

# Oxford City Council Housing Allocations Scheme

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Effective from 18 December 2024

## 1. Introduction - Allocations Scheme

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### 1.1. Preamble

Oxford is an area of high demand for social housing. There is a scarcity of affordable housing and a high number of people who wish to be housed. There is also a substantial level of homelessness in the City.

Oxford City Council aims to allocate the resources available fairly, objectively and systematically.

Oxford City Council has formed a partnership with the major Private Registered Providers of Social Housing operating within the City. This is the Oxford Register for Affordable Housing Partnership (ORAH Partnership). The Council maintains a common register of social housing on behalf of the Partnership. There is a single application process for housing allocated by OCC.

Oxford City Council works within the legal and regulatory framework governing the allocation of social housing. This scheme also takes into account local need and demand as well as local housing conditions.

Oxford City Council operates a Choice Based Lettings scheme for most housing applicants. This allows applicants (with some exceptions) to have as much choice as

possible over where they live, within the limits of what types of accommodation they are eligible for. It is also a system which gives a range of information to applicants, allowing their choices to be informed and realistic, based on the limits of what stock is available.

This Allocation Scheme is subject to periodic review to ensure that the allocation of properties continues to be fair, objective and systematic whilst meeting local need and statutory obligations.

## **1.2. Definition of Terms**

### **An Allocation**

- a. the selection process by which a person becomes a secure or introductory tenant of accommodation held by a housing authority; or
- b. the nomination process by which a person becomes a secure or introductory tenant held by another housing authority; or
- c. the nomination process by which a person becomes an assured tenant of accommodation held by a Private Registered Provider.

The term 'assured tenant' includes a person with an assured shorthold tenancy, including of an Affordable Rent property. 'Secure tenant' includes a person with a flexible tenancy granted under s.107A of the Housing Act 1985.

### **Bidding**

The process of applying for a property advertised as available to let through Choice Based Lettings. An applicant must be eligible for that type of property.

### **Choice Based Lettings**

The advert based system that Oxford City Council uses to let properties. Applicants are assessed, properties are advertised and applicants bid for them.

### **Oxford Register for Affordable Housing (ORAH)**

Also known as the housing register, consists of three separate lists; the General Register List, the Transfer List and the Homeless List. Instead of the Council and PRPs keeping their own different housing registers, applicants can join a single housing list within Oxford City (ORAH). Social housing in the city owned by the Council and its partner PRPs is let through the Oxford Register for Affordable Housing. It is administered by Oxford City Council and managed by Oxford City Council and its partners.

### **Priority Band Start Date**

The date on which an applicant is eligible to be included in Priority Bands 1 to 4. and the date used for prioritising order within each of these bands

## **Registration Date**

The date on which an applicant is eligible to be included within Band 5. For assessed applications added to the Housing Register, this is the date the application was received. This is the Priority Band Start Date for applicants placed in Band 5.

## **PRP**

A Private Registered Provider of social housing. The official name for housing associations, housing cooperatives and housing companies that are registered with the Homes & Community Agency.

## **REMS**

The Removal Expenses and Mobility Scheme is an incentive scheme available to Council tenants living in family accommodation seeking to downsize to a smaller property or move to older persons' accommodation.

## **Social Housing**

Low cost housing that you rent from a council, PRP, charity or faith organisation.

## **Transfer Applicant**

A secure tenant of Oxford City Council or an Assured tenant or Secure tenant of one of our partner PRPs living in the city and whose application has been accepted onto the ORAH Transfer List. Tenants of OxPlace living in social housing are also eligible to be included. This includes qualifying secure tenants with a flexible tenancy granted under s.107A of the Housing Act 1985.

## **1.3. Oxford City Council's Principal Housing Objectives**

- To allocate housing fairly, consistently and carefully
- To allocate suitable accommodation to households in housing need
- To work to meet the Council's responsibilities to homeless households in Oxford and to work to prevent homelessness
- To provide a high quality service with courteous and efficient staff
- To make the best use of the Council and our partner PRPs' stock, and any other stock available to us
- To ensure that empty properties are let quickly and efficiently
- To promote the widest possible access to housing to residents of Oxford or those assessed as having qualifying connection to the City, including directing applicants to private rented stock in appropriate circumstances
- To allow applicants to express choice in selecting their accommodation wherever possible, with some exceptions including applicants owed a duty under Part 7 of the Housing Act 1996 who may be made a Private Sector

Offer outside of the Allocations Scheme by the Housing Needs Team or be made a direct offer (and applicants accepted on to the move on scheme)

- To provide clear and easy to understand information to allow applicants to make informed choices
- To set out clear standards so that applicants know what to expect
- To offer appropriate advice to applicants who we are unable to house, including accurate and timely referrals to other agencies
- To promote sustainable communities
- To act legally and adopt best practice
- To review the advice and allocation service with the intention of producing continuous improvement
- To treat members of the armed forces/former members of the armed forces in housing need, equally with regard to a qualifying connection to Oxford (see section 3.3.5.)

## **2. Responsibilities - Allocations Scheme**

### **2.1. The Council's Responsibilities**

#### **2.1.1. The Legal Framework**

In framing this allocation scheme, Oxford City Council complies with the relevant legislation, including, but not exclusively: the 1985 and 1996 Housing Acts, as amended by the Homeless Act 2002; the Equality Act 2010; The Localism Act 2011, the Homelessness Reduction Act 2017, the Domestic Abuse Act 2021, the Social Housing Regulation Act 2023 (and relevant consumer standards) and other Acts specified within this document. The Council also takes due account of case law, best practice and government regulations and guidelines, such as the Codes of Guidance on Allocations:

- Allocation of accommodation: guidance for local housing authorities,
- Providing social housing for local people
- Right to Move and social housing allocations
- Improving access to social housing for victims of domestic abuse
- Improving access to social housing for members of the armed forces

The scheme also has regard to other Oxford City Council Strategies, including the Housing, Homelessness and Rough Sleeping Strategy and Tenancy Strategy and complements the objectives set out in the Council's Corporate Strategy.

#### **2.1.2. Reasonable Preference**

The Council is required to give reasonable (but not over-riding) preference to the following categories of person:

- Those who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
- Those who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the

Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)

- Those in insanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- Those who need to move on medical or welfare grounds, including grounds relating to a disability
- Those who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others

These categories are not discrete, and applicants can fall under different categories.

### **2.1.3. Additional Preference**

Under Section 167 (2) of the Housing Act 1996, the Council can give additional preference to applicants in urgent need. This means the Council can decide which applicants within a particular category should be given the greatest priority for housing, and which of the groups should be prioritised over others.

The Council's Allocations Scheme must also give "additional preference" to a person who falls into a reasonable preference group and is considered to have urgent housing needs where the person:

- is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, or
- formerly served in the regular forces, or
- has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

### **2.1.4. Information Provision**

The Council is required to provide information about Allocations Scheme.

The Council will provide a free summary of the Allocation Scheme to any member of the public who asks for one.

The Council will provide a full copy of the Allocation scheme, which can be inspected at our offices. The Council will provide a full copy of the Housing Allocation Scheme (at a reasonable cost) to any member of the public who asks for one.

The full Allocations Scheme and summary are available on the Council's website.

## Personal Information

Applicants have the right to see the information held about them, and receive a copy of information held on computer, or on paper file. This is a “subject access request” for which the Council charges a reasonable administration fee.

Personal information will be handled in accordance with the General Data Protection Regulations and will be subject to appropriate confidentiality.

## Additional Information

Applicants have the right to be told in writing if they are considered ineligible for housing or do not qualify for inclusion on the Housing Register.

## 2.2. Equality and Diversity

Oxford City Council:

- Acknowledges and values the diversity of people who live in Oxford
- Is committed to the promotion of equality of opportunity for all and the prevention of discrimination. Oxford City Council aims to promote equal opportunities to contribute to a fair and socially inclusive City
- Recognises the importance of delivering services and running facilities that are accessible to all, and where these are managed by the Council directly, aims to ensure that no-one will be prevented from accessing services and facilities
- Has produced a Housing, Homeless and Rough Sleeping Strategy whereby it has committed to improve its monitoring of take up of housing services by different groups

## 2.3. Targets and Monitoring

### 2.3.1. Annual Lettings Plan

The Housing Register consists of three-separate housing lists:

- **The Homeless List** for applicants to whom Oxford City Council has accepted a statutory homeless duty and placed in temporary accommodation who are waiting an offer of accommodation
- **The Transfer List** for Council eligible OxPlace and Housing Association Tenants living in Oxford applying for a move to alternative accommodation
- **The General Register List** for all other households applying for social housing in Oxford

A housing applicant will normally only be expected to be on one housing list or application at the same time.

The Annual Lettings Plan is designed to set allocation percentages, which are targets set by the Council to determine the proportion of social housing offered to

different lists within the Council's Housing Register, in order to best balance their competing demands and needs. The Director of Housing will approve the Annual Lettings Plan setting out the percentage of allocations to be made to each group. (see Appendix II).

Factors take into account in setting the Annual Lettings Plan each year will include:

### **Supply**

- The number of properties that are expected to become available to let during the year (consisting of re-lets and new build properties)
- The proportion of properties expected to become available to let for single-applicants and couples, including designated elderly and older persons accommodation
- The proportion of two-bedroom, three-bedroom and four-bedroom properties or larger that are expected to become available to let

### **Demand**

- The number of applicants in assessed housing need on each Housing List waiting for one-bed, two-bed, three-bed and four-bedroom properties or larger

#### **2.3.2. Local Lettings Plans**

From time-to-time Oxford City Council may decide to develop Local Lettings Plans for specific blocks or areas, in order to develop balanced and sustainable communities, particularly where there are new developments of 100 units or more. The decision to implement a local lettings plan will be approved by the Cabinet and be made available for members of the public.

Where local lettings plans are introduced, clear evidence will be required of the need to vary the usual policy. The decision will always take into account the implications for equal opportunities and consider the “reasonable preference” & “additional preference” criteria. A local lettings plan will generally be expected to be part of a wider action plan to address the issues in that locality.

Local lettings plans are designed to be time limited and will be monitored to ensure that the plans do not discriminate directly or indirectly on racial or other equality grounds and that reasonable preference is given overall to applicants in the reasonable preference categories.

#### **2.3.3. Monitoring the Allocation Scheme**

Oxford City Council will monitor the allocation outcomes so that targets can be altered, should there be a risk that the reasonable preference requirements will not be adequately met.

#### **2.3.4. Statistical Records**

Statistical records by ethnic origin, gender and disability of those applying for and being allocated housing are essential for a proper examination of allocation systems, to enable analysis in terms of the type, age, location and quality of accommodation applied for and subsequently obtained. Such monitoring will demonstrate whether housing resources are distributed according to need and will highlight any inequality in the allocation of particular property types, or within particular areas of the City.



This information is collated on an anonymous basis from data recorded on housing application forms.

Records are kept and monitored of the entire allocation process. The purpose is to identify how different groups are receiving and taking up offers and to highlight the quality and type of accommodation. This information will provide an indication of the length of time people wait, according to band, bidding patterns and refusal rates after viewing.

Diversity and equality monitoring is by self-assessment by the applicant as part of the application process. This includes disability but does not necessarily mean that the applicant will be considered for accommodation suitable for disabled people. Such property is usually allocated on the recommendation of the Council's Health and Housing Assessment Panel, or by using other assessments, for example, an Occupational Therapist report, and is dependent on the type of property and the level of adaptations an applicant is assessed as requiring.

## **2.4. Verification**

All documents should be verified in line with the Council's verification processes and anti-fraud processes as appropriate.

## **2.5. Confidentiality**

Confidentiality is about having a professional and lawful approach to handling disclosed information.

Information passed on to officers will be handled sensitively. All information provided by customers will be held securely under the provisions of current General Data Protection Regulations.

The purpose of information sharing is to:

- Assist in addressing housing need
- Enable the provision of appropriate assistance and support
- Combat fraud
- Improve risk assessments
- Help create sustainable tenancies
- Improve communities

Information will be passed on in the following circumstances with the customer's consent. Disclosure of any sensitive information will have to be authorised by an Allocation Officer and will be provided on a need-to-know basis only.

- Oxford City Council is under a duty to protect public funds and may use the information provided and match it against other information held by the Council and other public bodies, or similar external agencies, for the purpose of the prevention or detection of crime and fraud, and to verify the information provided.

- Oxford City Council and other ORAH partners will have consent to make such enquiries as is considered necessary in order to assess the application, and all other departments, organisations and agencies are authorised to provide such information as requested.
- Oxford City Council and other ORAH partners have consented to share information on the application form between themselves, with other statutory and voluntary agencies, including other housing providers, health trusts, support providers, police, probation, social services and other local authorities, where deemed necessary, and/or to provide the applicant with advice or assistance regarding their re-housing, or other services that may assist the applicant. The Council and other ORAH partners will not give information about an applicant to anyone else unless the applicant provides written authorisation to do so.

Customers should note that, where consent is refused, it may not be possible to process a housing application and they will not be included on, or will be removed from, the housing register.

Information may be passed on in the following situations **without** the customer's express consent:

- For the purpose of the prevention or detection of crime and fraud
- Where not passing on the information is reasonably considered to constitute a safeguarding issue and there is considered to be serious risk to the customer or a third party. In such cases a risk assessment will be conducted and any actions must be proportionate.

## **2.6. Applicants' Responsibilities**

### **2.6.1. Supplying Information**

- Applicants are responsible for giving full and accurate details on all forms and correspondence and in all other communications about their application for housing.
- Applicants must inform the Council of any change in circumstances straight away, especially those which may affect their needs for re-housing.
- Applicants should reply to any correspondence/requests from the Council or ORAH partnership which needs a reply, within the specified time scales
- Applicants who are made an offer should let the Council know their decision about whether to accept it within the timescale specified.
- If information is not supplied, the Council or an ORAH partner may cancel an application, defer it until the information is provided, or withdraw an offer of housing.

### **2.6.2. False Statements**

An applicant who either omits to provide information that is requested or gives false or misleading information will be treated as behaving unacceptably.

Consequently, they will either:

- not qualify for inclusion on the housing register; or
- will be removed from the housing register, and
- will lose any time that they have already accrued on the housing register.

Furthermore, they may be liable to prosecution. Tenancies obtained as a result of false or misleading statements can be terminated. If in the future an applicant re-applies and is allowed to be included on the Housing Register, they will be issued with a new registration/housing need Priority Band Start Date.

### **2.6.3. Deliberately Worsening Circumstances**

Applicants have a responsibility not to deliberately worsen their circumstances in order to progress to a higher band by an action or inaction. They have the responsibility to make best use of the accommodation they have and will be assessed as if this is the case.

Where an applicant is considered to have deliberately deprived themselves of capital or assets they will be treated as having “notional capital” to the value of those disposed of and this will be taken into account in the assessment of their application.

Should an applicant give up more suitable accommodation, or where a deliberate act, or omission to act, results in the worsening of circumstances without good reason, the Council may assess the application based on the applicants housing need in their previous accommodation, prior to the “deliberate” act. Furthermore, if an applicant is not using accommodation that they could reasonably be expected to use to improve their housing situation, their housing need and priority will be assessed as if they are occupying this accommodation.

Applicants considered to have lost previous accommodation due their own actions or behaviour, or that of a member of their household or a visitor, may also be excluded from qualifying for inclusion on the Housing Register.

The following applicants will normally be considered to have deliberately worsened their circumstances:

- Homeless applicants found to be intentionally homeless who still qualify for inclusion on the Housing Register
- Former homeless applicants removed from the Homeless List who have refused an offer of suitable accommodation resulting in an end to the Council’s homeless duty in the last 12 months since the duty ceased.

In such circumstances applicants will be referred to the Exceptional Circumstance Panel for consideration and are unlikely to be an award higher priority than a moderate Band 4 social and welfare award (see section 4.5.1).

## **3. Application and Assessment - Allocations Scheme**

### **3.1. Applying for Social Housing through the Oxford Register for Affordable Housing (ORAH)**

The ORAH is a single housing register operated by Oxford City Council, together with partner Private Registered Providers of Social Housing with stock in the City. The standards and expectations on all parties are set out in a Partnership Agreement. A Partnership Board comprising of senior representatives from the City Council and the partner Housing Associations manages the partnership.

There is a single application process with information available to guide applicants. These are available from local offices of the ORAH partners. Applicants can go to any of these offices for information, advice and support. Further information is also available on the Council website including information about the Housing Options available in Oxford and how to apply for inclusion on the housing register.

### **3.2. How to Apply**

Applicants will be required to complete a housing application and to supply any additional information required for the assessment of their application before they can be included or to remain on the Oxford Register for Affordable Housing.

Before applying for housing, applicants are advised to consider other housing options that may help improve their housing situation. Applicants can also seek advice on the range of housing solutions that may meet their needs from the Housing Options team at the Council.

#### **Older Applicants**

There are some Older Persons Schemes in Oxford that are only considered suitable for older applicants aged 55 or 60 years or older (see section 5.5 Sheltered/Older Persons Accommodation).

#### **Transfer Applicants**

Applicants living in social housing seeking to move, who are already tenants of Oxford City Council, Ox Place or tenants one of the Council's partner Housing Associations living in Oxford can apply for inclusion on the Transfer List. .Transfer applicants are also encouraged to apply for a mutual exchange.

#### **Joint Applicants**

Applications from partners who are cohabiting may be registered as joint applicants giving both parties joint and several rights and responsibilities for any future tenancy. Partners include same sex couples.

In some cases one partner may be ineligible due to their immigration status. In this case the other partner will be registered as the sole applicant.

Dependents, family members or other adults who are not partners of the applicant (such as residential carers) cannot usually be joint applicants.

If joint applicants wish to change to sole applicants (for example due to a relationship breakdown) they will need to notify the Council and one of the applicants will need to make a sole application. Normally the application will continue in the name of a partner with residency and/or parenting responsibilities. The remaining applicant can make a new application and may be issued with a new registration date/housing need priority band date.

### **3.3. Eligibility and Qualification**

Only applicants who are eligible for housing and who qualify for an allocation of housing will be included on the Council's housing register and considered for offers of accommodation. Applicants who are not eligible or do not qualify for housing will not be included on the housing register. If an applicant has already been included on the housing register and is found to no longer be eligible for housing, or to no longer qualify for housing, they will be removed from the housing register and notified.

#### **3.3.1. Who is not Eligible**

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

A person may not be allocated accommodation under Part 6 if he or she is a person from abroad who is ineligible for an allocation under s.160ZA of the 1996 Act. 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').

The law on eligibility is subject to change and OCC will apply current legislation.

Existing secure and introductory tenants - the Council does not need to question eligibility and an allocation can be made regardless of immigration status or habitual residence. (Transfer applicants)

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.

## **Age of Eligibility**

Applicants under the age of 18 who are eligible can only be considered for some supported properties held by our PRP partners unless accepted as statutory homeless (usually if they have a guarantor) and in other exceptional circumstances.

### **3.3.2. Who Qualifies For Inclusion on the Housing Register?**

The sections below provide information on who will normally qualify to be included on the Oxford Register for Affordable Housing. Once on the Housing Register, applicants are prioritised in terms of housing need and waiting time. However, inclusion on the register does not guarantee an offer of housing, as there are many more applicants than properties available.

### **3.3.3. Qualification For Inclusion on the General Register List**

Social housing is a scarce resource and there are many more people applying for housing in the City than can be housed. Only applicants who have a connection to Oxford through residence, employment or close family associations, with some exceptions, will normally qualify to be included on the Housing Register.

A qualifying connection is established by way of one or more of the following:

1. The applicant or joint applicant is permanently resident in Oxford and that residence is of their own choice and has been continuously so for at least 6 months.
2. The applicant or joint applicant was previously resident in Oxford as a matter of choice and the period of residence was either:
  - At least six out of the last twelve months or
  - Three out of the last five years
3. The applicant or joint applicant is employed in Oxford for a minimum of sixteen hours per week and the work is not short-term, marginal or of a temporary nature. Employment ancillary to work in another District outside of Oxford and voluntary work is excluded.
4. The applicant or joint applicant has close family associations with Oxford. Family association will normally be defined in relation to close relatives (i.e. parents, adult children or siblings) and where there is no estrangement. However, other family associations, wider than immediate family, may be taken into account (for example dependent children, grandparents, grandchildren and step relations) where there is evidence of frequent contact, commitment or dependency. To qualify, the relatives must live in Oxford now and have been continuously resident for a minimum of five years.

.With the exception of:

- Existing or former members of the regular armed forces;
- Bereaved spouses and civil partners of members of the regular armed forces who are no longer entitled to reside in Services Family Accommodation and the death of the spouse or civil partner was attributable (wholly or partly) to service; or

- Serving or former members of the reserve forces who need to move because of a serious injury, illness or disability attributable (wholly or partly) to that service.
- Applicants aged 60 years or older with no qualifying connection to the City assessed as eligible and suitable for sheltered housing;
- “Life and Limb” and other exceptional cases, such as those fleeing domestic abuse who need to move away from another area to escape violence or harm, or that have moved to Oxford and approached the Council for housing assistance who are considered to be in high housing need by the Exceptional Circumstance Panel. Such applicants, and others on a case-by-case basis, may be allowed to qualify for inclusion on the Housing Register at the discretion of the Allocations and Assessment Team and notified whether or not they are treated as if they have a qualifying connection. It is expected these cases will be very rare due to the high levels of applicants in housing need with a connection to Oxford already on the Housing Register.
- Homeless clients within the Homeless Alliance accommodation in the City awarded an exemption prior to entering the pathway in relation to Rough Sleeping who have no qualifying connection with any area may at the discretion of the Allocations Manager be included on case-by-case basis.
- Residents in Homeless Alliance accommodation living in Oxford with only a pathway connection to Oxford that have continuously lived there (normally for at least 12 months) may be included at the discretion of the Assessment and Allocations Team.
- Long term residents in Mind or Response Housing (normally for a minimum of 2 years) without a qualifying connection to Oxford or elsewhere may be included at the discretion of the Allocations Manager and awarded a qualifying connection to Oxford.
- Long term residents of other “temporary” accommodation (normally a minimum of 2 years), including Emmaus, without a qualifying connection to Oxford or elsewhere, maybe included at the discretion of the Allocations Manager and awarded a qualifying connection to Oxford.
- Qualifying tenants living in social housing outside of the City who work or need to move to Oxford to take up an offer of work and if they are unable to do so it would cause them hardship. Any such applications will be assessed under Right to Move legislation and guidance (see Appendix IV for more information).

## **Care Leavers**

The definition of local connection under the homelessness legislation for young people leaving care was amended by the Homelessness Reduction Act 2017. This is applicable in relation to qualifying/local connection under this scheme.

Care leavers who have been placed in accommodation under s.22A of the Children Act 1989 (accommodation arranged for and provided by a local authority) so as to have been normally resident in the council's district for a continuous period of at least 2 years, including some time before they turned 16, will also have a qualifying connection with that district until they turn 21 years of age.

A young person owed leaving care duties under s23C of the Children Act 1989 will have a local connection with the area of the children's services authority that owes them the duties - if that authority is a county council and not a housing authority, the young person will have a local connection with every housing authority district falling within the area of the children's services authority.

A qualifying connection through residence is not established in situations, that include, where the applicant is:

- In prison, a probation hospital or similar accommodation within Oxford
- Detained in Oxford under the Mental Health Act;
- Living in temporary or supported accommodation, which would normally be able to access the "Move-on" scheme within City but whose only connection to Oxford is established through residence in such accommodation. This includes, but not exclusively, residents living in accommodation that forms part of the Homeless Alliance, Mental Health Pathway or the Sapling Project.
- Living in any other form of accommodation considered "temporary" in nature, including hospital accommodation, halls of residence and other forms of supported accommodation not normally able to access the "Move-on" scheme and emergency or interim accommodation provided by an authority in fulfilment of a homeless duty.

Due to the acute shortage of housing in the City and the high demand for housing the Council reserves the right to determine what accommodation is considered permanent accommodation within the City for the purposes of assessing a qualifying local connection through residence and what accommodation should be excluded.

An applicant on the General Register List or applying to be included on the General Register List who would normally fall into to a qualifying group can be disqualified under certain circumstances in accordance with Section 3.4.

### **3.3.4. Qualification For Inclusion on the Transfer List**

The ORAH Transfer List is open to secure tenants of Oxford City Council, Ox Place and secure/assured tenants (including tenants on fixed term tenancies that have successfully completed the first year of their tenancy) of one of our partner PRPs living in Oxford. Tenants with an introductory tenancy or starter tenancy may also be included on a case by case basis where there is an urgent need for them to move.

Tenants of our ORAH partners not living in Oxford are not eligible to be included on the Transfer List but they can apply for inclusion the General Housing Register if they meet the qualification criteria.

Transfer cases are given priority for an allocation of housing on the same basis as General Register applicants, each applicant being awarded a band according to housing need and taking into consideration both the statutory requirement to give reasonable preference to particular groups, and the locally established additional preferences, if any, which apply.



Where an applicant is an existing secure tenant of the Council or a secure/ assured tenant of a PRP the tenant cannot be disqualified from receiving an allocation of housing on the basis of their immigration status - section 160ZA of the Housing Act 1996.

There are a number of locally determined additional preferences that, because they relate to specific rights of secure and assured tenants, or to the management needs of the Council, are applicable only to applicants on the Transfer List. These include additional preference for tenants who are currently under-occupying Council or PRP family properties and who want to move to a smaller home and free up a larger home for a family in need, and are dealt with in Section 4.

See also section 7.2 on “under occupation” for details of the Removal Expenses Moving Scheme (REMS) for Council Tenants applying for a transfer to downsize.

An individual applicant on the Transfer List, or applying to be included on the Transfer List, who would normally fall into to a qualifying group can be disqualified under certain circumstances in accordance with Section 3.4.

### **3.4. Who May Not Qualify**

#### **Individual Applicants Who May Not Qualify For Inclusion on the Housing Register**

The Housing Act 1996 s.160ZA (amended by the Localism Act 2011) states that social housing may only be offered to a qualifying persons and the Council is given the power to determine what classes of person are or are not qualified to be allocated social housing under s.160ZA.

Where the behaviour of an applicant or a member of the applicant’s household is unacceptable, as described below; or where the applicant has not demonstrated financial responsibility; the Council may not register the application or remove them from the Housing Register.

A member of the Allocations and Assessment Team may exclude an applicant whose behaviour has been unacceptable. The reasons can include rent arrears and anti-social behaviour.

#### **3.4.1. Applicants Unlikely to be Re-Housed due to Financial Circumstances**

The Council may take into account the financial circumstances of housing applicants (including existing tenants living in social housing) and/or those who fall into one or more of the reasonable or additional preference groups within the Allocations Scheme, when considering whether an applicant qualifies for inclusion on the Housing Register. Social housing in Oxford is a scarce resource, and those applicants with sufficient resources to secure alternative forms of accommodation without undue hardship may be excluded from the Housing Register. (See Appendix III).

### 3.4.2. Rent Arrears

The Council and the other ORAH partners treat the non-payment of rent very seriously.

Rent arrears are defined as including any money owed to Oxford City Council, another Local Authority, a PRP or a Private Landlord in the form of non-payment of rent, former tenant arrears, hostel charges, chargeable repairs (including any deductions from deposits paid for by the Council's Private Sector Team where the damage is considered to be wilful or unreasonable) and associated Possession Order court costs. Amounts under £200, when combined, may be disregarded for this purpose.

Housing applicants with rent arrears will fall into one or both of the categories below:

- Former tenants – with property related debts relating to a property/or properties where they have previously lived
- Current tenants – with property related debts relating to where they currently live

Where a housing applicant has rent arrears, they may be excluded from qualifying for inclusion on the Housing Register.

### 3.4.3. Individual applicants that have previously held a tenancy and meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded where they are:

1. **A former tenant of the Council, another Local Authority or a PRP** and have been evicted from, or given up their former property, owing rent arrears and still have unpaid rent arrears outstanding (which are legally recoverable) and have not been re-paid in full.
2. **A former tenant of a Private Landlord** and have been evicted from, or given up their former property, owing rent arrears in excess of 2 months or more (which are legally recoverable) and have not been re-paid in full. This includes the loss or partial loss of a deposit paid for by the Council due to re-charges caused by wilful or unreasonable damage to a property (not due to reasonable wear and tear).

NB Criminal damage to a property is covered under ASB.

Where a former tenant has been excluded from the housing register and still owes rent arrears that have not been re-paid in full, they will not usually qualify for inclusion on the housing register until the Council is satisfied that they have proved they are suitable to become a tenant. Suitability can be demonstrated by the applicant making a reasonable re-payment agreement with the landlord, and adhering to it consistently for at least 12 months. The exclusion may be re-imposed where an applicant who has kept to a re-payment arrangement later defaults after being included on the housing register.

**3.4.4. Individual applicants that currently hold a tenancy and meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded where they are:**

1. **A tenant of The Council, another Local Authority or a PRP** where a Court Possession Order has been issued regarding rent arrears, the tenant is in breach of the Court Order and/or on-going action is being taken to evict the tenant.
2. **A tenant of a private sector landlord** where a Court Possession Order has been issued regarding rent arrears, the tenant is in breach of the Court Order and/or on-going action is being taken to evict the tenant.

If an applicant with rent arrears has been allowed to join, or remain on, the Housing Register they will not normally be considered for an offer of housing until they have demonstrated they are suitable to be a potential tenant and have paid their arrears in full or maintained a satisfactory payment arrangement for a reasonable period of time (see section 5.8.3).

**3.4.5. Unacceptable Behaviour**

Oxford City Council and its ORAH partners take unacceptable behaviour, particularly, anti-social behaviour (“ASB”) very seriously.

Individual applicants where they, or members of their household, meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded:

- Applicants who have been evicted from a Council, PRP or private rented property, for illegal subletting or antisocial behaviour;
- Breach of tenancy for behaviour which is a nuisance or annoyance to those in the locality of the dwelling; or a conviction for using the dwelling for immoral or illegal purposes, or committing an indictable offence in the dwelling, house, or in the locality of it;
- Domestic abuse/violence causing a partner or other family member to leave the property/or loss of an applicant’s accommodation due to this;
- Deterioration of the dwelling house or furniture provided for use under the tenancy due to waste, neglect or fault;
- Tenancy induced by false statement or false statements (see section 2.6.2)
- Housing applicants or members of their household who are considered by the Council responsible for serious ASB including abusive or threatening behaviour to others;
- Applicants or household members who permit visitors that cause serious ASB; or.
- Where they have assaulted a member of staff.
- False or misleading statements or omissions, in connection with a housing application, benefit claim or award

The list above provides examples only; other forms of unacceptable behaviour may lead to exclusion too.

The Council will not tolerate abuse, threats or assaults to staff and will involve the police where appropriate. If an applicant or member of their household is considered responsible for such unacceptable behaviour, their case will be referred to the Council's Anti-Social Behaviour Investigation Team. Their case will be assigned an Anti-Social Behaviour Investigator and they will be notified of the outcome. Depending on the seriousness of the incident they may receive a warning or they may be advised they will not qualify for inclusion on the housing register or they will be excluded and removed.

Exceptions may be made by the Allocations Manager if there is persuasive evidence that behaviour has been amended and another tenancy has been successfully maintained.

#### **3.4.6. Duration of Exclusion for Unacceptable Behaviour**

Where an applicant has been dis-qualified for inclusion on the Housing Register:

1. For unregistered applications the sanction for un-acceptable behaviour will normally last for a minimum period of 5 years, after which the applicant must be able to prove that the exclusion is no longer valid.
2. If after a minimum of a year an applicant's circumstances change significantly and there is persuasive evidence, they have successfully modified their behaviour for a satisfactory period of time they may reapply. This is only expected to be in exceptional circumstances due to the serious nature of unacceptable behaviour and the impact and risk it has to others.

**Where an offence has been committed which potentially compromises another person's safety, this condition may be indefinite pending review.**

#### **3.4.7. Applicants Not Meeting the Eligibility &/or Qualification Criteria**

Applicants that do not meet the eligibility &/or qualification criteria to be included on the Housing Register will be notified of the reasons in writing.

Applicants no longer meeting the eligibility or qualification criteria will be removed from the register and notified in writing of the reason(s) why their application has been cancelled.

Applicants have the right to a review of this decision (see reviews and appeals).

### **3.5. Household Make-up/ Households with Dependants**

#### **3.5.1. Children in Care**

Where care is:

- Compulsory: children are treated as though at home, subject to written confirmation from Social and Community Services that the children are to live with the parents on a permanent basis should they be allocated a suitable

property. Failing such confirmation, children should not be included on the application.

- Voluntary, children are treated as though at home.

No offer should be made in either case without confirmation from Social and Community Services that the children are to live on a permanent basis with their parent(s)

### **3.5.2. Day To Day Residence and Parenting Responsibilities**

In making an assessment of whether a child can legitimately appear on an application, officers will seek to determine who the child normally lives with by looking at the circumstances. The courts have held for instance that where children have social housing available with one parent it would only be in exceptional circumstances that another unit of accommodation would be made available. A child could live with its parents on a split week basis. The same child may therefore legitimately appear on two applications, but this would be exceptional.

In such cases, the tests below should be used, evidence for this must be available, for example a written agreement and/or sanction of Social and Community Services, or a Residence Order from the Courts. However, these are not determinative. The assessment can for example “look behind” a Residence Order to establish what the practicalities of the childcare are such as taking the children to school, looking after them in school holidays and so on.

In the absence of documentary evidence an investigation would be required to determine who cares for the child, takes them to school etc. A similar test to that contained in part 7 of the Housing Act 1996 should be used:

- Does the child currently reside with the applicant?
- Is the child dependent on the applicant?
- Is it reasonable in the circumstances for the child to reside with the applicant?

Generally, weekend access will not count as day-to-day residence. The applicant must have significant day-to-day parenting responsibilities. As a rule of thumb, this would be for a minimum of three days and nights.

Possible types of documentary evidence which will be considered are:

- A Parental Responsibility Order from a court
- A Residence Order
- Proof of receipt of current Child Benefit
- Legal guardianship

Generally, there is a distinction between married /divorced parents and those formerly cohabiting.

- Where parents are or have been married there will often be a Residence Order settling the arrangements as to where a child will live.

- Unmarried fathers may acquire parental responsibility by inclusion on the child's birth certificate, Residence Orders or making a written Parental Responsibility Agreement with the mother. This should be formalised by completing a signed agreement via a solicitor, which is then registered with the Family Division of the High Court.

Officers may discuss individual cases with senior officers in the first instance and seek guidance from Oxford City Council Legal Services if required.

### **3.5.3. Extended Families - Minors**

In cases where a minor is to be included in, or added to an application, but no parental responsibility exists within the household (e.g. grandchildren, nieces, nephews), satisfactory proof of the reasons for this must be obtained – for example proof of legal guardianship or confirmation from Children and Family Services that this action is necessary and permanent.

### **3.5.4. Adult Households Members**

The Council seeks to make the best use of the very limited amount of family properties becoming available and will normally only offer family properties to households with dependent children.

Adults aged 18 years or older requesting re-housing will normally be expected to apply separately for inclusion on the Housing Register and not be included on another applicant's housing application as a household member unless they are applying as a joint applicant with their partner. This includes adult students studying and living elsewhere.

### **Established Household Members**

Persons may request to continue to be considered as part of the household after they reach the age of 18 years of age, if they still reside with the applicant, and wish to continue to do so, and have continually resided within the household as a child up to that point. However, the Council reserves the right to exclude adult household members where they are not considered to be a permanent member of the household, are considered to have sufficient funds to resolve their own housing situation (see Appendix III), have been responsible for Anti-Social Behaviour or where it is not considered reasonable by the Council for the adult to continue to be included on the applicant's housing application. For example older adult members, adult children who are pregnant or have their own children, who would normally be expected to apply for housing separately and not be included on their parent's or another adult's housing application.

Any adults excluded from an applicant's household will not be "counted" for the purposes of assessing the size of property they require or when assessing their housing need, such as any overcrowding they may be experiencing.

Persons aged 18 years or older may be required to provide a statement/evidence regarding their financial circumstances on request – failure to do so will result in them being excluded from applicant's housing application.

### **3.5.5. Adding Adults To An Application**

Adults should not be added to an application where this results in the need for larger accommodation than for which the applicant's household was originally eligible, unless an over-riding need such as ill health or disability can be shown (for example, where an applicant needs to look after an elderly parent and live with the parent to provide full-time care, or where a new partner requires a separate bedroom). Such cases must be thoroughly investigated, and discretion rests with the Options/Assessment/Allocation Officers in the first instance.

The desire to be part of the household is not sufficient reason for inclusion on the application in these circumstances. Adults requiring an extra bedroom must only to be added to an application if they have a demonstrable need to live with the applicant and if they plan to make their long-term home on a permanent basis with the applicant.

Applicants who require a full time residential carer may include the carer on their application. Proof of the requirement should be sought from Social and Community Services or a primary health care professional. The carer should be assessed as part of the household even if not resident (i.e. lack of bedroom priority may be due) if 24-hour care is required. The requirement for a separate bedroom should be recorded so that the household is eligible for the correct size of property.

### **3.5.6. Expectant Mothers**

Expectant mothers should provide a MATB1 form or other adequate proof of pregnancy from a health professional (followed by a MATB1 form). Expectant mothers will be placed in an appropriate band based on their current housing circumstances. The unborn child will not be 'counted' as a member of the household, for assessing over-crowding, until proof is received by the Council that the child has been born.

### **3.5.7. Fostering**

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 normally defined as being fostering for a period in excess of three years (not necessarily involving the same child or children). In exceptional circumstances fostering for less than 3 years will be considered where a long term relationship is evidenced – in such cases the Exceptional Circumstance Panel will consider whether to allow the child to be included on the housing application. It is essential that written confirmation of the fostering arrangement be obtained from Children and Family Services.

Consideration will be given to this in assessing the application. This does not apply to households living in temporary accommodation to which the Council has accepted a statutory homeless duty. Short-term fostering is discounted.

Due to changes introduced by the Welfare Reform Act and the bedroom under occupation charge ("bedroom tax"), before an offer of family accommodation is made to an applicant on a low income with foster children, the Council will need to be satisfied that the applicant is able to pay any shortfall in rent that may be due from the applicant due to the "bedroom tax". Foster children are not normally "counted" as household members under the "bedroom tax" rules (but this may change).

### **3.6. Assessment of Housing Need and Priority for Housing**

All applications require officer assessment before being entered onto the Housing Management Information System (HMIS). This section gives information and guidance on matters relating to the assessment process. It is important that such assessments are carried out correctly, as an incorrect assessment could affect an applicant's banding position, and therefore the applicant's priority.

As a general principle, applicants/household members can only be registered on one application at any given time. However, there may be situations relating to the care of children where individuals are recorded on two applications. Household formation will be determined on the basis of evidence provided (it is the responsibility of applicants to make such evidence available).

If an applicant moves address, it is their responsibility to notify the Council as soon as practicably possible, and usually within 28 days. In such cases, a new application form should be completed, and the application re-assessed.

All applicants within Oxford City are expected to have their housing circumstances verified and may be visited, at least once, by an ORAH officer or another member of staff from the Council, before an offer of permanent accommodation is made. Applicants applying from outside Oxford City will usually have their circumstances verified by their own Local Authority, or if they are a tenant in Social Housing, by their current landlord.

### **3.7. Calculation of Overcrowding and Under-Occupation**

#### **Definition of Bedroom Usage**

Assessing bedroom usage is a major element in determining an applicant's current circumstances and determines what the situation could be, rather than how resources are currently being used.

An award of priority is given for each bedroom lacking in the applicant's current accommodation, based on this assessment.

The two key aspects that must always be considered are:



**The Best Use Principle** - the best use should be made of the bedroom resources available so that, for example, a bedroom used for storage should be counted as a bedroom available for use as defined by this principle.

**The Control Principle** - there may be sufficient bedrooms in a property but the applicant cannot control how the bedrooms are actually used. They may, for instance, be lodgers or living with a family who control how bedrooms are used.

The most common issues relating to bedroom usage are listed below:

- Studios - Count as having a bedroom, lacking a living room.
- Bedroom availability - Bedrooms available must be counted, even if not used. If claimed not used because unfit for use, this must be verified and advice of the Residential Regulation Team may be sought.
- Sharing a bedroom with non – applicant(s) - Counts as lacking a bedroom.
- Size of bedrooms - Bedroom under 4.2 square metres (45 sq ft) are discounted.
- Best Use (mixture of sexes) - If bedrooms can be better used, assume they are for assessment purposes.
- Need for carer - Where there is a recognised need for a full-time residential carer, then notionally a second bedroom may be lacking for the carer in the current accommodation. Priority can be awarded for the lack of this bedroom.
- Under-occupiers - Under occupying transfer applicants in two bed or larger family properties, may be eligible for incentives to transfer to smaller properties.
- 'Exceptional' cases\* – Some cases that have been awarded a priority award by the Exceptional Circumstances Panel may be made eligible to under-occupy a property, by decision of the panel, where the panel considers that the existing housing circumstances of a transfer applicant should not be disadvantaged by having to move.

Decant cases\* – Transfer Applicants requiring a permanent decant move will normally only be able to apply for the size of property they are assessed as requiring due to the shortage of housing in the City.

Succession cases\* – Where a legal successor is required to move to smaller accommodation, they will normally only be able to apply for the size of property they are assessed as requiring due to the shortage of housing in the City.

\* Due to the introduction of the bedroom under occupation charge (also known as the “bedroom tax”) by the Welfare Reform Act, applicants including the cases above will not normally be able to move to a property where they are under-occupying a property unless they are exempt from the “bedroom tax” or the Council is satisfied they will be able to afford the shortfall in rent.

The following rules will be used to decide whether a household has either too many or too few bedrooms available for its use when assessing priority.

Each of the following will be considered to require their own bedroom

- Each couple or a single applicant;
- Each additional adult (aged eighteen and over) considered eligible to be part of the household;
- Two children of the same sex aged under 16;
- Two children of the opposite sex aged under 10;
- Any other child.

### **3.8. Exceptional Circumstances Panel (ECP)**

The Exceptional Circumstances Panel for the ORAH partnership is the body responsible for making priority awards to applicants whose circumstances are not otherwise adequately covered by the Banding Scheme (see Section 4). The Exceptional Circumstances Panel will hear evidence about exceptional cases of housing need.

The banding scheme has been devised to take account of most circumstances, but there will sometimes be applicants in exceptional circumstances, or whose needs are complex and cannot be accommodated by the banding scheme.

The objectives of the Exceptional Circumstances Panel are as follows:

- To make evidence based assessments of exceptional cases of housing need.
- To make evidence based assessments of cases of complex need.
- To award additional priority within the banding scheme, where appropriate
- To make decisions on whether to give a “commitment to re-house” to previous ORAH partner tenants within Oxford who have surrendered, or tenants who are about to surrender, their tenancies.
- To ensure a fair and transparent process.
- To comply with the statutory requirement to give reasonable preference to particular groups.
- To assist in making the best use of the housing stock available to the ORAH partnership.
- To assist in achieving the aims of thriving communities and sustainable tenancies.

The Exceptional Circumstances panel will:

- Hear and assess evidence about applicants on the Oxford Register for Affordable Housing.
- Make awards as appropriate.
- Impose conditions on awards as appropriate.
- Give advice as appropriate, including alternatives to be pursued.

The Exceptional Circumstances Panel will usually meet monthly. In cases of emergency, where there is a threat to ‘life and limb’ the panel will be available to convene within 24 hours.

Referrals, in the first instance, can be made by officers within the Housing & Property Team including the Housing Needs Team or by their equivalents in our partner PRPs. Self-referral by applicants or their representatives is not possible.

Applicants should provide evidence to the referring officer, in the first instance, to support their application to the Exceptional Circumstances Panel. This can include (though not exclusively): a summary of events which led up to the application being made; reports from police; education professionals; social and community services, or other agencies involved with the case; details of any action being taken against alleged perpetrators, if applicable, and a proposal for future action to resolve the situation. Independent evidence must be produced for the Panel to be able to review the case. If the officer is not satisfied that there is adequate evidence the officer may decide not to make referral to the panel (or until such time there is).

Any additional priority awarded by the Exceptional Circumstances Panel will normally be made for a minimum of 3 months in the first instance, with a date set for review by the panel. The Panel can impose other conditions, for example, ensuring that victims of domestic abuse are not being re-housed in areas where there they are at risk. The applicant's circumstances will be monitored and the award can be renewed if appropriate, or withdrawn where the applicant's circumstances have changed, making them ineligible for the award. In cases where suitable properties have been advertised but the applicant has failed to place a bid, or has withdrawn a bid, a direct offer may be made or the case referred back to the panel, for the panel to consider removing the original award. If an applicant is made a reasonable offer of accommodation and refuses the case may also be referred back to the Panel to consider whether the award should be moved.

The Exceptional Circumstances Panel will consist of one senior officer in the Rapid Rehousing team or Housing Needs team (usually the Rapid Rehousing Manager, Allocations and Assessment Team Leader or Senior Assessment officer) and an Assessment or Allocations officer. The only exception to this is for Exceptional Priority Band 1 decisions, where a second senior officer will need to sign off the decision.

The Exceptional Circumstances Panel can make the following awards:

- Exceptional Priority (Band 1)
- Urgent Social or Welfare Needs Priority (Band 2)
- Significant Social or Welfare Needs Priority (Band 3)
- Moderate Social or Welfare Needs Priority (Band 4)

An Assessment or Allocations Officer may make a Band 4 Moderate Social or Welfare Needs Priority award based on evidence provided without referring a case to the ECP (see Appendix II).

### **3.9. Commitment to Re-house**

This 'award' may be made by the Exceptional Circumstances Panel as part of a 'negotiated surrender' of a social tenancy by the tenant. Applicants awarded a commitment to re-house are likely to be awarded an Urgent Social & Welfare Award and placed in Band 2 by the Exceptional Circumstance Panel. Conditions may be imposed on the award. The award will not normally be open ended and time restrictions will normally be placed on any commitment to re-house.

The purpose of this, is to give tenants, who may be unable to sustain their tenancy in the short term, the assurance that if they surrender the tenancy, they can be given increased priority on the housing register should they reapply when they are better able to manage a tenancy again. Such an agreement may be appropriate where elderly or unwell tenants are struggling to maintain a tenancy, and need a period of hospitalisation, respite care, or residential rehabilitation.

Should the Panel make this award, the Manager Responsible for Allocations is delegated to apply the award should the person subsequently apply for housing to Oxford City Council, and if the Manager Responsible for Allocations is satisfied that the applicant is ready to take up and sustain a tenancy again.

### **3.10. Health and Housing Assessments**

The Health and Housing Assessment Panel (HAHA) is the body responsible for making priority awards to applicants whose health is either detrimentally affected by their housing or where it is likely to affect their future housing need, and whose circumstances are not otherwise adequately covered by the Banding Scheme (see Section 4).

The objectives of the Health and Housing Assessment Panel are as follows:

- To make the best use of the social rented housing stock
- To make evidence based assessments of priority for housing where it is affected by health or disability
- To ensure a fair and transparent process
- To improve efficiency
- To improve partnership working
- To reduce the number of letters received from health care professionals

Oxford City Council and the Primary Health Care Trusts have an agreed method of assessing health and housing and all applications with a potential impact on health will be assessed through this. This process seeks to determine both housing requirements as well as relative priorities of applicants, and to consider whether any other options could address the issue.

The Health and Housing Assessment Panel can make the following awards:

- Urgent Health or Disability Need(s) (Band 2)
- Significant Health or Disability Need(s) (Band 3)
- Moderate Health or Disability Need(s) (Band 4)

Housing Needs Officers, using the set protocols, may also make an award of a Significant (Band 3) or Moderate Health (Band 4). See Appendix II.

Where a household has more than one person with a health need, the HAHA Panel (or Housing Needs Officers following the HAHA protocol) should award the applicant's household the highest appropriate band. Applicants may not move up to another band because more than one person is suffering a housing-related health issue. If Housing Needs Officers, or the HAHA Panel, feel that this award is

inadequate given the multiple needs of the applicant's household, the matter may be escalated to the ECP. If the applicant requests a review based on multiple housing-related health needs of the household, the matter should also be escalated to the ECP.

### **3.11. How Applications are Processed**

Housing applicants are required to normally apply on-line and advice/assistance will be available should help be required to do this. Once an application has been accepted it is sent through to the Housing Needs Team.

Once received in the team, applications are logged on to the database system and assessed by a Housing Needs Officer. The form includes a number of 'trigger' questions that may prompt, for example, a support needs assessment or health and housing assessment. Once the Housing Needs team has received an application and any supporting information required the Council will seek to assess an application within 10 working days. Where a housing application is incomplete, submitted without all of the required information or if further information is required this will increase the time it takes for the application to be assessed. The application may also need to be returned for it to be fully completed or cancelled.

Once assessed, applications are put into a Housing Need Priority Band (see Section 4) and the applicant will receive notification of their banding, the reason for it and the Registration Date (and Priority Band Start Date, if the applicant is placed in Bands 1 to 4). Applicant's not considered eligible and/or to qualify for inclusion the Housing Register will be notified. If in the future an applicant is no longer considered eligible and/or to qualify for inclusion on the Housing Register they will be notified and removed from the Housing Register.

The Housing Needs team will maintain the database until the applicant is housed or resolves their housing situation or they no longer qualify. This includes updating changes of circumstance, and carrying out regular reviews of the list.

### **3.12. Re-registering and Change of Circumstances**

Applicants must re-register periodically when they are asked to complete a review form. If the form is not returned/completed by the date stated on the review form the application will be cancelled.

Applicants have a responsibility to ensure they inform the council of any changes in their circumstances, such as, moving or someone joining or leaving the household, by notifying the Housing Needs Team in writing. If an applicant moves house, they need to complete a new application form so that their housing need can be re-assessed or their application will be cancelled.

Where applicant's circumstances change, they should inform the Council promptly within 28 days (or as soon as practicably possible if they have exceptional circumstances where it is not possible to inform the Council sooner) so their housing need can be re-assessed based on their new circumstances.

If an applicant is unsure whether a change in their circumstances needs to be reported, they should contact the Housing Needs team.

Where an applicant on the General Register List moves and notifies the Council within 28 days their Housing Application will be treated as continuous and they will retain their original registration date. However, the Priority Band Start Date may change if their housing need has changed and they move into/or within one of Bands 1 to 4 (see section 4.10).

Any applicants that move will have their housing need re-assessed based on their new circumstances and their priority band may change. General Register applicants who fail to notify the Housing Needs Team within 28 days of a change of their address, will have their Housing Application cancelled and will be removed from the General Register unless they have exceptional circumstances (see above). In such circumstances if an applicant re-applies for housing in the future (after 28 days of moving) their registration date and Priority Band Start Date will be the date their new application is received and the application will not be treated as continuous.

## **4. The Banding Scheme – Allocations Scheme**

### **4.1. Banding**

Once accepted as eligible and qualifying for inclusion on the Housing Register by the Council, applicants will be placed in one of the five bands, which have been designed to reflect broad categories of housing need. The Banding scheme enables the Councils and other ORAH partners to meet their legal responsibilities for housing and also provides a fair and easily understood way of selecting applicants to receive offers of accommodation.

An applicant's circumstances may make them eligible to be placed in more than one band. In this case, they will normally be placed in the highest band for which they are eligible.

### **4.2. Band 1 (Exceptional Housing Need)**

#### **4.2.1. Exceptional Circumstances**

Any applicant awarded this priority by the Exceptional Circumstances Panel, where there is an immediate risk to health and safety, complex needs cases, 'place of safety' cases or other exceptional or emergency needs.

This category is intended to be reserved for only the most urgent cases. This includes cases where rehousing is needed to protect the health or safety of the applicant or a member of their family, where there are complex needs, 'place of safety' cases etc. This could include the immediate threat of domestic violence and any other "life and limb cases".

The award of Exceptional Circumstances priority will normally be time limited (to 3 or 6 months) and priority will be reviewed at the end of the period.

#### **4.2.2. Under-occupying by Two or More Bedrooms**

Tenants of the Council, OxPlace or other ORAH partner tenants living in Oxford with an assured or secure tenancy, who will be giving up permanent family accommodation with at least two bedrooms more than they require.

Applicants should check whether they are eligible for any incentive schemes to assist with the cost of removals and associated expenses being operated by their landlord. See section 7.2 for more details and the assistance available to downsizing Council tenants through the Removal Expenses & Moving Scheme.

#### **4.2.3. Decants and other Housing Management Moves**

Priority is awarded for Council tenants, or tenants of partner Private Registered Providers living in Oxford, who need to move because of refurbishment, re-development or repairs\* are due to be carried out, which cannot be done with the tenant living there and who have been awarded a 'decant' status by the Manager Responsible for Allocations.

Awards of this priority will be time limited. Transfer applicants would normally qualify for this status 6 months (or earlier for larger blocks requiring decanting) before they are required to vacate the property. At the end of the 6 months the Council may decide to make a direct offer, if the applicant has not been successful in bidding for a suitable property. This would not prevent an applicant from registering for a transfer at any time before this and being assessed on their current circumstances. \*Emergency decants – relating to disrepair, for example due to damp or mould treatment requiring an urgent move may be arranged outside of the Allocations Scheme by the landlord (Council or PRP) by a management move.

#### **4.2.4. Successor Tenants**

These fall into two categories:

- Legal successors other than spouses or civil partners
- Policy successors i.e. Applicants (close family members) who would have been entitled to succeed to the tenancy but for the fact that one succession has taken place already

In both instances priority will usually be awarded where:

- they are occupying a property with adaptations for a disabled person which they do not need, or
- they are occupying a property larger than they would qualify for under the allocation scheme, or
- where occupying the property gives the benefit of facilities and or services for which they would otherwise not qualify.

Legal successors will qualify as transfer applicants and policy successors will be classified as general register applicants for the purposes of the Allocations Scheme.

## **4.3. Band 2 (Urgent Housing Need)**

### **4.3.1. Urgent Social or Welfare Needs**

Applicants assessed as having an urgent need to move on social or welfare grounds and awarded this priority by the Exceptional Circumstances Panel. This includes applicants assessed as being in urgent housing needs and is a :

- former member of the Armed Forces
- bereaved spouse or civil partner of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

&

This may also include applicants assessed as:

- serious harassment cases
- having multiple needs not already covered by other band categories
- urgently needing to move to give or receive care or support

### **4.3.2. Urgent Health or Disability Needs**

Applicants assessed as having an urgent need to move because of a health problem or disability, and awarded this priority by the Health and Housing Assessment Panel.

Including applicants assessed as being in urgent housing need where the applicant is a:

- serving member of the Armed Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service
- serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of their service

### **4.3.3. Under-occupation by One Bedroom**

Tenants of the Council, Ox Place Housing Company or of another ORAH partner living within Oxford, with an assured or secure tenancy, who will be giving up permanent family accommodation with one bedroom more than they require.

Applicants should check whether they are eligible for any incentive schemes to assist with the cost of removals and associated expenses being operated by their landlord. See section 7.2 for more details and the assistance available to downsizing Council tenants through the Removal Expenses & Moving Scheme (REMS).



#### **4.3.4. Move-On**

Applicants who have been assessed as ready to move-on\* from supported accommodation, including:

- Applicants from voluntary sector hostels and move-on projects, including the Homeless Alliance, Mental Health Pathway, Young Persons' Pathway (including the Oxford Young Parents Project)
- Care leavers: applicants who are former "relevant children" as defined by the Children (Leaving Care) Act 2002

Applicants will be awarded this band category by the Council, when it is satisfied that the applicant has a qualifying connection to Oxford, is ready to move to secure independent housing and that on-going support will be in place where this is needed to sustain the tenancy. Applicants living in supported/move on accommodation within the City with a connection elsewhere, for example living in Homeless Alliance accommodation, will not normally be considered for Move On priority in Oxford and be expected to apply to the District where they have a connection – for example the District they had a connection to at the time they were accommodated in Oxford. Move On applicants are expected to consider all housing options including suitable Private Rented Sector accommodation too.

The Council reserves the right to remove Move On priority from an applicant at any time, for reasons including but not exclusively, refusal of a suitable offer, where they are not considered to be engaging, bidding realistically, have refused a suitable of social housing or private rented accommodation and/or are no longer considered ready to move on by OCC.

Quota arrangements may be used on the number of cases awarded move on priority at anyone time to balance demand against the supply of suitable properties becoming available each year for those ready to move on from supported housing and the needs of others on the Housing Register.

\*Normally applicants with a qualifying connection to Oxford will need to be resident in supported/move on housing in the City to be considered for Move On priority. Exceptions may be agreed on a case-by-case basis but only rarely and in the most exceptional situations due to the very high demand housing in Oxford - particularly 1 bedroom accommodation. Applicants will normally be expected to apply to the Local Authority where they are living.

#### **4.3.5. Overcrowding by 2 or more Bedrooms Short**

Families assessed as being overcrowded and two or more bedrooms short of their needs.

#### **4.3.6. Band 3 Upgrade**

Any applicant who qualifies for two or more compoundable categories in Band 3.

### **4.4. Band 3 (Significant Housing Need)**

#### **4.4.1a. Priority Homeless (not compoundable)**

Existing applicants living in homeless temporary accommodation accepted as homeless by the Council under s.193 of Part 7 of the Housing Act 1996\*

Existing applicants living in private rented accommodation accepted as homeless by the Council under s.195A of Part 7 of the Housing Act 1996 where:

If within two years beginning with the date on which an applicant accepts an offer under section 193 the applicant re-applies in the first incidence of homelessness for accommodation, or for assistance in obtaining accommodation, and the Council is:

- satisfied that the applicant is homeless and eligible for assistance, and
- satisfied that the applicant did not become homeless intentionally, regardless of whether the applicant has a priority need and
- a valid notice under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) has been given the applicant will be awarded this priority from the date the section 21 was issued.

\*with the exception of restricted cases who may be awarded lower priority as set out in legislation.

#### **4.4.1b.**

Applicants\* who have formally been assessed by OCC as being owed either a prevention duty or a relief duty under Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2017 (not compoundable and time limited)

\*With the exception of restricted cases who otherwise do not meet a reasonable preference group and may be awarded no priority (as set out in legislation) and be placed in Band 5.

#### **4.4.2. Significant Social or Welfare Needs**

Applicants assessed as having a significant level of social or welfare need arising from their housing situation, and awarded this priority by the Exceptional Circumstances Panel. Including:

Qualifying housing applicants on the General Register List with dependent children who are assessed as being of no fixed abode or sofa surfing.

#### **4.4.3. Significant Health or Disability Needs**

Applicants assessed as having a significant level of housing need as a result of health problems or a disability, and awarded this priority under the Health and Housing Assessment protocols. .

#### 4.4.4. Unsatisfactory Housing: Level 1

Applicants living in sub-standard accommodation that a qualified officer has assessed as a category 1 hazard, where repair is not possible or it is not practical in a reasonable timescale.

Applicants living in homes lacking the use of one or more of:

A kitchen (or cooking facilities)\*, a bathroom, an inside WC, running water, or electricity will usually be deemed to meet this criteria.

Applicants whose existing housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (known as HHSRS). In the most urgent cases, or where an inspection is needed, the assessment will be carried out by a member of the Residential Regulation Team or other qualified officer.

A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example: accommodation lacking any bathroom facilities, cooking facilities, or a water supply. The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.

Category 1 hazards can also exist due to overcrowding (the space and room standard). The Allocations Scheme already gives priority to households who are overcrowded in sections 4.3.5 and 4.4.5. Due to the scarcity of housing in Oxford and the high level of overcrowding it is sadly not unusual for category 1 hazards to exist under the HHSRS due to the level of overcrowding in the City. Where a prohibition notice has been issued, the Council may decide to award priority at its discretion (if the prohibition order is suspended and for example will not be enforced until the applicant moves from the property no additional priority will normally apply).

\* Persons living in Move-on Hostel accommodation, where meals are available, are excluded from this category unless a qualified officer has assessed as a category 1 hazard

If a demolition notice has been issued priority will be awarded accordingly.

**If a tenant of the Council or Housing Association living in social housing needs to be urgently decanted temporarily, for example due to repairs to be completed on their home, this will normally be arranged by the landlord outside of the Allocations Scheme via a management move. 4.4.5.**

#### **Overcrowding by One Bedroom Short**

Applicants assessed as being overcrowded and one bedroom short of their needs where they permanently reside

#### **4.4.6. Insecure Tied Accommodation (not compoundable)**

Applicants who are living in accommodation tied to their employment and who have received a formal notice to quit from their employer and where the loss of employment is through no fault of the applicant. This category includes members of the armed forces in married quarters and agricultural workers.

Priority category will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation in the near future.

#### **4.4.7. Insecure Private Rented Accommodation (not compoundable)**

Tenants of private landlords where the landlord is taking action to recover possession of the property and has demonstrated a real intention to proceed to eviction.

Before priority for living in insecure accommodation can be given documentary evidence of the date of eviction will be needed by the Council, depending on the type of tenancy or licence held. The landlord must have shown a real intention to proceed with an eviction. Evidence of Court proceedings for Possession may be required to establish a genuine intention.

#### **4.4.8. Band 4 Upgrade**

Any applicant who qualifies for at least two compoundable categories in Band 4.

### **4.5. Band 4 (Moderate Housing Need)**

#### **4.5.1. Moderate Social or Welfare Needs**

Applicants assessed as having a moderate level of social or welfare need arising from their housing situation, and awarded this priority under the Exceptional Circumstances Panel protocols.

Including:

- Qualifying social housing tenants living outside of the City applying for inclusion on the General Register List who are assessed as needing to move to Oxford for employment. Where being unable to move to Oxford would otherwise cause hardship (see Appendix IV Right to Move) and similar employment is not available closer to their current location and they do not fall into a higher reasonable preference group/priority band and they would otherwise fall into Band 5.
- Applicants considered to have Deliberately Worsened their Circumstances by an action or inaction who would normally fall into a reasonable preference group in a higher band and still qualify for inclusion on the housing register (see Section 2.6.3 for more details).

- Homeless applicants found to be intentionally homeless who still qualify for inclusion on the Housing Register and former homeless applicants on the homeless list who have refused an out of area offer without good reason in the last 12 months since the homeless duty was discharged (see Section 5.13.1 for more details) .

#### **4.5.2. Moderate Health or Disability Needs**

Applicants assessed as having a moderate level of housing need as a result of health problems or a disability, and awarded this priority under the Health and Housing Assessment protocols.

#### **4.5.3. Homeless or of No Fixed Abode and Not in a Priority Group (not compoundable)**

- Applicants who have been assessed as being of No Fixed Abode (NFA) including those assessed “sofa surfers”, or
- Applicants who are Homeless but have been given a decision that they are not in Priority Need (or are Intentionally Homeless and allowed to remain on the Housing Register where the Prevention or Relief Duty has ceased or
- Applicants living in Move-on Homeless Alliance accommodation in Oxford who could otherwise access the Move-on Scheme and other similar supported housing.
- Applicants that have been assessed as having left their last accommodation due to domestic abuse and unable to remain in the District they left living in a refuge in the City.

This category is given where a formal assessment has been carried out under the homelessness legislation and the applicant is found to be homeless but not in a defined priority group. The category will also be given without a formal assessment, where it is clear that the applicant has No Fixed Abode. This includes those living in voluntary sector Move-on Projects within the City.

This category does not include applicants who have been assisted to access the private rented sector, for example through a rent deposit scheme.

This category is not compoundable with other factors. Those who are homeless and have other priority needs will be assessed in accordance with the Homelessness legislation and, if they qualify, will be given a Band 3 priority.

#### **4.5.4. Unsatisfactory Housing: Level 2**

Applicants living in sub-standard accommodation that is deemed to have a category 2 hazard and where repair is not possible or it is not practical in a reasonable timescale.

Applicants living in homes lacking a fixed heating system will usually be deemed to meet this criterion.

The band category will not be awarded if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.

If a tenant of the Council or Housing Association living in social housing needs to be urgently decanted temporarily, for example due to repairs to be completed on their home, this will normally be arranged by the landlord outside of the Allocations Scheme via a management move.

## **4.6. Band 5 (Low or No Housing Need)**

### **4.6.1. Adequately Housed**

- Applicants who are adequately housed
- Applicants with no immediate need for rehousing
- Applicants sharing where the accommodation is of sufficient quality and there is no overcrowding
- Applicants who do not meet any other category

This category includes applicants who may have a low level of housing need, but where the circumstances do not give rise to any exceptional problems. This includes:

- formal and informal house-sharing arrangements where the size and standard of the accommodation is adequate for the needs of those living there
- those living with family or friends where the size and standard of the accommodation is adequate for the needs of those living there
- families living in flats where the internal accommodation is adequate for the family's needs but where there is no private garden.

## **4.7. Compound Needs**

Where applicants in Bands 3 or 4 have compound needs (that is, they qualify for more than one compoundable category in the band) they will usually be upgraded to the next band. Compounding is not available for those placed in Bands 2 or 5 because Band 1 is reserved only for the most exceptional cases and Band 5 has no compoundable categories.

Those applicants in Band 4 with a category of 'Homeless and not in a Priority Group' cannot compound this category to move up to Band 3 because the assessment of their homelessness takes into account all other relevant circumstances. If they have additional needs then this would be reflected in a decision to award either an Exceptional Need category placing them in a higher category band or a Priority Homeless category (Band 3).

## **4.8. Time Limited Priority**

In certain cases priority will be time limited. This includes but not exclusively, circumstances where priority has been awarded because the applicant is:

- Living in supported housing, such as in the Oxford Young Parents Project, Homeless Alliance , Mental Health Pathway or Young Persons Pathway and has been assessed as ready to move on.
- Homeless or threatened with homelessness and owed a prevention, relief or main homeless duty under the Homelessness Reduction Act 2017
- Living in a social housing suitable for a larger family and been awarded priority as a policy successor or another reason and needs to move

Another example is where a decision to grant a higher band on the grounds of an urgent social or welfare need might be for a limited period. This will normally be three to six months.

In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, and the length of time may be adjusted according to the availability of suitable accommodation. Priority will be re-assessed at the end of the period or earlier if the applicant is not considered to be engaging or has refused as suitable offer of housing.

## **4.9. Date Order**

The time an applicant has been in housing need is taken into account when prioritising applicants for an offer of accommodation. Where two or more applicants in the same priority band have bid for the same property, through choice-based lettings scheme, the applicant who is considered to have been in housing need for the longest period of time will be normally be offered the property. In some circumstances there are exceptions (see 5.8).

### **4.9.1. Priority Band Start Date**

The Priority Band Start Date is the date used for comparing applicants who are in the same band and who have bid for the same property.

The Priority Band Start Date is normally the date an applicant is placed into a particular band. Most applicants who apply for housing remain in the same band so their Priority Band Start Date does not change and is the date they first applied to be included on the housing register (also known as the Registration Date). If an applicant's circumstances change and their housing need changes their Priority Band Start Date may change.

## **4.10. Change of Circumstances**

Changes of Circumstance & Priority Band Start Dates.

Where an applicant's circumstances have changed, they should notify the Housing Needs team within 28 days to check whether this has affected their housing need and whether they need to supply any further information.

If the change in an applicant's circumstances (including a change of address) has resulted in:

- Their priority band going up because of an increase in their housing need and they have moved to a higher band they will be issued with a new Priority Band Start Date from the date the change took place or they were awarded additional priority to move.
- Their priority band going down because of a decrease in their housing need if they move down to Bands 2 to 4 their Priority Band Start Date will normally remain the same. However, if they go down to Band 5 their Priority Band Start Date will change back to their registration date (the date they first applied for housing).
- Their priority band staying the same the applicant should retain their original priority band start date.

Where an applicant has failed to notify the Housing Needs Team of a change of their circumstances within 28 days without good reason, if the change in the applicant's circumstances has resulted in:

- Their priority band going up because of an increase in their housing need and they have moved to a higher band they will be issued with a new Priority Band Start Date from the date the Housing Needs Team were notified of the change and not the date the change took place.
- Their priority band going down because of a decrease in their housing need they will be issued with a new Priority Band Start Date from the date the change took place and not keep the same date.
- Their priority band staying the same the applicant will be issued with a new Priority Band Start Date if they have moved. If the applicant has not moved their Housing Needs Priority Band Start date will remain the same.

## **5. Choice Based Lettings - Allocations Scheme**

### **5.1. Statement on Choice in Allocation**

The Council operates a Choice-Based Lettings Scheme to advertise the limited number of properties becoming available to let each year for those who are eligible and qualify for inclusion on the Housing Register. The Choice Based Lettings Scheme increases the choice available to most applicants (with some exceptions including restrictions for homeless applicants and time limited priority from some other applicants - see section 4.8) but cannot make more social housing available, which will remain a scarce resource. The availability of feedback on previous lettings enables applicants to make informed choices about their future housing options; including whether to look at alternatives to social rented housing, and what types of properties are available.

Below is Oxford City Council's Choice Based Lettings Scheme. This applies to permanent social housing in Oxford; it does not apply to temporary accommodation.

### **5.2. Assisting Vulnerable Applicants**



Staff from Oxford City Council (and its partner PRPs where technology allows) may assist applicants to view property advertisements and to make bids through the website.

Oxford City Council may make information available to staff at support agencies on how the scheme works, and may provide updates when changes happen, so that they are able to offer the most appropriate support to their clients.

Oxford City Council is aware that some applicants with support needs may need longer to obtain advice or support and will endeavour to work with them to help to participate in the scheme.

### **5.3. Advertising**

All the members of the ORAH partnership are committed to advertising their properties as widely as possible. Empty properties will normally only be excluded from the CBL scheme for exceptional reasons, for example when the property is needed to deal with an emergency or is particularly suitable for a household assessed as in high housing need for a direct match – such as an adapted property suitable for a disabled person or another applicant in high housing need such as an applicant on the Homeless List needing to move on from Temporary Accommodation.

- Properties will be advertised in a regular lettings cycle. The length of the cycle may be reviewed periodically.
- Properties will be advertised on the Choice Based Lettings website.
- All advertisements will carry a deadline by which the bids for the property must be received. It is not possible for an applicant to make bids after the lettings cycle closes.
- The advertisement will carry a photograph of the type of property, where available.
- Each advert will provide details of the property including (where available):
  - The type of property
  - The number of bedrooms/number of people the property is suitable for
  - The location (street and area)
  - Any adaptations or a description of the level of accessibility for people with mobility difficulties
  - The heating type
  - Type of entrance – communal/own entrance
  - Floor level (for flats)
  - Availability of a garden, if any
  - Parking
  - Rent
  - Service charge
  - Landlord
  - Property reference number
  - Expected tenancy start date where available
  - Tenancy type and conditions (for PRPs this will include details of whether the property is being let as a Fixed Term Tenancy or at an “Affordable Rent” where applicable)

## 5.4. Properties advertised on Choice Based Lettings

As far as possible all properties will be entered into the Choice Based Lettings scheme and will be available for applicants to make bids. However, at certain times, and in order to meet our objectives of assisting in the development of sustainable communities and meeting the Council's letting targets, some properties will be labelled as being available to certain categories of applicant only; or with initial preference being given to certain categories of applicant. See section 5.14 on properties not in the Choice-Based Lettings scheme.

## 5.5. Advert Labels

The following labels will be used for certain properties. The Council uses these labels to ensure the Council meets the letting plan targets to distribute social housing fairly amongst different groups of applicants.

The descriptions used below will be represented by symbols in the property advertisements. A key to the symbols will be provided in the scheme guide available on the Council website.

**Statutory Homeless Applicants:** The label will say preference will be given to the 'Homeless List' – icon "H" on the advert.

To qualify applicants will need to have confirmation that Oxford City Council has accepted a statutory duty under the homelessness legislation (normally a main housing duty) and placed them in temporary accommodation and included them on the Homeless List (see 4.1 The Banding Scheme). Exceptions to be included on the Homeless List may be agreed by the Allocations Manager on case-by-case basis too.

**General Register Applicants:** The label will say preference will be given to the General Register List – icon "G" on the advert.

To qualify applicants will need to have been included on to the general register, and not to have been accepted as homeless and in priority need and placed on the General Register List.

**Transfer Applicants:** The label will say preference will be given to the Transfer List – icon "T" on the advert.

To qualify applicants will need to be a secure tenant or an Assured tenant of the Council, Ox Place or another ORAH partner and living within Oxford. They will have been verified as eligible to be on the transfer list through the application process.

This label is used to ensure the Council and other ORAH partners, can make optimum use of the stock. When a tenant transfers this creates a further vacancy

which will normally be available for letting. This helps ensure there is mobility within the stock.

### **Sheltered/Older Persons Accommodation**

The label will say 'Sheltered'. For applicants assessed as suitable for and eligible for sheltered accommodation.

Sheltered accommodation is self-contained housing for older persons often with some communal facilities – usually this includes a communal common room, a laundry and a guest room. Some properties may be linked to 24 hour emergency call centres for total cover 365 days a year. A property that is designated as Sheltered Housing will be clearly indicated on the advert label.

This housing is usually let to people aged 60 or over who have an identifiable support need. Some properties have an age criteria of 55+. This housing may sometimes be let to younger applicants who would benefit from the support provided. There is an ageing population in Oxford and in order to help meet this demand some Council owned older persons accommodation may be allocated with preference to older applicants in similar housing need to younger applicants (for example those aged 70 years or older).

Older persons properties are let to applicants who would like to move to this type of accommodation and who have been assessed as having suitable support needs by a member of the housing needs team or a member of staff at one of our PRP partners, and/or who meet the age criteria for the scheme. Support needs are assessed by carrying out a standard support needs assessment at the application stage or where an applicant's support needs have changed.

Some housing is suitable for people with disabilities and this will be specified in the advert label. The guide to older persons' accommodation in Oxford provides more information about the different schemes available in the City. A copy can be requested by contacting the Housing Needs Team, from local housing offices or the Council website.

### **Designated Elderly Housing**

The level of support required to be considered for this type of housing is generally lower than that for sheltered housing.

This is housing that is let to people aged 55 or older with no dependent children. There is no support provided although tenants can be assessed for a community alarm if they require this.

### **Disabled Adapted Properties**

Disabled adapted properties are defined as properties that have been specially built or adapted for people with disabilities. The level of adaptation will be specified in the

property advertisement. An adapted property is one containing one or more of the following features:

- A level access shower or wet room
- Ramps/Level access
- A stair lift or through floor lift
- A walk-in Bath

Assessment of a need for an adapted property will be based on medical evidence such as an Occupational Therapist assessment and may also need validation through the Health and Housing Assessment process.

Oxford City Council will attempt to make the closest match between the applicant's housing need and the level of adaptations needed from short listed applicants. The reason for this is to match customers to suitable properties, ensure these properties are used to their maximum potential and to make best use of resources by not having to adapt properties elsewhere (unless necessary).

Applicants choosing to live in disabled adapted properties should not expect to have adaptations removed or to reinstate properties to their original condition, (for example remove a level access shower and install a bath again).

There are a number of properties which have been specially built or adapted for people with disabilities. Where these met the Mobility Standard or Wheelchair Standard, Oxford City Council will attempt to match these most closely to applicants that specifically require this type and standard of accommodation and will specifically label these properties as such. The Council may allocate some adapted Mobility 3 and 4 standard properties outside of Choice-Based Lettings, to applicants in high housing need requiring an adapted property by offering an applicant a property as a direct match when a particularly suitable property becomes available.

Advert Icons/preferences for Ground Floor or Adapted Properties are shown below:

Mobility Level 1: Level Access. Level access into the property (from the street to the front door) and level access throughout the property (no internal steps).

Mobility Level 2: Mobility Standard. Level access into and throughout the property, although all rooms may not be accessible by a wheelchair. Meets part M of the Building Regulations (e.g. minimum door widths).

Mobility Level 3: Disabled Adaptations. The property may not meet the other standards, but it has a significant adaptation, such as a level access shower; a stair-lift; or a walk-in bath. Specific details available.

Mobility Level 4: Wheelchair Standard. The property is specifically designed for wheelchair users. Design features include parking and level access; enhanced circulation space; and specialist fixtures and fittings.

**Other Properties that may carry an Advert Label/Preferences**

Advert labels may also be applied to properties where a Local Lettings Plan is in operation in order to comply with its requirements, or where a priority may be given to larger families.

Bungalows will normally only be allocated to applicants aged 55 years or older, or to applicants under 55 who have been assessed by the Housing Needs Team as requiring a ground floor level access property (or an adapted property if the bungalow is adapted) or existing older tenants on the Transfer List seeking to downsize from their current accommodation.

## **5.6. Bidding**

Applicants who are eligible for a property advertised as available to let can apply for the property by placing a “bid” through the Choice-Based Lettings scheme. Applicants will normally only be able to bid for a property suitable for their needs and for which they are eligible. This means that applicants will not normally be able to bid for more bedrooms than they need or for properties specifically designated for other groups of applicants (such as the elderly or disabled). Applicants will be provided with details of how to bid when they are included on the Oxford Register for Affordable Housing (see the Choice Based Lettings guide on the Council website).

### **Property Size Eligibility**

The rules used to calculate the number of bedrooms an applicant is eligible to apply for are set out in section 3.7. Applicants will be notified in writing of the size of property they are eligible to apply for and will not normally be able to bid for a smaller or larger property.

## **5.7. Lettings Cycle**

A letting cycle will normally consist of the following:

- The Council and other ORAH partners upload properties available to let onto Choice Based Lettings website in a pre-agreed format;
- The Council advertise the properties with any relevant preferences on behalf of the partners in the next available lettings cycle;
- The lettings cycle starts and customers can bid for properties;
- The lettings cycle closes and customers can no longer bid for properties;
- The Council generates final shortlists;
- Council officers check shortlists for eligibility and verification purposes and make an offer or nomination for each property to the successful applicant and notify the landlord;
- Landlords arrange a viewing;
- Landlords offer a tenancy;
- If the successful applicant refuses the property (see section 5.10 Refusals) or is rejected by the landlord, the offer or nomination is made to the next suitable short-listed applicant. This continues until the property is let.

Where no tenancy is agreed the property normally goes back into the next available letting cycle.

## **5.8. The Selection Process**

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 normally be by date (see below).

However, the council and ORAH partners reserve the right not to offer the property to the person highest on the short-list, if the property offers a better match with the needs of another high priority applicant. The property may be offered to another housing applicant in such cases.

Applicants will be able to bid for up to three social rented properties in a lettings cycle (and any number of shared ownership or private rented properties if any are advertised). Applicants can withdraw bids and add new ones in the course of the cycle but should bid realistically and not withdrawn a bid if one has been placed for them by OCC. The Council may place bids for some applicants (including applicants on the Homeless List and other high needs cases) if a property is identified as potentially suitable.

### **5.8.1. Priority Order**

Short-lists will be created with the following priority order:

1. Applicant Type (only if an applicant type preference is specified for property);
2. Mobility Level (only if a mobility level preference is specified for the property);
3. Band – Band priority order is: 1, 2, 3, 4, 5;
4. Local Connection;
5. Age Preference (only if preference is used for older persons accommodation);
6. Size of household (only if a preference to larger families is specified for the property) – larger household has priority;
7. Priority Band Start Date (when applicants in the same priority band are compared).

The Council reserves the right not to offer an applicant in Band 4 or 5 with a need for a ground floor level access (Mobility 1) or Mobility 2 or 3 property if another applicant in higher housing need in Band 1, 2 or 3 has bid for the property. Even if the applicant in Band 1 to 3 does not require a Mobility 1, 2 or 3 property.

### **5.8.2. Shortlists**

Each potentially successful applicant will be checked to ensure they are eligible and suitable for the property and an applicant will only be offered a property where they meet the criteria.

Allocations Officers will investigate whether or not the property matches all the needs of the applicant in first place on the resulting shortlist. There may, for example, be a

good reason not to offer an otherwise suitable property to an applicant because health advice has been received that the applicant needs a property in a quiet location and the property on offer is adjacent to a major road, or that the person cannot sustain the tenancy without adequate support arrangements and these arrangements are not able to be set up before the proposed start of the tenancy – such issues cannot be catered for in the generation of the shortlist.

If it can be demonstrated that the property does not match the needs of the applicant, then this is recorded, and the decision verified by the manager responsible for allocations. The allocating officer then proceeds to investigate the suitability of the property for the next applicant on the list, and the process continues until a suitable match is found. If an applicant is successful for more than one property, they will be contacted where possible and asked to express their preference over which property they would like to be offered.

The Manager Responsible for Allocations is responsible for:

- a. Checking paperwork relating to all allocations and nominations, to ensure that correct procedure has been followed;
- b. Authorising offers and nominations, including decisions as to the reasonableness or otherwise of an allocation or nomination;
- c. Deciding whether to make an allocation of housing where the applicant has been guilty of anti-social or unacceptable behaviour;
- d. Decisions relating to the authorisation of “like-to-like transfers, outside the Allocations Scheme, in sheltered accommodation and other schemes; and
- e. Authorising the making of a Direct Offer to an applicant (see Section 5.14).

### **5.8.3. Housing Applicants with Rent Arrears on the Housing Register**

This section is concerned with making an allocation of a property to applicants who have made a bid.

Where a housing applicant has rent arrears and/or a poor payment history they will not normally be considered suitable for an offer of housing. In order for an applicant to successfully maintain a tenancy they must be able to comply with the terms of the tenancy and to pay the rent regularly and keep up to date with the rent. When considering whether a housing applicant is suitable for an offer of housing their ability to pay the rent and their rental payment history will be taken into account.

Housing applicants who owe rent to their current landlord or a previous landlord can be excluded from qualifying for inclusion on the Housing Register (see section 3.4.2 and the definition of “rent”).

Where a housing applicant with rent arrears has been allowed to remain on the Housing Register and they bid for a property and shortlist for a potential offer, an Allocations Officer will make further enquiries into the applicant’s ability to sustain a tenancy before considering them for an offer of housing. If a Transfer Applicant has

rent arrears covered by a Court Possession Order and has not been excluded from the Transfer List, no offer will usually be made, unless:

- the tenant has an Exceptional Band 1 Social & Welfare award sanctioned by the ECP & payments have been received in line with the order made, or
- the tenant is seeking to downsize from a general needs property suitable for a family and any compensation due through the REMS (or a similar scheme provided by another ORAH landlord) will clear the debt in full or
- the debt is cleared in full by the tenant.

If a housing applicant is allowed to be included on the Housing Register but has any outstanding rent arrears (but no Court Possession Order), they will not usually receive an offer of accommodation unless:

- either the debt is cleared in full, or
- they have made an agreement to repay the debt, and kept to it for a minimum of 6 months.

The following cases will usually be exempt from this:

- Applicants awarded an “Exceptional” Band 1 Social and Welfare award and permission to apply for a move with rent arrears has been sanctioned by the ECP panel and agreed by the landlord of the property the applicant is applying for
- All Temporary Decants, or Permanent Decants where the Council may incur a significant expense if the person is not moved
- Transfer applicants under-occupying a family home eligible for assistance through the Council’s REMS (or the tenant’s landlord) where the compensation will clear the debt in full.
- Technical arrears, where it is confirmed that a Housing Benefit/a Universal Credit award is due that will clear the arrears
- Persons accepted as statutory homeless and housed in temporary accommodation where a satisfactory payment arrangement is in place and the housing applicant is considered to be engaging and suitable for an offer of housing in order to minimise temporary accommodation costs to the Council (unless possession action is being taken due to a breach of tenancy)

The Manager responsible for Allocations may also exempt other cases. This discretion might be exercised where the applicant has made an agreement to clear the debt and has made consistent payments for a period of time (usually for a minimum of 6 months) or where the situation was deemed to be out of the applicant’s control; or relates to physical, mental or learning disability.

The Allocations Manager may also consider authorising an offer in other exceptional cases where an applicant has fallen into rent arrears as a direct result of the introduction of changes introduced by the Welfare Reform Act including the “bedroom tax” or “benefit cap”. An exception may also be agreed where an applicant is in high housing need and considered to be taking reasonable steps to pay their on-going rent and the rent arrears they have accrued. In such cases an offer may be considered where the Allocations Manager and landlord of the property the applicant



has applied for agree that the housing applicant is considered suitable for an offer and the accommodation is more affordable.

Where a former tenant has been evicted by a PRP within the ORAH partnership and allowed to re-join the Housing Register, they will not normally be nominated to the same PRP once they have demonstrated they are suitable to be a tenant, without prior agreement with the PRP.

## **5.9. Feedback**

Feedback on previous bidding rounds will be available to help applicants assess whether accommodation appropriate to his or her needs is likely to be made available and, if so, how long this is likely to take.

General information about the profile of the stock will be made available, including: the type, size and location of the stock, whether it is accessible or could be adapted, and how old it is. In the case of stock, which is in short supply, an indication of how frequently it is likely to become available will also be included.

Specific information will be published each cycle about accommodation, which has been let through the CBL scheme. This will specify the number of bids received for the property, the band and priority band start date of the applicant who finished first at the end of the cycle. The information will be available on the CBL website.

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

Periodically, Oxford City Council will extract generalised information from feedback data to help inform applicants' bidding strategies. This may include tables giving estimated waiting times by area, bedroom size or property type.

Oxford City Council will process all personal data in line with the General Data Protection Regulations and relevant successive legislation. Where information is published about particular accommodation that has been allocated, the information shall not enable a member of the public to ascertain the identity of the individual applicant who has been allocated the accommodation, or to put them at risk of violence or intimidation by other individuals or members of the public. In some cases, the Manager responsible for allocations may make the decision not to publish the fact that a property has been let.

Oxford City Council will provide more detailed feedback to unsuccessful bidders at regular intervals, particularly after they have made a number of unsuccessful bids. This will involve advising applicants about the need to change their bidding strategy, or providing them with advice about alternative housing options available to them.

Applicants will be able to review their own bidding history through the website, or ask a member of Oxford City Council or its partner PRP to help them do so.

## **5.10. Refusals**

Oxford City Council acknowledges that a “bid “is an application for a property and that applicants may not be in a position to make a firm decision until the property has been viewed. However, there is a high demand for social rented accommodation and the Council and its partner PRPs want to let homes advertised through Choice Based Lettings as soon as possible so applicants should choose carefully before making a bid. If an applicant refuses an offer after a bid has been placed on the property without good reason the Council reserves the right to apply a penalty (see 5.13).

## **5.11. Failure to Bid**

Oxford City Council will look at who is bidding and how often. If an applicant in a high priority group is not bidding despite properties being advertised that are considered suitable by Council, they may contact the applicant to make sure that they have understood the CBL system and that they have found a method of bidding that suits them. If they are struggling with the system, we may be able to offer help ourselves or we may be able to refer the applicant to a support agency.

Where a customer is on the Homeless List and living in Temporary Accommodation a bid may be placed for the customer by OCC at any time. Furthermore, where a customer is not considered to be bidding enough, realistically or withdrawing bids their access to Choice-Based Lettings may be withdrawn and bids placed for them by OCC staff.

The Council may also place a bid for an applicant or make a direct offer of accommodation in some circumstances, such as, but not exclusively, for tenants on the Transfer List requiring a decant, or where a “legal” or “policy” successor is required to move, and is not bidding, despite suitable accommodation being advertised and help being offered (see 5.13).

## **5.12. Bidding Time Limits**

Most applicants will have no time limits placed on how often they should bid in recognition of the scarcity of social housing in Oxford, although all applicants are encouraged and expected to actively engage with the scheme once they have registered. If they no longer wish to be included on the Housing Register, they should contact the Housing Needs Team to inform them so their housing application can be cancelled.

There will, however, be some exceptions where housing applicants in high priority bands are given time limits in which to bid for a property and penalties may be applied (see section 5.13). Including:

- Applicants accepted as homeless and placed in temporary accommodation (in Band 3) may have bids or direct offers of housing made at any time in order to ensure customers rapidly move on to suitable accommodation as soon possible;

- Applicants assessed as ready to “move-on” from supported accommodation (placed in Band 2) in order to ensure supported housing becomes available to those that require it within the City;
- Applicants awarded “policy successor” priority (placed in Band 1) in order to ensure that they move out of the accommodation they are occupying promptly so the property to can be re-let to another applicant in housing need.

## **5.13. Penalties for Unreasonable Refusals or Non-bidders**

Before imposing a penalty, the applicant may be contacted by a member of the Housing Needs Team, Tenancy Management Team or an equivalent ORAH officer to ensure they are satisfied the applicant understands the process. Where an applicant is not considered to understand the process, they may be given a further opportunity to bid at the discretion of a senior member of the team.

Penalties will only be imposed where, after checks, it appears that either:

- An applicant is deliberately failing to bid (or withdrawing bids placed on their behalf) when suitable properties have been advertised, or
- An applicant has turned down a property when they are deemed to have no valid reason for refusing the property when offered.

### **5.13.1. Offers to Statutory Homeless Applicants to whom the Council has accepted a duty and placed in temporary accommodation**

The Council recognises that it is not desirable for households, particularly the vulnerable and families, to spend long periods of time in temporary accommodation. Therefore, households to whom the Council has accepted a homeless duty are offered secure accommodation as quickly as possible. The Council is only able maintain a limited amount of temporary accommodation due to the high cost. In order to ensure that temporary accommodation is available for other homeless singles and families it is important that households move as quickly as possible.

Applicants on the homeless list will normally be made one suitable offer of accommodation – this could be an allocation of social housing through the Allocations Scheme or an offer of suitable accommodation within the private rented sector made outside of the Allocations Scheme. Homeless applicants may be given a time-limited priority to bid for properties through CBL. During this time, they could also be made a direct offer of housing at any time. This could include an offer of suitable private rented accommodation to discharge the Council's homeless duty by a member of the Housing Needs Team (outside of the Allocations Scheme).

Homeless applicants who have not been made a direct offer, may be given up to 3 months to successfully bid for a property, or longer, if for example a household requires a very large property, an adapted property or the Council accepts that they cannot go to certain areas within Oxford or elsewhere. If a homeless applicant has not successfully bid for a property or been offered a suitable property in the private rented sector they may have bids placed for them automatically on all suitable

properties becoming available (all suitable property types and in all areas) by the Allocations Team and will be offered the first property they shortlist for an offer on, irrespective of whether they have bid for the property or not. Furthermore, if a homeless applicant is not considered to be bidding realistically, bids may be withdrawn and placed for them and access to bidding may be removed altogether and a direct offer may be considered by OCC.

### **Penalties for an Unreasonable Refusal**

If a homeless applicant refuses a suitable offer without good reason the Council will no longer have a duty to accommodate them and ask them to leave their temporary accommodation and to resolve their housing situation themselves. If the applicant does not move out the Council will take action to take possession of the property.

Homeless applicants who are considered to have unreasonably refused an offer by the Council because they consider the property is not suitable for them or a member of their family will continue to have the right to appeal. The Council will not normally be able to end the duty to accommodate the applicant unless they lose the appeal.

### **5.13.2. Penalties for Applicants on the other lists (General Register & Transfer Lists)**

#### **Unreasonable Refusals**

Unreasonable refusals delay other applicants in housing need moving into a property, cost the Council and other landlords in lost staff time and can result in the landlord losing rental income from having longer void periods.

Applicants on the General Register or Transfer Lists who are considered to have unreasonably refused two suitable offers of accommodation within the last 12 months will be suspended from bidding for 12 months. With the exception of tenants on the Transfer List occupying a property suitable for a family and seeking to downsize to a smaller property. Other exceptions may also be made on a case-by-case basis by the Allocations Manager.

If the applicant is suspended from bidding and disagrees with this decision, they have the right to request a review of this decision (see Reviews & Appeals). If the appeal is successful, they will be able to continue to bid. If the appeal is unsuccessful, they will remain suspended for 12 months.

Policy “successors” will normally be given up to 3 months to bid for a suitable property, after this time, if they have failed to bid or failed to successfully bid for a property the Council will place bids for them on all suitable properties becoming available and may make a direct offer outside of CBL. Policy “successors” will normally be made only one suitable offer of accommodation. If they are made an offer and refuse without good reason the Council will ask them to leave the property and resolve their own housing situation and take action to gain possession of the property if they fail to leave.

## **5.14. Properties not advertised through CBL (Direct Offers)**

Oxford City Council may choose not to advertise certain properties if they are needed for management reasons including temporary decants of existing Council Tenants for repairs to be completed where they cannot stay in their present home. This may include temporary lettings as emergency accommodation for homeless families, housing first accommodation, some types of supported housing, direct lettings to national mobility schemes, or permanent decants (where the properties are being sold, demolished or otherwise disposed of, or where tenants have been given the choice of not returning to a property following refurbishment or re-modelling, and it is not practicable to allocate the property through CBL).

In other cases, for example, very highly adapted properties or for applicants with very individual needs and homeless applicants needing to move on from Temporary Accommodation, it may be necessary to make a direct offer of a property in order to make the most effective use of the scarce resource of social housing and to obtain best value for money for the Council and its ORAH partners.

Oxford City Council will monitor the impact to ensure that it continues to comply with its duty to give reasonable preference to applicants in the reasonable preference categories and choice to General Register and Transfer List applicants wherever reasonably possible.

## **5.15. Temporary Decants**

Where a temporary move is required while modernisation, refurbishment, or repair work is undertaken to any property of Oxford City Council, or its partner PRPs, and the tenant cannot remain in the property for a temporary period while this is being undertaken, the Manager responsible for Allocations may award a Decant category (a tenant may be decanted by the landlord outside of the Allocations process too).

This category is authorised by the Manager responsible for Allocations, and only at such time as the need for the move and its programming has been confirmed by a senior manager in Housing or a partner PRP, as appropriate.

Officers seeking or authorising these categories must be assured that the move is necessary and that appropriate timescales are in place for work to begin on the vacated property, in order to minimise disruption for existing tenants.

Tenants must complete a transfer application where practicable and sign an undertaking to confirm that they will return to their original home once the work is completed, prior to transferring.

The Manager responsible for Allocations may make a Direct Offer outside of the CBL scheme to help facilitate such moves.

## **5.16. Hard to Let Properties**

There are very few “hard to let” properties within Oxford. However, from time to time a sheltered property only suitable for an older applicant may have to be advertised more than once before a suitable applicant is offered the property.

A property will be declared “hard to let”:

- If it has been advertised over 2 consecutive bidding cycles and received no eligible bidders, or
- if it has been advertised over 3 consecutive cycles without a tenancy being created, or
- if an identical property (type, size & area) has been declared ‘hard to let’ within the previous 4 bidding cycles.

At the discretion of the Manager responsible for allocations, such properties may be let on a “first come, first served” basis; that is, any suitable applicant may be granted a tenancy. The Manager responsible for allocations has the discretion to change eligibility criteria (including allowing under-occupation) in these circumstances. “Hard to let” properties will be advertised with other properties, but may also be let outside of the advertising cycle.

## **5.17. Inter-District Moves**

The Council may from time to time agree a reciprocal arrangement with another District Council within Oxfordshire, or elsewhere, so that an applicant in high housing needs from Oxford can be housed outside of the City in another District in return for the Council housing another similar case within Oxford. Even if the applicant does not have a qualifying connection to Oxford. Any such allocation would need to be agreed by the Allocations Manager and the other District authority and normally be made outside of CBL as a direct match.

## **5.18. Priority for Households with a Qualifying Connection**

As part of the allocations scheme priority will also be given to applicants who have a qualifying connection to Oxford over applicants in similar housing need without one. Normally only applicants with a qualifying connection will be allowed to be included on the Housing Register; however, there are some exceptions (see sections 3.3.3 & 3.3.4).

# **6. Housing Options - Allocations Scheme**

## **6.1. Housing Options Information**

Oxford City Council will give all home-seekers and applicants information on other housing options that may be available to them, to assist the applicant in making a reasonable choice as to their best prospect of securing suitable accommodation. This will include information on low-cost home ownership, private sector rented property (including any rent deposit schemes which may be operated by Oxford City Council) mutual exchanges and key worker accommodation, as appropriate.

## **6.2. Private Rented Sector Access Schemes**

The Housing Needs Team provide a range of schemes to people who might otherwise become statutorily homeless with advice, support and financial assistance to be able to successfully secure tenancies in the private rented sector in and outside of Oxford.

Private Rented Sector Access Schemes are normally only offered to applicants towards whom the Council has or would have a statutory duty to re-house (i.e. statutorily homeless or threatened with homelessness applicants).

## **6.3. Private Renting**

From time to time there may be opportunities to advertise privately rented properties, with the agreement of the landlord. These are most likely to be properties being made available for lettings with the help of rent deposit assistance from the local authority for those threatened with homelessness or homeless in Temporary Accommodation. The properties may be advertised on Choice-Based Lettings in such instances.

## **6.4. Affordable home ownership schemes (Low-Cost Home Ownership Options)**

Lower cost home ownership includes a number of schemes designed to enable people who wish to buy a property and cannot afford to do so. It is targeted at people on housing waiting lists, social housing tenants, key workers as defined by current government legislation and those on a low income unable to purchase a home without assistance.

The government's **[GOV.UK website](#)** provides up to date information on the different affordable home ownership schemes available and how they work. There are a number of different scheme types. Depending on your individual circumstances, and subject to availability, you may find that one or more of these are available to you. Customers interested in applying for Shared Ownership properties in Oxford should enquire directly with the marketing agents for the homes for details on how to apply and the eligibility criteria. As well as financial criteria other factors considered may include an applicant's current circumstances, whether they live or work in Oxford and the size of the property.

## **7. Special Circumstances - Allocations Scheme**

### **7.1. Reviews and Appeals**

#### **The Right of Review**

An applicant has the right to request an internal review of a decision taken where the Council has decided:

1. That an applicant is not a qualifying person for an allocation;
2. Not to register the application even if the applicant is in a reasonable preference group;
3. Not to allow applicants to bid for a specific period of time, or to overlook them in shortlists while an outstanding issue is being resolved (for example investigations into certain circumstances or the agreed payment of tenancy arrears);
4. Not to make an offer to the highest bidding applicant, where information is available that would make the new tenancy unsustainable or unsafe (for example where an applicant has been allowed to register and has been given a priority, there may be certain properties or areas where it is inappropriate for them to be housed) — also see section 5.8.2;
5. They are ineligible for an allocation by virtue of being a person subject to immigration control who is ineligible for a housing allocation; or
6. They do not qualify for inclusion on the Housing Register.

Where an authority decides an applicant is ineligible, by reason of their immigration status or serious unacceptable behaviour or any other reason that they do not qualify for inclusion on the Housing Register, it must notify them of the decision and grounds for it in writing.

An applicant has the right on request (under Housing Act 1996 s167 4A(c)) to be informed of the facts which will, or will likely, be taken into account in considering whether to make an allocation and has the right to request a review of the facts of their case

An applicant also has the right to request a review of any adverse allocation decision.

#### **Review of Material Facts (Reassessment)**

Any decision may be reassessed at any time on the following basis:

- The applicant's circumstances have changed materially since the decision was made, meaning that their eligibility has changed;
- Substantive new information has become available, not previously available to the Allocations Team, meaning that the new information changes the applicant's eligibility;
- The Council has made an administrative error, which is substantially detrimental to the applicant.



## **Process for Internal Reviews**

1. The original officer will first consider the review, and in light of any new information, may wish to reverse the original decision. If not, the case will be passed to another officer to review.
2. The reviewing officer must not have been party to the original allocation decision and should be senior to the original decision maker.
3. A request for a review must be made, in writing, within 21 days of the date that the applicant is notified of the Council's decision
4. The review must be considered on the basis of policy, law and known fact at the date of review.
5. Reviews should be completed wherever practicable within a 56-day time limit. If the review exceeds 56 days, the applicant must be notified of the delay, in writing.
6. The applicant should be notified that s/he, or a representative acting on their behalf, may make representations in writing in connection to the review.
7. The applicant will be asked for any further information needed in order for the assessment to be completed.
8. Any adverse material must be put to the applicant for their comment.
9. The outcome of the review decision must be notified in writing, with reasons, to the applicant.

An applicant who has been accepted as statutorily homeless by the Council also has the right to request a review of the 'suitability' of a final offer of permanent accommodation. However such reviews are authorised under the regulations that apply to Homelessness decisions which are similar to the process described above, but are not the same, for example the factors to be taken into account are prescribed by the Regulations.

## **The Right of Appeal**

If the applicant believes that Oxford City Council has not acted reasonably or in accordance with its set procedure, they may have the right to seek a Judicial Review of the decision.

## **7.2. Under Occupation (and the Removal Expenses & Mobility Scheme)**

### **Under Occupation**

Under occupation of properties is a concern for Oxford City Council, due to the high demand for larger properties in the city from families in housing need – including families who are homeless living in temporary accommodation, overcrowded or living in unsuitable accommodation. Under occupation is listed in the Code of Guidance on the Allocation of Accommodation as an important area and the Council awards priority to social tenants seeking to downsize through the Banding Scheme to help make the most of the limited social housing becoming available in Oxford. In addition, the Council has the power (under the Housing Act 1996, Schedule 18, Part I, section 2) to make payments to encourage local housing authority tenants to move

to other accommodation within the authority's stock, or accommodation supplied by a registered social landlord such as a Housing Association. (Powers are also provided for in sections 21 and 26 of the Housing Act 1985 and section 111 of the Local Government Act 1972.) PRPs may have their own expenses and other incentives schemes in place as above, and each PRP should be contacted for details of current schemes. These may also be supported by the Council.

In order to encourage under occupiers to move to smaller accommodation, the following arrangements are in place:

- Oxford City Council tenants, or tenants of partner PRPs within the City, who have 2 or more bedrooms than they need, and who currently live in family accommodation, will be placed in Band 1.
- Oxford City Council tenants, or tenants of partner PRPs within the City, who have 1 bedroom more than they need, and who currently live in family accommodation, will be placed in Band 2.

This excludes successor/"policy successor" tenants who are required to move to a smaller home (who are prioritised separately) and do not qualify for assistance through the REMS as they need to move and the incentives are used for tenants who do not need to move but choose to. Under-occupation priority is not awarded to homeless applicants placed in temporary accommodation. For example, if a homeless applicant has a change of circumstances, they will be required to move to smaller temporary accommodation to free up the property for a larger homeless household in need.

### **Permitted Under Occupation**

There are situations where a degree of under-occupation may be permitted in making an allocation of accommodation including:

- 'Trading down' from larger accommodation to two bed accommodation
- medical recommendation
- tenancy successions to a spouse or civil partner
- Urgent or exceptional moves (e.g. on moving a victim of harassment) (at the decision of the Exceptional Circumstance Panel)
- Decants (at the decision of the Exceptional Circumstance Panel) where permitted by the provisions of a Local Lettings Plan

### **The Removal Expenses and Mobility Scheme**

Oxford City Council operates a Removal Expenses and Mobility Scheme (REMS). Oxford City Council Tenants who are granted REMS status are eligible for compensation based on the number of bedrooms released by any move, and expenses covering costs associated with moving. Details of the levels of compensation and expenses payable to tenants under this scheme are available to on the Council website or on request by contacting a member of the Furnished Tenancy (and Under Occupation) Team who administer the scheme.

## **8. Tenancies which are Treated Separately from the Normal Allocation Process - Allocations Scheme**

### **8.1. Succession**

The Housing & Planning Act 2016 changed the rules to succession. The government has decided that some tenants who succeed to a tenancy will no longer be eligible for a lifetime tenancy.

#### **Secure Tenancies for Oxford City Council tenants**

##### **Existing tenants at 15 September 2014**

The rights of occupiers of council housing to succeed to a secure tenancy are governed by sections 87 and 88 of the 1985 Housing Act. Secure tenants are able to pass on their tenancy to a spouse, civil partner, co-habiting partner (of either sex) or specific family members on the death of the tenant. Assured tenants can pass their tenancy on to a spouse or civil partner.

There is only one legal right to succession per tenancy. Those entitled to succeed by law are:

- spouses and civil partners (secure and assured tenants)
- family relatives (including blood and step relatives but not cousins)
- co-habiting opposite sex couples
- co-habiting same sex couples

The following conditions apply:

- A spouse, civil partner or co-habiting partner (of either sex) must have occupied the property as their only or principal home at the time of the tenant's death.
- A family member must have resided with the tenant continuously for 12 months as their only or principal home before the tenant's death.
- There can only be one successor to a tenancy.
- A spouse or civil partner will take precedence over a family member

Where more than one person is entitled to succeed. If the tenant was a successor, there is no right to succeed. A succession will also have been deemed to be created by: A Right of survivorship (where one joint tenant remains on a tenancy after a death)/An assignment to a person qualified to succeed.

Mutual exchanges are not successions unless the tenant was a successor in relation to the tenancy being assigned by way of exchange (s88 (3) 1985 Act).

##### **Tenants after 15 September 2014**

The Localism Act 2011 amended the succession rights of new tenants for tenancies that began on or after 1st April 2012 unless specified in the tenancy agreement. The

Oxford City Council tenancy was amended to take account of the legislation on 15 September 2014.

Now only the following have the legal right to succeed to a secure tenancy:

The tenant's:

- Spouse; or
- Civil partner; or
- Cohabiting partner (of either sex).

The successor must have been living with the tenant at the time of her/his death and the property must have been her/his only or main home.

A landlord may wish to provide additional rights in the tenancy agreement which would allow a family member to succeed, such as the tenant's son or daughter.

The law says that other people can only succeed to a secure tenancy which began on or after 1 April 2012, if, when the tenant dies:

- there is no spouse, civil partner or cohabiting partner living in the property as her/his only or principal home; and
- the tenancy agreement allows for someone else to succeed.

**Oxford City Council's position is set out in the Tenancy Agreement for secure tenants. From time to time the Council may revise the terms of the tenancy agreement and tenants are therefore strongly advised to check with the Council to confirm their position on succession and whether they are eligible to succeed.**

### **Housing Association Assured Tenants/PRPs**

Housing Association tenants' right to succeed is laid down in the Housing Act and advice should be taken from the Housing Association

### **Points to Note on Successions**

Where a succession results in the successor, other than a spouse or civil partner, or a co-habiting partner living in a property which:

- is too large; or
- has significant adaptations for disabled persons which are not required by the successor; or
- is otherwise inappropriate to their needs

The Council may require the successor tenant to move to alternative, more appropriate accommodation. A spouse, civil partner or co-habiting partner may be required to move from a property which has significant adaptations for

disabled persons which are not required by the successor. If a successor refuses to move from the property, the Council will pursue possession proceedings in the County Court.

Where a succession results in the successor occupying a property of the appropriate size for their needs and has not been adapted for disabled persons, they will normally be allowed to remain as a tenant of that property.

### **Otherwise Excluded Successors**

In addition to legal successions, the Council may also agree to “policy successions”.

“Policy successions” generally apply to people who would have been entitled to succeed but for the fact one legal succession has happened.

Band 1 priority may be awarded to a close family member who would have been entitled to a legal succession, but is not, because one previous succession has already taken place, by authorisation of the Manager responsible for Allocations, based on the recommendation of the Tenancy Management Manager or equivalent ORAH officer.

If under the affordability guidelines a housing applicant is considered to be able to resolve their own housing situation, they will not normally be included on the Housing Register.

A potential “policy successor” (persons potentially entitled to a new offer of accommodation through the Allocation Scheme) can be asked to move immediately to more appropriate accommodation where a “policy succession” would result in the occupation of a property, which, is more extensive than their needs; or has significant adaptations for disabled persons, which are not required by the occupant.

In this case if the “policy successor” refuses to move then the Council will treat them as an unauthorised occupant and pursue possession action.

Civil partners and co-habiting partners of either sex are treated the same as spouses.

“Policy successions” are not successions in law, but new tenancies, which bring their own rights of succession.

## **8.2. Assignment**

Assignment of a secure tenancy can take place on the following grounds (s91(3) of the Housing Act 1985 Act). These are:

- The assignment is pursuant to a Property Transfer Order under Section 24 of the Matrimonial Causes Act 1973.
- The assignment is to a person who would be qualified to succeed if the tenant had died immediately before the assignment.
- mutual exchange

## **8.3. Mutual Exchange**

Mutual Exchanges are exchanges by way of Assignment. All permanent social housing tenants are able to go onto the register (Assured Shorthold Tenants or Introductory Tenants or demoted tenants are excluded). The Council encourages all eligible tenants who want to move to consider applying for an exchange. Exchanges are possible between multiple tenants – for example, a three-way exchange.

Secure tenants have a right to exchange under section 92 of the Housing Act 1985. Assured tenants have a right to exchange under the 1988 Housing Act. Mutual exchanges may be refused in accordance with the Housing Act 1985 (for Council properties) or the Housing Act 1988 (for RSL properties). Consent will only be made conditionally on the breaches of tenancy being rectified. All mutual exchanges can only proceed with the written consent of both landlords.

## **8.4. Joint To Sole and Sole to Joint Tenancies**

### **Joint to Sole**

On receipt of written notice (normally 4 weeks' notice) that one party wishes to end the tenancy, a new sole tenancy for the same property may be granted at the discretion of the Tenancy Management Manager. This will only be considered where the property remains suitable to the needs of the tenant.

### **Sole to Joint**

On written notice by the sole tenant, a new, joint, tenancy for the same property may be granted at the discretion of the Tenancy Management Manager. This will only be considered where the property remains suitable to the needs of the tenants and there has been no previous succession to the tenancy.

### **Other Properties Within the ORAH Partnership**

It is at the discretion of each landlord how they treat applications to transfer from either joint to sole, or sole to joint tenancies. Tenants of Registered Providers should contact their landlord to find out what their policy is.

## **Appendices - Allocations Scheme**

### **Appendix I - Classes of Person Ineligible for an Allocation of Housing By Reason Of Their Immigration Status**

The following classes of persons are not eligible for an allocation of housing by reason of their Immigration status or lack of habitual residence, unless they are already a secure or introductory tenant of a housing authority, or an assured tenant of accommodation allocated to them by a housing authority. The requirement to be habitually resident in the UK does not apply to “qualifying” EEA nationals such as those working lawfully in the UK. Non-qualifying persons such as EU nationals who

are not economically active or exercising their initial 3 month right of residence are ineligible.

- a. A person registered with the Home Office as an asylum seeker.
- b. A visitor to this country (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have recourse to public funds.
- c. A person who has a valid leave to enter or remain in the UK which includes a condition that there shall be no recourse to public funds.
- d. A person who has a valid leave to enter or remain in the UK which carries no limitation or condition and who is not habitually resident in the Common Travel Area.
- e. A sponsored person who has been in this country less than five years (from date of entry or date of sponsorship, whichever is the latest) and whose sponsor(s) is/are still alive.
- f. A person who is in the United Kingdom illegally, or who has overstayed his/her leave.

The Secretary of State may make regulations which allow allocations to be made to prescribed classes of persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996, but such prescribed classes of persons shall not include any person who is excluded from housing benefit by Section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits).

Further information and assistance on these matters is available on request.

The Council will refer to the relevant UK Border Agency Guidelines to ensure compliance with current immigration legislation.

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## **Appendix II – Officer Roles in Relation To the Allocation of Housing and Associated Processes**

1. General. The power to operate the Allocation Scheme is a power delegated by full Council in accordance with Oxford City Council's Constitution
2. The Head of Housing, may further delegate operation of the Scheme to officers within the service (or on occasion to other officers)

### **Officer Roles and Responsibilities**

**Housing Application Officers (and members of the Housing Needs Team as directed by the Rapid Re-Housing Manager or another Senior Member of the Team)**

- a. Provision of advice and assistance in accessing appropriate accommodation for all applicants;

- b. Inputting data relating to individual applications onto the HMIS computer system;
- c. Answering general queries by telephone, in writing, and in person;
- d. Verification of documents relating to applications for housing;
- e. Home visits to applicants for housing.

**Assessment Officers, Allocations Officers, Senior Assessment Officer and Allocations and Assessment Team Leader (And other members of the Housing Needs Team as directed by the Rapid Re-Housing Manager or a senior member of the team)**

- a. Assessment of incoming applications, including application forms and any additional material, carrying out home visits, verification, and any additional investigations required to ensure that those applications truthfully reflect the housing situation of the applicants concerned, and to determine eligibility and qualification for inclusion on the housing register and an allocation of housing;
- b. Drawing up shortlists for allocations of housing, and nominations to PRP properties, investigation of suitability of short-listed applicants for such allocations and nominations, and ensuring that the most suitable allocation or nomination is made, in line with policy;
- c. Provision of general housing advice and assistance to applicants, including signposting and referral to internal and external sources of further advice and assistance, and home visits to applicants;
- d. Initial determination of the reasonableness or otherwise of a refusal of an allocation of housing/nomination to a PRP property;
- e. Awarding Band 3 or 4 priority based on a HAHA assessment as directed by a Senior Officer/Manager in the Rapid Re-Housing Team;
- f. Awarding Band 4 on an ECP assessment;
- g. Answering general queries by telephone, in writing, and in person, and
- h. Decisions as to whether or not an applicant is eligible and/or qualifies for an allocation of housing in light of previous unacceptable behaviour (including outstanding rent arrears);
- i. Decisions as to whether or not an applicant should be excluded from qualifying for inclusion on the Housing Register, in light of previous unacceptable behaviour (including outstanding rent arrears), or in light of their financial resources.

**Manager Responsible for Allocations (including the Rapid Re-Housing Manager, Allocations and Assessment Team Leader and Senior Assessment Officer)**

- a. Checking paperwork relating to all allocations and nominations, to ensure that correct procedure has been followed, and authorising offers and nominations, including decisions as to the reasonableness or otherwise of an allocation or nomination;



- b. Monitoring allocations and nominations to ensure that the correct percentage of lettings are made to each re-housing list, in accordance with the allocations percentages set by Oxford City Council;
- c. Decisions as to whether or not an applicant is eligible and/or qualifies for an allocation of housing in light of previous unacceptable behaviour (including outstanding rent arrears);
- d. Decisions as to whether or not an applicant should be excluded from qualifying for inclusion on the Housing Register, in light of previous unacceptable behaviour (including outstanding rent arrears), or in light of their financial resources;
- e. Decisions relating to the authorisation of 'like-to-like' transfers, outside the Allocations Scheme, in sheltered accommodation and other schemes;
- f. Authorisation of over-riding categories to applications where:
  - o a previous commitment to re-house has been made by the Exceptional Circumstances Panel;
  - o a status of permanent or temporary decant is required to facilitate works to the applicant's home;
  - o a successor or 'policy successor' award is required to Band 1 may be awarded to expedite this move;
- g. Decisions to make Direct Offers of accommodation.
- h. Decisions to vary the Housing Need Priority Band Start Date for an applicant in exceptional circumstances

### **Exceptional Circumstances Panel**

Responsible for review of cases in which circumstances not dealt with by the banding Scheme may have an impact on an applicant's housing need, and the award of increased priority, or other condition or restriction, as appropriate to reflect the applicant's situation.

The panel does not have a fixed membership, but will be drawn from officers within the Housing Services/ORAH partners who have sufficient knowledge and experience to contribute to the Panel's effectiveness. The Panel will be chaired by a Senior Officer from the Housing Needs Team. The panel will consist of one Senior Officer (usually the Rapid Rehousing Manager, Allocations Team Leader or Senior Assessment officer) and an Assessment or Allocations officer. The only exception to this is for Exceptional Priority Band 1 decisions where, a second senior officer will need to sign off the decision.

### **The Director of Housing**

Resolution of disputes between officers regarding interpretation of the Allocations Scheme and decisions arising from that interpretation.

The Director of Housing & Property has delegated authority to:

Authorise minor amendments to the Allocations Scheme proposed by the Allocations Manager where:

- Legislation changes and the Allocations Scheme needs a minor change to comply with new legislation and the change will have a low impact on those on the housing register.
- Best practice or new guidance is introduced that needs to be reflected in the Allocations Scheme and the change will have a low impact on those on the housing register

Authorise offers of accommodation outside of the banding priority scheme for “management cases” to make the best use of stock for existing tenants, or other applicants (on an exceptional basis). To include:

- Adapted properties no longer required by the tenant
- To facilitate a move as an alternative to adapting a property
- To maximise bedroom occupation and ensure affordability

Approve the annual lettings plan targets proposed each year by the Rapid Rehousing Manager.

Change the annual lettings plan targets during the year if the demand on the housing register has changed significantly and corrective action is required.

and

Amend the Choice Based Lettings cycle (periods and dates).

**Tenancy Management Manager, Area Housing Managers & Area Housing Team Leaders (or equivalents in partner PRPs)**

- a. Approval and counter signature of submissions to the Exceptional Circumstances Panel, and Health & Housing Assessment Forms.
- b. Decisions on Joint to Sole and Sole to Joint tenancy applications (Tenancy Operations Manager)
- c. The authority to make a recommendation to award a succession status to an applicant

**Senior Furnished Tenancy Officer/ Furnished Tenancy Officer**

Responsibility for administering cases under the Removals Expenses Moving Scheme.

**Tenancy Management Officers (or equivalent role in within the Council or partner RSLs)**

- a. Approval, inspections, and tenancy changes relating to requests for Mutual Exchange of Tenancies
- b. Home visits to some transfer applicants

- c. Landlord references for tenants

### **Residential Regulation Officer/OCC Surveyor**

Assessment of disrepair and award of priority for a housing condition, where requested by an applicant or member of OCC.

### **Customer Service Officers/ORAH equivalents**

General advice and verification of documents provided by applicants.

### **Health and Housing Assessment (HAHA) Panel**

Responsible for awarding priority and assessing cases in which the health of the applicant, or their household, is worsened due to their current housing circumstances, in accordance with this Allocation Scheme. The award of increased priority, as appropriate, should reflect the applicant's situation.

The panel does not have a fixed membership. This will be drawn from officers from Housing and ORAH partners, and may include a health professional, who have sufficient knowledge and experience to contribute to the Panel's effectiveness. The panel will comprise of a minimum of 2 persons, including 1 manager and health professional or 1 manager and another officer. The Panel will be chaired by a Senior Housing Needs Officer. Officers referring cases to the Panel may make representations, but may not sit on the Panel for cases they have referred.

### **Reviews and Appeals Officer**

- a. Responsible for carrying out all internal reviews of allocations decisions;
- b. Advice and assistance to all officers in respect of, technical, policy, or other matters which may affect the progress of an application, including decisions regarding eligibility or the lack of it, for whatever reason.

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## **Appendix III – Guideline Calculations for Affordability**

Social housing is a scarce resource. New Applicants applying for housing or existing housing applicants may be excluded from the Housing Register, regardless of their housing circumstances, if there is evidence to suggest that they have sufficient income or assets to resolve their housing situation through the housing market by renting or buying a suitable home. Furthermore, other adult members (including their partner's where applicable) may also be excluded from being included on an applicant's housing application if there is evidence to suggest that they have sufficient income or assets to resolve their own housing situation (or if they refuse to provide this information when requested). Each case will be considered on its merits and where there would otherwise be hardship, priority may be awarded in accordance with the policies and protocols of the Allocations scheme.

## **Property**

Housing applicants who own a property in the UK or overseas that is considered suitable for their households housing needs will not normally qualify for inclusion on the Housing Register. However, the property must be physically and legally accessible. If the equity in the property is £16 000 or more and this would provide sufficient funds to resolve their housing situation, then the applicant would normally be expected to make their own housing arrangements.

Adult household members of housing applicants who own a property in the UK or overseas that is considered suitable for their housing needs will not normally qualify for inclusion on an applicant's housing application.

Property can include narrow boats and caravans as well as other dwellings that are suitable for occupation and reasonable to occupy.

## **Savings / Investments / Assets**

Housing applicants with savings/investments or assets of £16 000 or more will not normally qualify for inclusion on the Housing Register.

Adult household members with savings/investments or assets of £16 000 or more may also be excluded from an applicant's housing application if they are considered to have sufficient funds to resolve their own housing situation.

## **Income**

Applicants with sufficient income to resolve their own housing situation may be excluded from the Housing Register. An applicant's income combined with savings of less than £16000 could be taken into account when making this decision.

## **Exceptions**

The Manager responsible for Allocations can agree exceptions in appropriate cases.

Those applicants to whom the Council has accepted a duty under Homelessness Legislation may not be included in this policy as it would not be in the best interests of the Council to delay getting such persons housed due to the high cost of temporary accommodation. However, adult household members meeting the criteria for exclusion under the guidelines could still be excluded from an applicant's homeless application for the purposes of assessing the size of property they require.

Those applicants applying for Shared Ownership will be included on the Shared Ownership Register for the purposes of assessing their housing need, but they will not normally be included on the General Housing Register or another applicant's housing application.

## **Exclusion from the Housing Register**

Should a decision be made to exclude an applicant, or a member of their household, they will be informed of this, with the right to request a review, and will be given

information as to how to source alternative accommodation and resolve their own housing needs through the open market or private sector.

## **Verification**

Applicants and their household members can be asked to provide evidence of their income, savings and assets in order to verify the affordability assessment. If an applicant fails to provide sufficient evidence, then their registration may not be able to proceed and they will not be included on the Housing Register or they will be removed if they are an existing applicant. If a member of their household fails to provide sufficient evidence, they will not be “counted” as a member of their household for re-housing purposes or assessing their housing need.

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## **Appendix IV – Employment and Right to Move**

This guidance on Right to Move relates to existing social housing tenants seeking to move for work and who are assessed as needing to move to Oxford for work and need this take into account the assessment of their housing need. This will not normally apply to social tenants living in Oxford or who live outside of Oxford but who are considered able to commute to Oxford. This is because there are excellent transport links to Oxford and within the City and many people commute to work within Oxford or from outside of the City.

The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967) (‘the qualification regulations 2015’) provides that local authorities must not disqualify certain persons on the grounds that they do not have a local connection with the authority’s district. Specifically, a local connection may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

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

### **Need to move**

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

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

Local authorities must be satisfied that the tenant needs, rather than wishes, to move for work related reasons.

Factors to be taken into account in determining whether a tenant needs to move to be closer to work or to take up a job offer include:

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

## **Work**

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

## **Short-term**

In determining whether work is short-term, factors considered will include:

- whether work is regular or intermittent (particularly if a person is self-employed) and;
- the period of employment and whether or not work was intended to be short-term or long-term at the outset (if a contract of employment is a zero hours contract or is intended to last for less than 12 months this will normally be considered short-term).

## **Marginal**

In determining whether the work is marginal or not consideration will include both:

- the number of hours worked (employment of less than 16 hours a week could be considered to be marginal in nature. This is the threshold below which a person may be able to claim Income Support and the threshold for a single person's entitlement to Working Tax Credit. However, the level of earnings will also be considered); and
- the level of earnings (and whether it is regular).

## **Ancillary**

Work must not be ancillary to work in another local authority's district. This means that, if the person works occasionally in the local authority's district, even if the pattern of work is regular, but their main place of work is in a different local authority's district, the work will not meet the qualification criteria for the Right to Work regulations

A further relevant consideration would be whether the tenant is expected eventually to return to work in the original local authority district. If the Council has reason to believe this is the case further verification will be sought from the tenant's employer.

A person who seeks to move into a local authority to be closer to work in a neighbouring authority – for example, where the transport links are better in the first local authority's area – is also excluded from these Regulations.

### **Voluntary work**

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

### **Apprenticeship**

The term 'work' includes an apprenticeship. This is because an apprenticeship normally takes place under an apprenticeship agreement which is an employment contract (specifically a contract of service). A copy will be requested in such instances.

### **Genuine intention to take up an offer of work**

Where a tenant has been offered a job and needs to move to take it up, they must be able to demonstrate to the Council's satisfaction that they have a genuine intention to take up the offer. A letter of acceptance may be requested and the employer will normally be contacted to verify the circumstances. Additional information may also be required including:

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