership) will not, subject to the exceptions below, qualify to join the housing register.

- People aged 55 and over who cannot stay in their own home as it does not meet their medical or mobility needs, require sheltered or extra-care housing and do not have sufficient financial resources to meet their housing needs in the private sector or elsewhere. These applicants will qualify for sheltered or extra care accommodation only.
- Other owner occupiers who can demonstrate that their specific circumstances mean that they need to apply for social housing as detailed in a medical and/or social/welfare need assessment which stipulates the nature of the accommodation that is required.
- Owner occupiers who are experiencing financial hardship and are unable to sustain their accommodation and have been assessed by the Housing Options or Allocations Team who have confirmed this to be the case based on the evidence presented.

CDC will also take into consideration any previous disposal of assets which will include disposals for nil (for example, transfer of ownership) or below market rate value.

Applicants will be asked to provide evidence of their income, savings and assets if an affordability assessment is required. If applicants fail to provide sufficient evidence, then their application cannot be assessed and will not progress further.

If an assessment has to be made, for example on medical grounds, consideration will be given to the following:

- whether the applicant can sell their current home
- the expected equity after the proposed sale of the property
- the applicant's current financial circumstances and commitments
- whether the applicant is eligible for a mortgage

- the supply and affordability of private rented or other forms of accommodation suitable for the applicant's specific needs
- whether the applicant's housing need can be met in the private sector, taking into consideration the cost of housing in Cherwell

### **3.6.2.5 Sufficient financial resources**

Applicants with financial assets (including capital, savings, stocks, bonds, shares and unit trusts) that when combined with their annual gross income exceeds £60,000 will not qualify to join the housing register. This calculation will take into account the income and financial assets of the main applicant, joint applicant and their spouse, civil partner and/or partner where they are to reside in the accommodation together. A combination of income and financial assets in excess of £60,000 is considered sufficient to enable the applicants to secure accommodation in the private sector.

This assessment does not apply to existing social housing tenants in Cherwell who are seeking to down-size.

Special consideration and exception may be given to applicants that require larger or more specialist accommodation in cases where it can be evidenced that the typical accommodation required cannot be obtained in the private sector based on the level of income and financial assets they have.

Any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service will be disregarded for the purpose of this assessment.

Where appropriate CDC will take into account any previous disposals of financial assets which will include disposals for nil (for example, transfer of ownership) or below market rate value.

Applicants will be asked to provide evidence of their income and financial assets and if this is not provided an application cannot be assessed and will not progress further.

### **3.6.2.6 Refusal of offers from the Housing Register**

Applications will be disqualified from the housing register for six months in cases where an offer of accommodation which the council considers to be suitable has been refused in the following circumstances:

- All Statutorily Homeless households who have refused one suitable offer of accommodation and to whom the homelessness duty has been discharged by CDC under Part VII of the Act 1996.
- Applicants awarded a Move-on Priority from supported accommodation who have refused one suitable offer of accommodation.
- All other applicants who have refused three suitable offers of accommodation

In these cases, applicants will be advised of their right to request a review of the suitability of the accommodation offered.



### **3.6.3 How serious offenders are dealt with under this scheme**

At the time an application is made, an applicant must declare if they or anyone who will be residing with them has a conviction of a criminal offence or anti-social behaviour order. These will be taken into consideration when assessing if an applicant qualifies to join the housing register.

CDC will take advice and guidance from other agencies, including the police and probation services, in order to assess the risk to the community of any applicant who has been convicted of an offence and who may present a risk to potential neighbours and/or communities.

CDC's housing department has to cooperate with the Multi-Agency Public Protection Arrangements (MAPPA) in Oxfordshire. Applicants subject to MAPPA arrangements can apply for properties in the normal way. If successful, the Responsible Authority will decide if the property is a suitable allocation for the individual.

Applicants have the right to request a review of any decision made by CDC regardless of whether they are subject to MAPPA. For more information on reviews see section 11.

## 4. The Banding Scheme

CDC determines the relative priority that is applied to each application to the housing register. CDC is required to give Reasonable Preference in this allocation scheme to certain categories of applicant. These Reasonable Preference categories cover:

- People who are homeless as defined by Part VII of the Act
  - People who are owed a duty by CDC under section 190(2), 193(2) or 195(2) of the Act.
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing
- People who need to move on medical or welfare grounds (including grounds relating to a disability) (for further information see Appendix 4 and 5)
- People who need to move to a particular locality within Cherwell to avoid hardship to themselves or others

### 4.1 The Structure of the Banding Scheme

The banding scheme consists of four bands as summarised in this section.

Band 1 – **Urgent** need to move

Band 2 – **Significant** need to move

Band 3 – **Moderate** need to move

Band 4 – **Low** need to move

In cases where a Band 1 or 2 has been applied, the Band will be subject to a review every 3 months. A Band 1 or 2 applied to an application may be withdrawn if very few bids or no bids have been placed without good reason which indicates that the need for alternative housing is not significant or urgent.

#### **4.1.1 Band 1 summary – Urgent need to move**

##### **Hospital discharge**

Those who have somewhere to live on leaving hospital, but it is unsuitable for their medical needs and cannot be made suitable through adaptations due to cost, structural difficulties or the property cannot be adapted within a reasonable amount of time. Where the impact is assessed as being urgent a Band 1 may be applied.

Those who have nowhere at all to live when they leave hospital may qualify for Band 1 if the need to move is urgent and all other reasonable housing options have been explored.

##### **Urgent Health or disability**

See health and disability table Appendix 4.

##### **Urgent Social, Welfare and Hardship**

See social, welfare and hardship table Appendix 5.

##### **Abuse, Violence or Harassment**

Band 1 may be applied to the applications of high risk victims of domestic abuse, subject to a Multi-Agency Risk Assessment Conference (MARAC) when this is part of an agreed safety plan.

##### **Overcrowded by 3 or more bedrooms**

Band 1 is applied to applications in cases where the household occupies accommodation which is 3 or more bedrooms smaller than required in accordance with the Bedroom Standard (see Appendix 3). Note: if an applicant has moved themselves into an overcrowded situation CDC may not apply a Band 1.

##### **Under-occupation of social tenancies in Cherwell**

RP tenants who under-occupy social housing and who wish to move to a property with fewer bedrooms than they already occupy are placed in Band 1.

##### **Ex Armed Forces personnel who have sustained serious injury, medical condition or disability during service**

Existing or former members of the armed forces or reserve forces who are suffering from a serious injury, illness or disability which is wholly or partly attributed to their service. Any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the UK Armed Forces. This award only applies where the applicant's current accommodation does not have the adaptations or facilities required in relation to the injury and cannot reasonably be adapted to meet the required needs.

##### **Private sector properties subject to Prohibition Order, Demolition Order or Overcrowded Notice**

Prohibition or Demolition Order served, preventing the applicant from occupying the whole dwelling or let room. Or Overcrowding Notice served, requiring the applicant(s) to cease occupation of their sleeping accommodation.

##### **Safeguarding Children / Vulnerable Adults**

Serious threat to the well-being of a child or vulnerable adult and their accommodation is a contributory factor to the risk. These are cases where a move is required to mitigate the risk to the child or vulnerable adult as confirmed by a Senior Manager in Children's Services / Adult Service or equivalent subject to a Child / Adult Protection Conference and agreed by the Housing Options and Allocations Manager.

**Elderly social housing tenants in Cherwell who wish to move to sheltered accommodation**

Elderly applicants who will be releasing general needs social housing.

**Release of adapted social housing**

Where a tenant does not require the adaptations in their current social housing property and will therefore be releasing an adapted property by moving and there is a suitable applicant on the housing register for the adapted property which will be released through a move. Band 1 may be applied if the applicant still requires adaptations provided the adaptations required are different from those in their current home.

**Approved move-on from Care**

Band 1 will be applied in accordance with protocols between CDC's Housing service and Oxfordshire County Council's Children's service department. The applicant must be a former relevant child as defined by the Children's Leaving Care Act 2002 and be a young person at risk.

**Approved or adopter or foster carer lacking adequate bedrooms**

Approved or current long-term foster carer or adopter lacking one or more bedrooms in order to commence or continue with the arrangement. Long-term fostering is a fostering arrangement for a period of 3 years or more. Adopters or long-term foster carers must provide supporting documentation from social care that confirms they have been approved to adopt/foster and alternative accommodation is required or that they will be approved to adopt/foster once satisfactory accommodation is obtained. Short-term foster arrangements and 'kinship' arrangements will be considered on a case-by-case basis if a letter of support is provided by the Service Manager of Fostering Services outlining an urgent need for alternative accommodation.

## 4.1.2 Band 2 summary – Significant need to move

### **Statutory Homeless Households**

All accepted statutory homeless households as defined by Part VII of the Act and are owed a Relief or main Housing duty under section 189b or 193(2).

### **Homeless households found not to be in priority need**

A verified homeless applicant that has approached CDC for assistance under homelessness relief duties or the relief duty has expired and CDC is satisfied that the applicant is homeless, not in priority need and not homeless intentionally (section 192 of the Act).

### **People at risk of homelessness**

Those owed a Prevention Duty under section 192 of the Act, as at risk of homelessness within 56 days as determined by the council's Housing Options Team. This will be reviewed as part of on-going case work at least every 28 days.

### **Significant Health or Disability**

See health and disability matrix Appendix 4.

### **Significant Social, Welfare and Hardship**

See social, welfare and hardship matrix Appendix 5.

### **Overcrowded by 1 or 2 bedrooms**

Applicants overcrowded by 1 or 2 bedrooms calculated in accordance with the bedroom standard (see Appendix 3)

### **Armed Forces with discharge date**

Those who are currently serving in the regular forces or who were serving in the regular forces at any time in the 5 years preceding their application for an allocation of social housing OR

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 spouse or civil partner, and (ii) the death was wholly or partly attributable to their service. Armed Forces applicants are awarded Band 2, 12 months prior to their official discharge date – documentary evidence will be required.

### **Unsatisfactory Housing**

A suitably qualified officer of CDC (typically an Environmental Health Officer (EHO) or Environmental Health Technical Officer (EHTO)) has either:

- Assessed the property using the Housing Health and Safety Rating System (HHSRS) and identified one or more Category 1 or Category 2 hazards and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.
- Identified breaches of Management Regulations in a House of Multiple Occupation (HMO) and has confirmed that the occupant(s) cannot be reasonably expected to remain in the property whilst the required works are carried out or the works cannot be carried out within a reasonable timescale.

**Households with a Right to Move**

An existing social housing tenant that needs to move to Cherwell to avoid hardship and a move to Cherwell would resolve the hardship because the tenant works or has been offered work in Cherwell and has a genuine intention and expectation to take up the work. Work of a short-term, marginal, ancillary or voluntary nature is excluded for this purpose but apprenticeships are included.

**Approved Move-On from Supported Housing**

An applicant who is considered ready to move to independent accommodation on the recommendation of the allocated support worker and in agreement with CDC's Housing Options Team. Information will need to be provided by the support worker to demonstrate that the applicant has acquired the necessary skills to live independently and have this approved by the Housing Options Team. Ongoing support needs must also be assessed and, where appropriate, a support plan must be in place. Auto-bidding will be applied to applications with a Move-on Priority.

### **4.1.3 Band 3 Summary– Moderate need to move**

#### **Tied Accommodation**

Applicants living in tied accommodation relating to their employment, and who have received formal notice of termination of their employment and tenancy through no fault of their own. Band 3 will only be applied where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation within 12 months.

#### **Agricultural workers**

CDC will apply Band 3 to displaced agricultural workers in accordance with the requirements of the Rent (Agriculture) Act 1976. In reaching a decision on whether an applicant is to be prioritised for housing on these grounds, CDC will need to be satisfied that:

- the dwelling from which the agricultural worker is being displaced is needed to accommodate another agricultural worker and the farmer cannot provide suitable alternative accommodation for the displaced worker
- the displaced worker needs re-housing in the interests of efficient agriculture
- the farm is sold and the property will no longer be available

CDC will take advice from the Agricultural Dwelling-House Advisory Committee (ADHAC) in all these respects.

#### **Intentionally homeless**

Applicants who qualify to be on the Housing Register but have been deemed to have made themselves intentionally homeless as defined by the Act. If an applicant is still on the housing register 12 months after the decision that they are intentionally homeless, their application will be reviewed and re-assessed with the appropriate Band then applied to reflect their current housing circumstances.

#### **Moderate Health or Disability**

See health and disability matrix Appendix 4.

#### **Moderate Social, Welfare and Hardship**

See social, welfare and hardship matrix Appendix 5.

#### **4.1.4 Band 4 Summary – Low need to move**

Applicants who are eligible and qualify to join the housing register but do not meet the criteria for any further priority to be applied under the terms of this allocation scheme.



## **5. Types and sizes of properties that applicants will be considered for**

When deciding the size and type of property that applicants will be eligible for, CDC will normally allocate accommodation in accordance with bedroom standard outlined in Appendix 3. There are, however, circumstances in which CDC may deviate from this and these circumstances are detailed in this section.

### **5.1 Social and welfare**

Applicants with a need to move on social and welfare grounds will be required to provide supporting information and be assessed in line with the social and welfare table. For further information see Appendix 5. Applicants that are considered to have a need to move based on requirements for specific adaptations, property sizes or types due to assessed social or welfare issues will only be considered for properties that will meet those requirements and therefore resolve the need to move.

### **5.2 Medical assessment and adapted homes**

Applicants who have a medical need will be asked to complete an online medical form, which will be assessed by CDC. For further details see Appendix 4. Applicants that are considered to have a need to move based on requirements for specific adaptations, property sizes or types due to assessed medical reasons will only be considered for properties that will meet those requirements and therefore resolve the need to move.

### **5.3 Pregnant applicants**

CDC will take an expected child into account in determining the minimum/maximum bedroom need of an applicant, subject to evidence of the pregnancy at 25 weeks. CDC will treat the expected child as the same sex as a sibling until born.

### **5.4 Extra room allowed for non-resident, overnight carers**

Applicants with a disability or a long-term health condition who have a non-resident, overnight carer may be entitled to an extra bedroom

To qualify for an extra bedroom they will need to show:

- they reasonably require overnight care and that this care is provided
- a support plan has been formulated by adult social care that evidences overnight care is required.
- one or more persons regularly stay overnight to provide care there is a need for an extra bedroom that is used by a carer or carers for overnight stays as part of caring for the applicant or the applicant's partner
- that they receive Personal Independence Payments or Attendance Allowance which highlight the need for care tasks during the night.

If an applicant does not receive Personal Independence Payments or Attendance Allowance they must provide CDC with sufficient evidence, as requested on a case by case basis, to show that overnight care is required.

**Note:** Although applicants can choose to apply for a property larger than their needs so they can accommodate carers, carers may not always be taken into account for housing benefit or universal credit payments for extra bedrooms unless the carer is actually in residence at the property.

## **5.5 Children / access to children**

For the purposes of this allocation scheme, a child is defined as someone who is either under the age of 16 or who is still dependant on the applicant e.g. due to continuing education.

Where parents do not live together the children will be treated as living with the parent who provides their main home and is in receipt of Child Benefit. In the instance of parents who have shared care arrangements in place, these will be considered on a case by case basis taking into account any formal arrangement, court order and/or social service involvement.

## **5.6 Fostering and adoption**

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is fostering for a period in excess of three years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement is obtained from Social Services. Consideration will be given to this in assessing the application. Short term fostering will normally be discounted but will be considered on a case by case basis.

Families who are in the process of adopting a child may be able to include adopted children as part of their application to ensure that they are eligible for the appropriate sized property. In order to have an adopted child included in the household, applicants will be required to have applied to an appropriate adoption agency and be able to provide proof and supporting documentation that the applicant has been approved as a prospective adopter or is in the final stages of obtaining approval.

**Note:** Although applicants can choose to apply for property larger than their needs so they can foster, foster children may not always be taken into account for housing benefit or universal credit payments for extra bedrooms unless the foster child is actually in residence at the property.

## **6. Allocations and how to apply**

### **6.1 How to make an application**

To apply to join the housing register applicants must complete a housing register application form. This can be complete online at [www.Cherwell-HomeChoice.org.uk](http://www.Cherwell-HomeChoice.org.uk).

Assisted completion of an application form over the phone is available for those who do not have internet access or those that require additional help to complete the online form.

CDC aims to assess applications and notify applicants of the outcome of their housing register application within 20 working days of the application being submitted. If further information or documentation is required, CDC aims to notify applicants of the outcome within 20 working days of all required information or documentation being submitted.

If the required supporting information or documentation is not provided by the applicants, the application cannot be made active. If the information is not received within 20 working days of the application being submitted the application will be closed.

More information about how to apply for social housing in Cherwell is available on CDC's website.

An applicant who requires assistance should call CDC's Customer Service Team on 01295 227004 or email [housingregister@cherwell-dc.gov.uk](mailto:housingregister@cherwell-dc.gov.uk).

### **6.2 Bidding for available properties**

Once applicants are accepted onto the housing register they can start bidding for properties. CDC advertises all properties through its nomination agreements with partner RPs through its Choice Based Letting (CBL) scheme. The eligibility of applicant's bids received will be checked against the labelling used in the advertisement. Any ineligible bids will be skipped. Where multiple bids are received for the same property, the allocation of that property will be based on the priority of bids received, with Band 1 applicants having the highest priority.

### **6.3 What are 'Allocations' under this scheme?**

An 'allocation' of accommodation under this allocations scheme is the nomination by CDC of a person to be an Assured or an Assured Shorthold tenant of a RP's housing accommodation. Often the tenancy offered by the RP will be a 'Starter Tenant' meaning that the RP will grant an Assured Shorthold Tenancy for a set 'probationary' period (usually 12 months). Provided that the tenant successfully completes the 'probationary' period the RP will grant an Assured Tenancy.

### **6.4 Exempt Allocations – Accommodation provided for lettings that is not covered by this scheme**

The following are not 'allocations' under this scheme:

- a. an introductory / starter tenancy becoming a secure / assured tenancy
- b. provision of non-secure temporary accommodation in discharge of any homelessness duty or power

## **6.5 Joint tenancies**

This allocation scheme supports adult applicants wishing to sign as joint tenants should they choose to do so as long as both parties are eligible and qualify.

## 7. Choice Based Lettings (CBL) Scheme

### 7.1 Statement on choice

Applicants to the housing register are able to play an active role in choosing which available properties they want to be considered for by being in control of placing 'bids' through the CBL website [cherwell-homechoice.org.uk](http://cherwell-homechoice.org.uk).

The allocation scheme:

- allows a range of applicants to be considered for accommodation
- gives applicants a choice of locations within Cherwell
- allows applicants to consider a range of property types
- applies auto bidding (see section 9.1 for further details) and time limited priority to certain applicants - for further details see section 9.

### 7.2 Overview

CDC's CBL scheme process is as follows:

- a. available properties are advertised weekly (over a six day period)
- b. applicants apply for properties that meet their housing need
- c. applicants can apply for up to three properties in any advertising cycle
- d. when the advertising cycle is complete shortlists are created from those who have applied and sorted into priority order (as defined in the allocation scheme – see section 7.3 and 7.5)
- e. the applicant (normally the one at the top of the list) is selected to be nominated by CDC to the landlord for a provisional offer to be made
- f. the landlord accepts or rejects the nomination
- g. the landlord offers the property to the successful applicant
- h. the applicant accepts or rejects the offer
- i. the results of shortlisting are published on CDC's website

If the landlord rejects the nomination or the applicant rejects the offer,

- a. the property will either be offered to the next eligible applicant on the shortlist in which case the process outlined above will be followed until either:
  - i. the landlord accepts a nomination and an eligible applicant accepts an offer in which case a tenancy will be entered into; or
  - ii. there are no further eligible applicants on the shortlist; then
- b. the property will be advertised in the next lettings cycle. Landlords are only required to advertise a property on 2 cycles and if the property remains not let after 2 cycles can let the property through other means.

### 7.3 Priority order

Once the advertising period has closed the system will automatically create a shortlist of applicants for each property into priority order (as determined in accordance with this allocations scheme – see below in this section 7.3 for more information). The successful applicant for each property will normally be the one

who is eligible for the size and type of property being offered and who is in the highest band. Where there is more than one applicant in that band, priority will be decided by the date the band was effective.

However, CDC reserves the right not to nominate the property to the person highest on the shortlist, if the property offers a better housing solution to meet the needs of another high priority applicant and CDC will determine whether to apply its discretion on a case by case basis.

Shortlists can be created with the following priority order:

- a. Applicant type - but only if an applicant type preference is specified in the advert (See section 7.9 for applicant types)
- b. Parish or village connection – but only if a parish or village connection preference is specified in the advert
- c. Ground floor accommodation – but only if ground floor preference is specified in the advert
- d. Adapted Accommodation – will always be used where a property is specifically adapted for the disabled with preference being given to those applicants who require the adaptations within the property.
- e. Keyworker – but only if keyworker preference is specified in the advert.
- f. Right to Move applicant – but only if a social tenant moving for work preference is specified in the advert
- g. Band – will always be used. The band order is: 1, 2, 3 and 4
- h. District Connection – will always be used
- i. Size of household - but only if a preference to larger families is specified in the advert
- j. Effective date of Band - to order applicants within the same band
- k. Employment, education and training – but only as specified in the advert or local lettings plan

#### 7.4 Key workers

For the purpose of this allocation scheme a key worker is defined as: An employee in a role that provides a vital local service that is essential to the wellbeing of society and for which there is a demonstrable shortage of local labour. This includes the following categories of key workers:

Category 1	<b>National Health Service</b>	All clinical staff.
Category 2	<b>Support workers in health roles</b>	Including care assistants, healthcare support workers, maternity support workers, nursing assistants, occupational therapy assistants, physiotherapy assistants, assistant practitioners, radiography assistants, speech and language therapy assistants, senior care assistants.
Category 3	<b>Adult social care roles</b>	Including day care assistants, day care officers, domiciliary care workers, activities workers, home care workers, nursing assistants in nursing homes or hospices, personal assistants, reablement assistants, residential care workers, senior home care workers, support workers.

Category 4	<b>Local authority and Government agency workers</b>	Including social workers, occupational therapists, educational psychologists, rehabilitation officers, planning officers, environmental health officers, Connexions personal advisors, clinical staff.
Category 5	<b>Fire and rescue staff</b>	Uniformed fire and rescue staff below principal level.
Category 6	<b>Teachers and nursery nurses</b>	Qualified teachers in any Local Education Authority school or sixth form college, or any state-funded Academy or Free School; qualified nursery nurses in any Oxfordshire County Council nursery or pre-school.
Category 7	<b>Universities and colleges</b>	Lecturers at further education colleges; lecturers, academic research staff and laboratory technicians at Oxford Brookes University or any college or faculty within the University of Oxford.
Category 8	<b>Police and probation officers</b>	Police officers and community support officers; probation service officers and other operational staff who work directly with offenders; prison officers including operational support.
Category 9	<b>Ministry of Defence staff:</b>	Servicemen and servicewomen in the Navy, Army or Air Force; clinical staff.

A person in a role that is not included on the above list may apply to be given key worker status under this allocation scheme. Such applications must be made in writing and will be considered by the Housing Options and Allocations Manager or Senior Officer, taking into account the definition stated and evidence provided from the person's employer.

## 7.5 Date order

There are two dates used to determine the order of priority when deciding which applicant to nominate for a property. These are:

**the Registration date** – the date the application is received by CDC

**the Effective date** - the date that the information, or where necessary all supporting documentation is received by the council to enable CDC to determine the application and the application is assessed for band 1, 2, 3 or 4. (This will be the same as your registration date if your application goes straight into bands 1, 2, 3 or 4)

This will help ensure that if applicants with the same Band bid on the same property, the applicant with the longest waiting time will receive an offer of accommodation first.

Where two applicants with the same effective date in the same band apply for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation. If both applicants also have the same registration date then a Senior Housing Officer will determine which applicant is given priority on a case-by-case basis.

## 7.6 Moving between Bands

If applicants move down from a higher Band (e.g. 1 or 2) to a lower Band (e.g. 2 or 3), the effective date that the earlier higher Band was applied will be retained as the effective date of the new, lower Band.

If applicants move from a lower Band to a higher Band then the effective date of the higher Band will be the date on which the higher Band is applied or, if sooner, the date on which the information was provided that resulted in a higher Band being applied.

Regardless of any previous changes in Band, the effective date of a Band 4 will be the date on which the most recent application was submitted.

## **7.7 Direct match**

It may be necessary to nominate a particular applicant directly to a particular property in order to make best use of housing stock and to resolve cases involving significant or uncommon housing needs. In these circumstances the property will be advertised on the choice-based lettings website (HomeChoice) as having been subject to a direct match.

Direct matches will typically account for less than 5% of all lettings each year and must be authorised by a Senior Housing Officer or the Housing Options and Allocations Manager. Indicative examples of when a direct match may be carried out include:

- A low demand property that has been advertised on one letting cycle and has not been successfully let but would resolve the housing need of a person that is homeless or at risk of homelessness.
- A property that is immediately ready to let and would meet the needs of a person who is homeless or at risk of homelessness and is able to move immediately.
- A disabled adapted property that would meet the specific, uncommon disabled housing needs of an applicant, such as a family with a disabled household member that requires a ground floor room with a level access shower.
- A property that has been adapted with disabled facilities to meet the needs of a specific applicant or his/her household.
- A property that is let through the Housing First scheme, or similar schemes introduced from time-to-time, in order to accommodate applicants with a history of rough sleeping.

Note: Allocation of Extra-Care Housing is subject to separate allocations arrangements (see Appendix 6) and whilst direct matches of applicants are carried out these will not be advertised as having been let on the choice-based lettings website.

## **7.8 Nominations**

Subject to the exceptions set out in section 7.5 of the allocation scheme CDC would normally nominate the applicant at the top of the shortlist, providing they meet the criteria specified in the advert, still qualify and are eligible to be on CDC's housing register.



If an applicant is next on the shortlist for more than one property they will be contacted and asked to express a preference for the property they would like to be considered for. Nominated applicant's details will be made available to the RP of the property. Applicants will be unable to place further bids once they have been nominated until an offer is rejected or accepted.

Applicants should note that the RP which owns the property that they are nominated to will consider their own policy and eligibility criteria when making the decision as to whether an offer of the accommodation can be made.

## **7.9 Quota arrangements**

CDC groups applications into the following three categories:

- a. General Needs
- b. Transfers
- c. Statutorily Homeless

CDC uses these categories to determine how to apply quotas for allocations of affordable housing.

The three categories can be broken down into:

### **Transfer applicant**

A transfer applicant is a secure tenant or an assured tenant of CDC or CDC's RP partners who lives in Cherwell and whose application has been accepted onto CDC's housing register.

### **Statutorily Homeless applicant**

This will include those who have been accepted for the Homeless Relief Duty, Main Housing Duty or those without a priority need once the 56 day Relief Duty has expired, if verified to be homeless and who did not become homeless intentionally.

### **General needs applicant**

General register applicants are all other applicants who have been accepted onto CDC's housing register.

When advertising available housing, preference can be given to different categories of applicant including, for example:

- a. transfer applicants
- b. homeless applicants
- c. applicants in particular Bands
- d. applicants in employment, education or training

As a guide, CDC uses the following quotas when advertising available housing:

General needs	40% including 3% to key workers and 1% to social tenants needing to move for work
Transfers	30%
Statutorily Homeless	30%

CDC is keen to encourage applicants to seek employment, education or training and to achieve this, adopts a guide quota of 30% of all advertisements each year to give preference to applicants in employment, education or training.

Property adverts will clearly identify when preference is being given in this way.

### **7.10 What is restrictive labelling and how is it applied under this scheme?**

Restrictive labelling means that greater preference will be given to those who fulfil the criteria of the restrictive label.

CDC may apply restrictive labelling to adverts in order to identify particular types of applicants, giving them preference to meet local needs and targets and make best use of social housing stock. Examples where restrictive labelling will be applied include:

- a. transfer applicants
- b. homeless applicants
- c. ground floor need
- d. larger households
- e. nature of tenure being offered
- f. Local Lettings Plan is in place
- g. Sensitive Lettings Plan is in place
- h. disabled adapted properties
- i. employment, education and training
- j. social tenant moving to area
- k. key workers
- l. sheltered accommodation
- m. extra care accommodation

### **7.11 Local Lettings and Sensitive Lettings Plans**

CDC may from time to time agree a Local Lettings or Sensitive Lettings Plan for specific properties, areas or developments to reflect local circumstances. Any Local Letting Plan will have regard to housing management considerations such as the social mix of tenants, density, age range, community stability and specific housing management issues being experienced in the local area.

Where a property is advertised in accordance with a Local Lettings or Sensitive Lettings Plan, the letting will be made to the applicant with the highest band and who meets the eligibility criteria of the Local Lettings or Sensitive Lettings Plan.

## **8. Statutorily Homeless Households**

For the purpose of this allocation scheme, where a formal decision is made that an applicant is eligible, at risk of homelessness, or is homeless and did not become homeless intentionally, they will be treated as 'Statutorily Homeless' as defined by the Housing Act 1996 (s189b, s192, s193 and s195).

This includes households found to be:

- (s195) Households at risk of homelessness where a 'Prevention Duty' is owed.
- (s192) Households who are homeless, not deemed to be in Priority Need but not intentionally homeless.
- (s189) Households who are homeless and deemed to be in Priority Need – owed a Relief Duty
- (s193) Households who are homeless and deemed to be Priority Need and not intentionally homeless, Main Housing Duty.

### **8.1 How the council allocates to Statutorily Homeless households under the scheme (s195, s192, s189, s193)**

CDC will inform applicants in writing when making an offer of accommodation in discharge of a homelessness duty. If the applicant accepts the offer of accommodation then their application will be marked as housed and closed accordingly. CDC will only make a direct offer of accommodation if it is satisfied that it is suitable. If the applicant disagrees with this decision they can request a review of that decision in accordance with their statutory rights.

A refusal of one suitable offer of accommodation, will result in the homeless Prevention Duty, Relief Duty or Main Duty being discharged and removal of the priority applied to the application on these grounds (Band 2).

A suitable offer may be private rented, social housing or supported accommodation. Refusal of a suitable offer under Relief of the Main Housing Duty, will result in the applicant being disqualified from the housing register for a period of 6 months. The applicant will be informed of this decision in writing and of the rights to review that decision.

### **8.2 Households owed a homelessness prevention duty (s.195 (2))**

Where an applicant has approached CDC for assistance and CDC is satisfied that they meet the criteria to be owed the Prevention Duty, their housing application may be placed in Band 2 'At Risk of Homelessness' providing other qualification criteria is met.

The applicant will be able to place up to three bids on available properties they are eligible for via the CBL system. Refusal of ONE offer of housing considered to be reasonable and suitable by the council, will result in the Prevention Duty being discharged. This could be a private rented property, social housing or supported accommodation. If the Prevention Duty is discharged any priority awarded to the application based on being 'At Risk of Homelessness' will be removed.

Any decision to discharge a Prevention Duty is subject to a review under S202 of the Act.

### **8.3 Households who are believed to be homeless, eligible and in priority need, owed the Relief Duty and Interim Accommodation Duty which the authority is discharging (s.188)**

Where an applicant has approached CDC for assistance and the council is satisfied that they are homeless, eligible and have reason to believe are in priority need and as a result have provided interim accommodation, under the Relief Duties, their application may be placed in Band 2 providing other qualification criteria is met in accordance with this scheme. They will be classed as a 'homeless household'.

The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

### **8.4 Households who are homeless, in priority need and not homeless intentionally, accepted for the Main Housing Duty (s.193 duty)**

Where an applicant has approached CDC for assistance and the Relief Duty has expired; if CDC is satisfied that they are homeless, in priority need and not homeless intentionally, their housing application may be placed in band 2 (s193 duty), providing other qualification criteria is met in accordance with this scheme. If accepted for the Main Duty by CDC, local connection will be approved via 'special reason' if no other qualification applies and the duty is not to be referred to another local authority under (s198). They will be classed as a 'homeless household'.

The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

### **8.5 Households who are homeless and found not to be in priority need (s.192)**

Where an applicant has approached the council for assistance under Relief Duties or once the Relief Duty has expired, if the council is satisfied that they are homeless, not in priority need and not homeless intentionally, and have a local connection their housing application may be placed in Band 2 as Statutory Homeless (s.192 duty), providing other qualification criteria is met in accordance with this scheme. They will be classed as a 'homeless household'.

The applicant will be placed on auto-bidding and will be eligible for ONE offer of housing considered to be reasonable and suitable by the council.

### **8.6 Households who are homeless and have been found to be homeless intentionally (s.190)**

Where an applicant has approached the council for assistance and the Relief Duty has expired; if the council is satisfied that they are homeless, in priority need but homeless intentionally, and have a local connection (s190 duty) their housing

application may be placed in Band 3, providing other qualification criteria is met in accordance with this scheme. The applicant will be eligible for three offers of housing from the council. The applicant will retain a choice of housing and location.

If an applicant is still on the housing register 12 months following this decision, then their application will be reassessed and they will be placed in the band which meets their circumstances at that time.

## **9. Applicants with an urgent or significant housing need**

Applicants who are considered to have an urgent or significant housing need will be monitored for a three-month period from the date Band 1 or 2 is applied to their application. During this time applicants are reasonably expected to place bids for suitable properties which are advertised.

After three months, if the applicant has not received an offer of accommodation CDC will review the application. In conducting the review CDC will take into consideration the following factors:

- a. Has the applicant placed any bids for advertised properties?
- b. Have there been any properties advertised that would have met the applicant's needs?  
If so, CDC will consider the reasons why they chose not to bid or investigate why they were unsuccessful.
- c. Does the applicant have a specific need for property that has not been available in the time period?
- d. Have they received appropriate support and help in accessing the Choice Based Letting scheme?
- e. Do the person's circumstances remain the same or has the need for alternative housing reduced?

Having considered the above factors, CDC may re-assess the Band applied to the application or extend the priority for a further three months. The Band applied to an application can be reviewed and changed at any time if the applicant's circumstances change.

### **9.1 Automatic bidding for statutory homeless and move-on applicants**

When an application is placed on automatic bidding, the applicant is still able to place three bids on available properties of their choice. However, if there are suitable properties available and the applicant has not used their three bids, CDC's computer system will place up to three bids per letting cycle on properties the applicant is eligible for on that applicant's behalf. Properties that the computer system bids on may be outside of the areas of choice that an applicant wishes to live in. There may be areas that are excluded by agreement that are unsuitable for an applicant and a nomination to properties in those areas will not be made.

Auto bidding will be applied to statutorily homeless households of CDC from the date the homelessness duty is accepted and to those awarded Move-on priority.

Vulnerable applicants who do not have an advocate to bid on their behalf can also request that automatic bidding is applied to their application to ensure that bids are placed.

## **10 Rural housing**

### **10.1 Rural lettings schemes**

To help sustain rural communities, CDC will typically set a target for the proportion of lettings in villages to be let to applicants with a local connection to the village where the property is located.

On the initial letting of properties on new affordable housing developments in rural areas which are not rural exception sites, a target of 50% of all lettings will be advertised with additional priority given to applicants who have a connection with the village in-line with the terms of the Section 106 agreement or Section 10.3 below and have been accepted onto CDC's housing register. If there are no eligible applicants with a connection to the village, priority may then be given to applicants from surrounding villages if this is stipulated in the Section 106 agreement for the housing development.

On the re-letting of existing affordable housing properties in rural areas at least one in three properties will be advertised with additional priority given to applicants who have a village connection in line with the Section 106 agreement or Section 10.3 below and accepted onto CDC's housing register. If there are no eligible applicants with a connection to the village, priority may then be given to applicants from surrounding villages if this is stipulated in the Section 106 agreement for the housing development. If there are no eligible applicants in those surrounding villages, the property will be available to all other eligible applicants as normal. Should there be no local connection parameters detailed within a S106 the default assessment of local connection will be that as expressed within this allocations scheme detailed below in section 10.3.

### **10.2 Rural exception sites**

Rural exception sites are developments which are outside the village boundary, which would not normally be given planning permission but CDC has determined to grant planning permission as an exception because of a specific need for affordable housing, for local people who cannot afford market priced housing in that area. The housing is granted planning permission on the basis that it must remain affordable in perpetuity.

When affordable housing is built on rural exception sites, or planning obligations are attached to other affordable housing developments, there may be restrictions on the occupancy of these homes. These restrictions are intended to ensure that applicants with a village connection and in housing need as defined in the allocation scheme have first priority for nomination to any social or affordable rented properties.

This means that applicants must not only meet the eligibility / qualification criteria for joining the housing register but also the requirements negotiated with the original S106 agreement or nominations agreement for each individual site.

Should there be no local connection parameters detailed within the S106 or Nominations Agreement then the default assessment of local connection will be that expressed within the allocations scheme as detailed in section 10.3 below.

### **10.3 Village or parish connection for rural lettings**

In order to establish a qualifying village or parish connections the applicant (or joint applicant) must meet at least one of the following criteria:

- have lived in the village for the last five years
- be employed in the village for a minimum of sixteen hours per week and the employment is not of a short-term nature
- have ten years previous residence in the village if not currently residing there
- be over 55 or with a disability requiring support on health grounds from close relatives currently living in the village
- have close relatives (as defined at section 3.6.2.3) living in the village for a period of at least the last five years.

Where applicants have a strong connection with a village, CDC will ask them to detail this on their application. This will enable the connection to be verified and for the applicant to be given additional priority where applicable, for any housing development that takes place in areas where they hold such a connection. If an applicant is successful, they will have to provide proof of their connection before they can be approved for the nomination.



## **11. Refusal of offers, reviews and complaints**

### **11.1 Refusal of offers**

In circumstances where an applicant has successfully bid but has refused three suitable offers of accommodation their application will be closed and they will be disqualified from re-applying to join the housing register for 6 months from the date of the third refusal.

If an applicant successfully bids for a property but the RP is unable to contact the applicant using the telephone and email contact details recorded on the application within 2 working days of the first attempted contact, this will be considered as a refusal of an offer. The applicant who is uncontactable will be skipped and the next eligible applicant on the shortlist will be nominated.

The exception to this rule is for statutory homeless households or those with Move-on priority, who are eligible for one offer of accommodation only and refusal of their offer will result in the discharge of the council's homelessness duty or removal on the Move-on priority. Homeless applicants will have a right of review under sections 202 and 204 of the Act. Those with a Move-on priority also have a right to have the decision reviewed.

### **11.2 Reviews procedure**

A request for review must be made in writing within 21 days of the applicant being notified of CDC's decision. CDC will determine the review within 8 weeks of the request or such longer period as may be agreed with the applicant.

The review must be considered on the basis of policy, law and known fact at the date of review. When conducting the review, CDC will consider any representations, written or otherwise, made by the applicant or on the applicant's behalf.

If further information is required, the review period within which the decision should be made may be extended by agreement with the applicant. Reviews will be carried out by a senior member of staff at CDC or delegated to an appropriate organisation or officer who was not involved in the original decision.

If the applicant is still dissatisfied, a report can be prepared for consideration by the Housing Options and Allocations Manager.

In the event of an applicant still remaining aggrieved, the next step to be considered is a complaint via CDC's Corporate Complaints Procedure or to Local Government and Social Care Ombudsman. Where it is decided to confirm the original decision on any issue against the interests of the applicant, CDC must also give its reasons.

Applicants may also have a right to challenge CDC's decisions via the courts and should seek independent legal advice in the event that they are aggrieved with any decision made by CDC.

(Note: CDC's allocation scheme does not remove preference for 'unacceptable behaviour' (see Section 3.6.2.1.) but instead renders such applicants to be disqualified from the housing register. As such the right to information pursuant to section 167(4A)(b) and related right to request a review under section 167(4A)(d) of the Act are not applicable in this allocation scheme and no applicant is prejudiced in relation to those statutory rights not being included herein.)

### **11.3 Review of suitability / discharge of duty for homeless applicants**

Whether or not a Homeless applicant accepts an offer of accommodation to discharge a homeless duty, they have the right to request a review of the suitability of the accommodation they have been offered, under section 202 and section 204 of the Act.

### **11.4 Annual review of applications**

In order to keep the housing register up to date all applications are subject to an annual review. The review is intended to ensure the applicant still wishes to be considered for accommodation and that the most up to date information about their housing circumstances is held. Applicants who fail to respond to either the review or reminder letter within 28 days will have their application closed.

### **11.5 Complaints**

An applicant who is not satisfied with the service that they receive may register a complaint with CDC's complaint procedure by telephone, e-mail or in person. All complaints will be acknowledged and investigated in accordance with CDC's complaints procedure.

If you have a complaint, please use one of the following methods to contact CDC:

- Complete the compliment/comment/complaint form available from the website
- Visit one of CDC's offices in Bicester, Kidlington, Bodicote, Banbury
- Write to Complaints, Customer Service Centre, Cherwell District Council, Bodicote House, Bodicote, Banbury OX15 4AA
- e-mail [complaints@cherwell-dc.gov.uk](mailto:complaints@cherwell-dc.gov.uk)

An applicant's complaint should include their details, information about what went wrong and what the applicant wants CDC to do about it.

## **12 Fraud and deliberately worsening circumstances**

### **12.1 Misleading or fraudulent Information**

Under Section 171 of the Act, it is a criminal offence for an applicant to knowingly or recklessly give false information or knowingly withhold information which a local authority has reasonably required her/him to provide. Where there is suspicion or an allegation that an applicant, or any person acting on behalf of an applicant, has either provided false information or has withheld information, the application will be suspended whilst an investigation into that application is conducted.

If the outcome of any investigation is that the applicant, or any person acting on behalf of an applicant, did not provide false information or there was no withholding of information or such was not found to be withheld knowingly, then the application suspension will be lifted and reinstated to its previous position within the allocation scheme meaning that the applicant should not be disadvantaged as a result of the investigation.

If CDC discovers an applicant directly, or through a person acting on his or her behalf, has given false information or deliberately withheld required information CDC will consider legal action. In the event that CDC does take legal action and an applicant is found to be guilty of an offence under this section, the applicant will be liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5,000). CDC will disqualify the applicant from the housing register for a period of up to five years.

In addition to the potential for legal action and disqualification from the housing register ground 5 in Schedule 2 of the Housing Act 1985 (as amended by Section 146 of the Act) enables a landlord to seek possession of a tenancy which it has granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

### **12.2 Deliberately worsening housing circumstances**

In cases where an applicant or members of their household acted in good faith by moving from more suitable housing circumstance to less suitable housing circumstances this will not affect the Band applied to the application.

In cases where a deliberate act or omission is identified that was carried out with the intention to receive greater priority for alternative housing, the change to less suitable circumstances will be disregarded by CDC. The Band applied to the application will instead be determined by the applicant's previous housing circumstances, before the deliberate act or omission was carried out

### **13. Allocations outside of the allocation scheme and non-general needs housing**

#### **13.1 Sheltered and extra care housing**

Only applicants that meet the minimum age criteria can be considered by CDC for nomination to sheltered accommodation. Applicants will also need to meet any additional eligibility criteria specified by the landlord. For further details see Appendix 6.

#### **13.2 Supported Accommodation**

Supported housing will be available only for applicants who are eligible for that particular type of accommodation and the related support. For example, some supported housing is provided exclusively for people with learning difficulties, or for young people leaving care. Where accommodation is available only for applicants who satisfy such special criteria, this will be clearly labelled on advertisements placed on the CBL website (HomeChoice).

#### **13.3 Shared ownership and low-cost home ownership**

Allocation of shared ownership properties available in Cherwell is primarily administered by Help to Buy South.

Telephone: 0800 456 1188

Email: [info@helptobuysouth.co.uk](mailto:info@helptobuysouth.co.uk)

Website: [helptobuyagent3.org.uk](http://helptobuyagent3.org.uk)

Address: Collins House, Bishopstoke Road, Eastleigh, Hants, SO50 6AD

Note: It is no longer a requirement join the housing register to be considered for shared ownership, applicants can apply directly to Help to Buy South.

#### **13.4 Mutual exchange**

CDC encourages partner RPs to participate in Homeswapper ([www.homeswapper.co.uk](http://www.homeswapper.co.uk)), a national mutual exchange website. Most do so already and where a RP does participate there is no cost to their tenants. It has the advantage of having substantial coverage across Cherwell and elsewhere.

Anyone finding a tenant to swap with must gain the approval of their landlord to proceed to do so.

#### **13.5 Oxford City Council's unmet housing needs**

Some social housing in the Cherwell has been built, or will be built in future, on specific sites to meet Oxford City's unmet housing needs. When these properties are allocated, priority will be given to housing applicants who have a local connection to Oxford. Cherwell housing register applicants who wish to be considered for these properties, must have a local connection to Oxford and be registered for housing with Oxford City Council.

## **14. Confidentiality, data protection and information sharing**

Any information provided as part of the application process is handled sensitively and subject to appropriate confidentiality in accordance with the General Data Protection Regulations.

CDC shall comply with the requirements of the Data Protection Legislation and any equivalent or associated legislation in relation to the storing, processing and sharing of Personal Data in connection with this allocation scheme and will not knowingly do anything or permit anything to be done which might lead to a breach of the Data Protection Legislation.

Applicants have the right to request a copy of any personal information held by CDC. This is known as a Subject Access Request.

### **14.1 Sharing personal information**

Personal information obtained from or about an applicant that applies to the housing register will only be used in ways that the applicant reasonably expects in order to process their application.

Applicants are made aware at point of application to the housing register that by submitting a housing register application their data will be stored, processed and shared as expected in order for CDC to provide the services requested, to assess their eligibility and qualification for housing in accordance with this allocation scheme.

The details provided by the applicant in relation to each housing register application and documents provided, either directly or via other professionals, will primarily be used in the following ways:

- to assess the application for social housing and determine the level of housing need in accordance with this scheme
- shared with other statutory and voluntary agencies including other housing providers, health trusts, support providers, police, probation, social services and other local authorities as appropriate in order to assess the housing register application
- shared with Private RP of social housing (e.g. Housing Associations) prior to an offer of social housing being made
- shared with private rental landlord(s), past or present as necessary to request tenancy references in relation to the applicant/s or members of his/her household.
- Shared with other CDC departments.
- For statistical recording and reporting including to government departments such as the Ministry of Housing, Communities and Local Government

## **15. Monitoring and evaluation**

To help ensure that the allocation scheme meets its aims and objectives it will be monitored and evaluated on an annual basis. Any major amendments to the allocations scheme in response to evaluation will only be made following consultation with all relevant stakeholders in accordance with s.168 (3) of the Act.

### **15.1 Publication of results**

The results of shortlisting are published on the choice-based lettings website (HomeChoice). The information provided can be used to help applicants decide which properties to apply for, by giving them a better idea how popular a particular property or area is and how long they would normally have to wait. The results which are published will not contain any personal details relating to the applicant. The results of the shortlist which are published are not in any order and will not reveal which applicant was successful.

Applicants who have expressed an interest in the particular property but are unsuccessful may request more personalised feedback on why they were unsuccessful.

### **15.2 Equality and diversity**

CDC is committed to promoting and facilitating equality of access to social and affordable housing regardless of a person or household's age; disability; gender reassignment; marriage and civil partnership status; pregnancy and maternity; race including ethnic or national origins, colour or nationality; religion or belief; sex; and sexual orientation. CDC can provide performance data to evidence how they meet these requirements. Where concerns arise on individual cases, the monitoring will include a review of the data or issue of concern, and an action plan agreed. Any concerns should be raised with Assistant Director: Housing and Social Care Commissioning, stating the grounds for their concern.

### **15.3 What discretion is built into the scheme?**

From time to time a situation may arise that is not predicted by this housing allocation scheme but the needs or circumstances are exceptional or significant.

Where a case is considered exceptional or significant by the Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning and a higher or lower priority should therefore be justifiably applied rather than the band which the housing allocation scheme would typically apply, the Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning retain discretion to apply a different level of priority.

The Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning can also withdraw adverts/properties from being advertised in justifiable circumstances not predicted by this allocation scheme, including where a letting/advertisement cycle has already ended. Such cases are expected to be exceptional and therefore few in number.

## Appendix 1: Definition of Terms

<b>Affordable housing</b>	Housing that you rent or part rent / buy from a council or registered provider
<b>Allocation</b>	<ul style="list-style-type: none"> <li>• The selection process by which a person becomes a secure or introductory tenant of housing accommodation held by a housing authority <i>or</i></li> <li>• The nomination process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by a registered provider.</li> </ul>
<b>Children</b>	Are defined as dependents, in a household, under the age of 16 or who are still dependant on the applicant e.g. due to continuing education
<b>Choice Based Lettings</b>	The advert-based system that CDC uses so that applicants on the housing register can apply for properties. Applicants are assessed, properties are advertised and applicants apply for them
<b>Disabled adapted properties</b>	Disabled adapted properties are properties that have been specially built or adapted for people with disabilities
<b>Effective date</b>	Date used to prioritise applications in a band based on the date that CDC assess which band an applicant should be placed in
<b>General needs properties</b>	General needs properties are suitable for applicants who do not have a need for sheltered accommodation or specially built or adapted properties. They include bedsitters and house, flats and maisonettes of any size
<b>General register applicant</b>	Applicants who have been accepted onto our housing register as being eligible to apply for social housing
<b>Homeless applicant</b>	Applicants found to be homeless, in a priority need group and where a duty to offer housing has been accepted under sections 193 or 195 of Part VII of the Act
<b>Housing Register</b>	The housing register is the waiting list administered by the council to identify applicants who it will nominate for housing from its partner RPs.
<b>Joint Applicants</b>	Joint applicants may be: <ul style="list-style-type: none"> <li>• married couples</li> <li>• partners living together</li> <li>• others who wish to set up home together</li> </ul>
<b>Approved Move-on</b>	Applicants who have been assessed by a support worker as ready to move-on from supported accommodation where the council have an agreed move-on protocol
<b>Nomination agreement</b>	A legal agreement between CDC and the RP which states how applicants will be nominated for vacancies by CDC, the number of vacancies that must be offered to CDC for nomination and any special priorities such as village or local connection

<b>Registration date</b>	The date the applicant's Housing application was received
<b>Registered Provider (RP)</b>	The official name for housing associations, housing co-operatives and housing companies that are registered with Homes England
<b>Right to Move Applicant</b>	Social housing tenants who have a reasonable preference because of a need to move to Cherwell to avoid hardship, and need to move because the tenant works in the district or they need to move to take up an offer of work
<b>Section 106 Agreement</b>	An agreement between CDC and a property developer governing the development of residential housing within the district
<b>Secure tenancy</b>	Tenancies granted by local authorities whenever granted and tenancies granted by registered providers before 15 January 1989
<b>Sheltered housing</b>	Sheltered housing is housing with visiting or residential staff
<b>Social housing</b>	Affordable housing that you rent or part rent / buy from a council or RP
<b>Tied accommodation</b>	Accommodation provided for and subject to employment
<b>Transfer applicant</b>	A transfer applicant is a secure tenant or an assured tenant of one of our partner RPs who lives in Cherwell and whose application has been accepted onto CDC's housing register



## **Appendix 2: Councillors, board members, employees and their close relatives**

Staff, board members, councillors and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment during the application process, nor shall they be disadvantaged.

The following procedure will be undertaken to ensure that any nomination will be subject to a high level of scrutiny:

- The staff member who is applying to the housing register must have no direct input into any decisions regarding their application. This includes not inputting or assessing any information in relation to their application onto the housing allocations system or changing or amending any details at any time.
- Staff members must also have no involvement in the inputting of the application or awarding of priority for any of their relatives
- Applications should be clearly marked on the housing allocation system that the application is that of a staff member, board member, councillor or any of their relatives
- When such an applicant has bid for a property and is next in line to be nominated to an available property, the details of the nomination must be scrutinised and signed off by CDC's Housing Options and Allocations Manager or Assistant Director: Housing and Social Care Commissioning.

If an offer of a property is to be made to an officer at Assistant Director level or above then the offer must be countersigned by the Assistant Director: Housing and Social Care Commissioning.

## Appendix 3: Bedroom and Space Standard

### 1. Bedroom Standard

For the purpose of allocating accommodation in accordance with this housing allocation scheme, the council will allocate a separate bedroom to each:

Adult couple
Any other single adult aged 16 years or more
Pair of children aged 10-15 of the same gender
Pair of children aged under 10 regardless of gender
Carer

The table below gives examples of the bedroom entitlement for adults and children:

Household size	Number of bedrooms to be allocated (if any eligibility criteria is met)
Single person under 35	Studio or 1 bedroom flat
Single person over 35	Studio or 1 bedroom flat
Adult Couple	1 bedroom
2 applicants not couple	2 bedrooms
Household with 1 child	2 bedrooms
Household with 2 children	2 or 3 bedrooms depending on age/sex of children
Household with 3 children	3 bedrooms

Applicants with a need for an additional bedroom due to the medical needs of the household will be assessed on a case-by-case basis taking into account the supporting documents provided. An offer of a larger property than the bedroom standard in these cases will be subject to an affordability assessment before an offer can be made. Applicants should also ensure that the property will be affordable for themselves.

Please note: people in receipt of benefits to pay their rent will only receive payment for property up to a maximum of 4 bedrooms.

### 2. Space standard

The space standard below is used as a guide to determine if bedroom sizes are inadequate:

Room's floor space in square metres	Number of people able to occupy
4.6 - 6.4	0.5
6.5 - 8.3	1
8.4 - 10.1	1.5
10.2	2

Anyone aged 10 or over counts as 1 person

Children aged 1 to 9 count as 0.5

Children under 1 year count as 0

### 3. Discretion for low demand properties

CDC may on occasion relax bedroom standard restrictions for low demand properties that have not been successfully let on an initial letting cycle. This may include allowing under-occupation of properties and may include giving priority to certain categories of applicant such as applicants who are already under-occupying social housing who are moving to downsize. For example, a single applicant moving from a 3 bed to a 2 bed property.

### 4. Definition of Household types

Single person under 55	One person household with no resident children A woman who is less than 25 weeks pregnant
Couple	Married, Cohabiting, Civil Partnership & same sex couples without resident children or with a woman who is less than 25 weeks pregnant
Family	Single parent or couple (as defined above) with minimum of one dependent child, who lives with parent(s) as the main or principal home. A woman who is 25 weeks or more pregnant
Insecure Households	Separate households sharing accommodation with no formal rights to occupy
Older Persons	One person household and couples over 55 years
Other	Any other household group including friends, siblings and families with non-dependent children

## Appendix 4: Health and disability assessments

Applicants should complete CDC's medical form in order to allow for a thorough assessment of medical needs. The below table will be used by CDC as a guide to determine the level of priority that should be applied to an application based on medical needs and gives illustrative rather than exhaustive guidance. In line with the guidance in the table, CDC will consider the severity and impact of the housing situation on the medical condition rather than only the severity of the medical condition itself.

Any supporting information that is provided alongside the application and medical form, including information from medical professionals, will also be considered and given appropriate importance when considering which band may apply in accordance with the table below.

	No medical priority	Band 3	Band 2	Band 1
<b>Mental Health</b>	CDC does not apply a priority band to any applicant on the basis of mental health that does not meet at least the band 3 criteria.	Prescribed medication alongside short-term, time-limited secondary care intervention. For example, talking space. Or referred to, or previous intervention received from a secondary care service with medication ongoing. In all cases housing must be the cause or significant aggravating factor in the mental health issue.	<p>Anti-depressant or anti-psychotic medication with sustained secondary care input. The care that is provided is vital to maintain community living and the housing situation is a significant factor in the illness and mental health is likely to deteriorate if housing need is not addressed. Secondary care input to be considered when no medication prescribed due to other factors e.g. pregnancy, conflict with other medication.</p> <p>Alternatively a mental health specialist planned treatment programme where housing is a significant factor in the plan and some support is needed to prevent admission into a psychiatric unit, or immediate deterioration in their health where housing issues are directly related to illness and relationships within the household are seriously affected by mental health issues.</p>	Immediate discharge from a psychiatric hospital following treatment where housing is a significant factor in the treatment plan or cannot be discharged to previous accommodation due to high risk. High support needs required to prevent re-admission.

<b>Mobility</b>	CDC does not apply a priority band to any applicant on the basis of mobility, if the property itself is suitable for the needs of the household, or if adaptations to make the property suitable could easily be carried out.	Home slightly unsuitable to meet their needs with low risk of harm e.g. some difficulty accessing essential facilities such as the toilet, bathroom, bedroom. Adaptations would be feasible.	Home is increasingly unsuitable to meet their needs with moderate risk of harm e.g. increased difficulties accessing essential facilities e.g. toilet, bathroom, bedroom – or are unable to access essential facilities. Care or severely modified living is required and housing is a significant factor in maintaining community living. Adaptations are not an option or have been refused by the landlord.	Home not suitable following discharge from hospital in relation to a permanent medical condition where no adaptations are possible and applicant is at risk of serious harm. Or unsuitability of home is preventing discharge.
<b>Children – Physical disability</b>	CDC does not apply a priority band to any applicant on the basis of physical disability to children if there is no difficulty accessing essential facilities e.g. bathroom, toilet bedroom, or if the property could be easily adapted to meet the needs of the children.	Children who have difficulty accessing essential facilities e.g. bathroom, toilet bedroom or a child's disability restricts use of the house by other family members e.g. increased bathroom usage. Health and safety not affected. Adaptations would be feasible.	A child who has increasing difficulty or already cannot access essential facilities e.g. toilet, bathroom, bedroom without assistance and health and safety is affected. The Occupational Therapy Service or Physiotherapist has made recommendations that adaptations are required but are not possible or practicable.	Home not suitable following discharge from hospital in relation to a permanent medical condition where no adaptations are possible, and child is at risk of serious harm. Or unsuitability of home is preventing discharge.
<b>Children / Vulnerable Adult – Behavioural</b>	CDC does not apply a priority band to any applicant on the basis of behaviour of children / vulnerable adults if no external agencies or organisations are involved with any aspect of formal care/support.	Behavioural problems which affect the household and are made worse by the housing situation. Health care professional, health visitor and/or family support worker involvement to provide some individual care to child/vulnerable adult and/or parents/carers/family.	Behavioural problems which affect the household and are made worse by the housing situation – and which could potentially cause moderate harm to self and household. Involvement from community paediatrician, consultant, social services, education or health services.	Children / vulnerable adult with behavioural problems have caused, or is continuing to cause, serious harm to the child or the household. Involvement from community paediatrician, psychologist, social services, education or health services.

<b>Independence (relates to giving or receiving care)</b>	CDC does not apply a priority band to any applicant on the basis of independence if it is not affected by the property and would not be improved by moving home.	Independence is affected by inability to access essential facilities. Need occasional informal care / support from family or home carer.	Independence is affected by inability to access essential facilities without a high level of care / support from family or home carer.  Qualifies for County Council care provision, but the County Council are unable to provide the care due to the applicant's accommodation.	A high level of formal medical care / support is needed and cannot be sustained in the medium term due to current accommodation.
<b>Carer</b>	CDC does not apply a priority band to any applicant on the basis that no improvement to quality of life would occur even after moving home.	Currently living arrangements for carer have a negative impact on quality of life and would be improved by a move to more suitable accommodation.	Carer's health deteriorating due to currently living arrangements/ housing making it difficult to continue with care arrangements. Supported by medical evidence.	Carer's health is deteriorating due to currently living arrangements/ housing and there is an imminent breakdown of care arrangements. Supported by medical evidence.
<b>Sensory environmental</b>	CDC does not apply a priority band to any applicant on the basis that there are minimal environmental issues which exasperate a sensory medical issue.	There are some concerns that the accommodation is affecting sensory medical issues. Adaptations would be feasible.	There are serious and sustained concerns with sensory medical issues that can be mitigated by moving home. Adaptions may be possible but not practicable. Health services are involved and support a move.	There is an urgent need to prevent serious harm from occurring, due to sensory medical issues. Adaptions are not possible. Health services are involved and support a move.

## Appendix 5: Social, Welfare and Hardship assessments

The below table will be used by CDC as a guide to determine the level of priority that should be applied to an application based on social, welfare or hardship issues and gives illustrative rather than exhaustive guidance.

Band 1 - urgent	Band 2 - significant	Band 3 - moderate
<ul style="list-style-type: none"> <li>▪ Threat to life</li> <li>▪ Emergency cases due to fire, flood or other disaster</li> <li>▪ Exceptional need not covered elsewhere in the scheme</li> <li>▪ Exceptional circumstances as directed by Assistant Director</li> <li>▪ Family member of social tenant in the district with at least 12 months verified prior residence with the family member and no right of succession following the death of the tenant in cases where a move would prevent homelessness or exceptional hardship.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is a significant need to move in order to receive / give essential care and support</li> <li>▪ The applicant or a member of their household has a physical or learning disability which is significantly impacted by their current housing</li> <li>▪ Need for sheltered housing only</li> <li>▪ Need to move to take up employment, education or training within the district. Or, in the case of key workers, need to move to take up or continue with an existing permanent position within Oxfordshire.*</li> <li>▪ Significant need to move not covered elsewhere in the scheme.</li> </ul> <p>*The local connection criteria outlined in section 3.6.4 still applies to this category. For key worker roles outside of Cherwell, another local connection to Cherwell will be needed in order to qualify for the housing register. Sufficient documentary evidence will be required.</p>	<ul style="list-style-type: none"> <li>▪ The existing home moderately limits the care and support that can be provided to the applicant or someone in their household</li> <li>▪ The environment around the home has moderate detrimental effect on the quality of life of the household</li> <li>▪ Inadequate room sizes. The household has an adequate number of bedrooms as per the bedroom standard, but the bedroom sizes are inadequate by at least 1 person, as per the space standard taking into account all bedroom sizes the applicant's household has access to. See appendix 3</li> <li>▪ Split households with insufficient bedrooms. The property has a sufficient number of bedrooms to accommodate all occupiers as per the bedroom standard, but two or more households are sharing, and the applicant's household is left short of a bedroom due to genuine and justifiable bedroom allocation.</li> <li>▪ Financial hardship: current accommodation is financially unsustainable, and a long-term resolution is unlikely. More affordable accommodation is a key factor in resolving the financial situation.</li> <li>▪ No Fixed Abode. Cases where the applicant has no principal, settled address but is not deemed to be homeless.</li> </ul>

## **Appendix 6: How sheltered and extra care housing is allocated**

### **1. Sheltered housing**

Applicants with evidenced support needs that meet the minimum age criteria can be considered for sheltered accommodation. They will also need to meet the eligibility criteria specified by the landlord which may on occasion state that no support needs are required. Applicants also need to be eligible and qualify for social housing as per this housing allocation scheme.

Therefore restrictive labelling (see section 7.10) will be applied to vacancies advertised. In all other respects sheltered housing vacancies are allocated in the same way as general needs housing, with adverts placed on CDC's CBL website ([www.cherwell-homechoice.org.uk](http://www.cherwell-homechoice.org.uk)) for available sheltered housing.

Some sheltered housing in Cherwell is allocated directly by RPs of social housing who will maintain their own waiting list for each sheltered housing scheme. Applicants who are seeking sheltered housing are therefore encouraged to register with social housing providers that have sheltered schemes in the district. CDC's website ([www.cherwell.gov.uk](http://www.cherwell.gov.uk)) contains information about the sheltered schemes in the district including contact details.

It is sometimes a condition of sheltered housing schemes that tenants agree to take the Care Line or Warden Services. Separate charges are made for these services on top of the rent.

### **2. Extra Care Housing**

Extra care housing provides older people that have care needs with their own home and tenancy within a support and care environment. This helps ensure that appropriate personal and housing support are available as required. CDC has nomination rights to some extra-care schemes in Cherwell. A tenant may move into a scheme with no or low needs but can access further care as and when the need arises as they get older or more frail. Extra care housing can remove the need for residential care for older people in some cases.

People who have assessed care needs will have them provided for by either a Personal Care Support Team, who are based on site 24 hours a day, and will be able to give care to tenants when this is required, or a support team of their choice. The team will be able to adapt a person's care plan to suit their changing needs. An Extra Care Scheme should contain a balance of needs – it is not a residential care home. Any Extra Care Scheme needs to have a vibrant and active feel to it and therefore the balance of care and support needs is key to a successful Extra Care environment. The allocations panel will have to take a number of things into consideration when allocating a property. These factors include, but are not limited to, the nominations agreement for each scheme, individual circumstances, available care hours, existing needs and numbers of tenants with dementia in the Extra Care Scheme.

All applicants will be registered and assessed for housing in line with CDC's housing allocation scheme and must be eligible to access social housing.



To be eligible for Extra Care Schemes applicants must:

- Be over 55 years of age or meet the eligibility criteria specified by the landlord
- Be eligible for social housing as per this allocation scheme
- Be assessed by the Extra Care Scheme Manager for support that is provided. Applicants must be deemed suitable for the Extra Care Scheme and that they do not have support needs that are unable to be met or would be detrimental to the scheme itself or other tenants
- Be prepared to agree to the Extra Care Scheme tenancy agreement
- Be made aware of the costs of moving into the Extra Care Scheme before a letting is carried out. This is especially in regard to care costs where these will not be covered by Housing Benefit.

Residents in the Extra Care Scheme will be offered the opportunity to have their care provided by the contracted care provider

It should be noted that for couples where one partner is below 55 years of age the couple may be granted a tenancy but it will be a sole tenancy only in the name of the person who is over 55 and therefore meets the criteria above. The younger partner would not be granted succession to the tenancy unless the partner meets the criteria detailed above, at the point at which an application for succession is made.

### **3. Extra Care Housing Allocations Panel**

The Extra Care Housing Allocations Panel (the Panel) will require an up to date social care assessment in an agreed format outlining the prospective tenant's housing and social care needs and a medical/social history to enable the Panel to arrive at an informed decision as regards whether their needs can be met within the scheme.

The Allocations Panel comprises:

- a. A Scheme Manager
- b. A CDC Housing Officer
- c. A representative of Adult Social Care

When considering a referral for an applicant with care needs the panel will take into account as a minimum:

- a. the housing and support need of the applicant
- b. care hours required and the balance of needs within the Extra Care Scheme
- c. which property size is most appropriate for the applicant, taking into account the size of property in which the applicant has expressed as a preference
- d. whether the applicant has a local connection to the area
- e. the nominations agreement that applies to the extra-care scheme

An allocation to an extra-care scheme will only be made via this Panel and will be completed via a direct match as opposed to being advertised on the CBL website ([www.cherwell-homechoice.org.uk](http://www.cherwell-homechoice.org.uk)). This panel will convene, either in person or using any form of information communication technology whenever a vacancy arises.

A potential tenant must also undertake a pre-offer interview with the Extra Care Scheme Manager and be shown the facilities at the Extra Care Scheme to ensure

that all parties are comfortable with the responsibilities and expectations of a tenancy within an Extra Care Scheme. This also gives the prospective tenants an opportunity to find out more about the Extra Care Scheme and to make an informed decision about moving. On completion of a successful Extra Care Scheme visit a tenancy is offered and paperwork completed by the Extra Care Scheme Manager.

If this visit raises issues as to the suitability of a tenancy, every step will be taken to resolve the situation in discussion with all parties. A further assessment or Panel discussion may be convened, or further housing related support may be necessary. If identified issues cannot be resolved (or resolved within an agreed timescale with the provider), the tenancy will be offered to the next suitable person identified by the Panel or Rehousing Officer – again subject to a successful home or Extra Care Scheme visit.

The Extra Care Scheme Manager will inform all applicants refused an offer of a tenancy and will give reasons for the decision. An appeals process can be invoked where any party wishes to dispute the decision reached by the Panel.

#### **4. Property type and size**

All applicants are eligible for a one or two bedroom property and are invited to express their preference. However, the final decision on the size of property allocated to the applicant will be made by the Panel, taking into account the applicant's preference, affordability and the government's guidance on bedroom allowance.