

OXFORD CITY COUNCIL ALLOCATION SCHEME

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This document forms part of the Policy Framework of Oxford City Council.

Agreed by Council on:

Effective from:

1 Introduction

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 housing associations 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 all housing.

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 system known as “Choice Based Lettings”. This allows applicants 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.

Oxford City Council has also formed a partnership with other district councils in the local area. Applicants to Oxford City Council may therefore have an option to move outside the City using Oxford City’s application process. Similarly, applicants from partner councils may be able to move into Oxford using their own council’s applications process.

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 housing accommodation held by a housing authority; *or*
- b) the nomination process by which a person becomes a secure or introductory tenant of housing accommodation held by another person (i.e. one of the authorities or bodies fulfilling the landlord condition mentioned in the Housing Act 1985, s.80); *or*
- c) the nomination process by which a person becomes an assured tenant of

housing accommodation held by an RSL

Bidding

Applicants expressing an interest in a property where they would like to be housed. An applicant must be eligible for that type of property

Choice Based Lettings

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

Common Housing Register

Instead of the Council and housing associations keeping their own different waiting lists, applicants join a single waiting list for housing (ORAH)

General Register

The General Register is the waiting list held by Oxford City Council, on behalf of the ORAH Partnership, open to all persons over the age of 16 who are not current tenants of Oxford City Council or one of our partner RSLs and who are eligible for an allocation of social housing, including those persons to whom Oxford City Council owes a duty under the homelessness legislation

Home-Seeking Applicants

Members of the public who have been accepted onto the ORAH's general register as being eligible to apply for social housing

Home-Seekers

People looking for housing, not yet accepted onto the ORAH

Oxford Register for Affordable Housing (ORAH)

Social housing owned by the Council and its partner housing associations 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.

RSL

A Registered Social Landlord. The official name for housing associations, housing cooperatives and housing companies that are registered with the Housing Corporation

Social Housing

Low cost housing that you rent or part rent/part buy from a council, housing association, charity or faith organisation

Transfer Applicant

A secure tenant of Oxford City Council or an Assured tenant of one of our partner RSLs whose application has been accepted onto the ORAH transfer register

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 RSLs' 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, including directing applicants to private rented stock in appropriate circumstances
- To allow home seekers to express choice in selecting their accommodation wherever possible
- To provide clear and easy to understand information to allow home seekers to make informed choices
- To set out clear standards so that home seeking and transferring applicants know what to expect
- To offer appropriate advice to home seekers 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

2 Responsibilities

2.1 The Council's Responsibilities

2.1.1 The Legal Framework

The Council operates within all relevant legislation, including, but not exclusively: 1985 and 1996 Housing Acts 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 Code of Guidance on Allocations.

2.1.2 Reasonable Preference

The Council is required to give reasonable preference to the following categories of person:

- Those who are homeless or threatened with homelessness or to whom a duty has been accepted (within the meaning of the Housing Act 1996 as amended by the Homelessness Act 2002)
- Those in unsanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- Those who need to move on medical or welfare grounds, including 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.

2.1.4 Information Provision

The Council is required to provide information about:

Allocation Scheme

The Council will provide a free summary of the Housing 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 copy and summary will be available on the Council's website at www.oxford.gov.uk

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 Data Protection Act and will be subject to appropriate confidentiality. See section 3.6 below

Additional Information

Oxford City Council exceeds the statutory requirement to provide a statement on choice by providing all Choice Based Lettings applicants an information pack.

Applicants have the right to be told in writing if we refuse to give any preference in the scheme because of unacceptable behaviour which is so serious that the Council could have been able to obtain a possession order if the person had been a secure tenant of the Council (s160A (9) of the Housing Act 1996 (see section 7.1 on Reviews below)

2.2 Equality and Diversity

2.2.1 Oxford City Council's aims in promoting equality and diversity:

- Oxford City Council acknowledges and values the diversity of people who live in Oxford
- Oxford City Council 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
- Oxford City Council 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
- The Council has produced a Black Minority Ethnic housing strategy whereby it has committed to improve its monitoring of take up of housing services by different groups

In framing this allocation scheme, Oxford City Council complies with legislation, and in particular, the obligations imposed on it by:

- The Housing Act 1996 as amended by the Homelessness Act 2002
- The Race Relations Act 1976 (in particular s.71)
- The Disability Discrimination Act 1995 (in particular s.49A)
- The Human Rights Act 1998 (in particular article 8 of the European Convention)

- The Freedom of Information Act 2000 (in particular s.19)

Section 71 of the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) requires specified bodies, including local authorities, to have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups. The aim of this provision is to make the promotion of racial equality central to the way relevant services are designed and delivered.

Section 49A of the Disability Discrimination Act 1995 (inserted by the Disability Discrimination Act 2005) introduces a duty to promote disability equality which is applicable to all public bodies, including housing authorities. This duty came into force in December 2006. It includes, amongst other things, the requirement to have due regard to:

- the need to promote equality of opportunity between disabled persons and other persons;
- the need to eliminate unlawful discrimination; and
- the need to take steps to take account of disabled persons' disabilities, including where that involves treating disabled persons more favourably than other persons

2.3 Targets and Monitoring

2.3.1 Annual Lettings Plans

The Annual Lettings plan is designed to set a percentage quota for the allocation of property to different groups of applicants: general register applicants, transfer applicants and applicants who have been accepted as statutorily homeless, in order to best balance their competing demands and needs. The full Council will approve the annual lettings plan setting out the percentage of allocations to be made to each group.

In setting targets, Oxford City Council will take into account the size and composition of the waiting list; ie:

- the proportion of applicants in the reasonable preference categories
- the proportion of existing tenants seeking a transfer and new applicants who do not have identified housing needs
- the size and type of properties which the different categories of applicants require
- the profile of their stock and the vacancies which are likely to become available including new build developments

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. The decision to implement a local lettings plan will be approved by the Executive Board 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' 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.

The Council's allocation monitoring process is also subject to its adopted Black and Minority Ethnic (BME) Strategy. This strategy and its recommendations are available from the Council's website or the Council's offices.

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 and does not necessarily mean that the applicant will be considered for accommodation suitable for disabled people. Such property is only allocated on the recommendation of the Council's Health and Housing Assessment Panel.

2.4 Verification

2.4.1 All documents must be verified in line with the Council's verification processes

and anti-fraud processes.

All staff who accept applications and accompanying documents (both at Oxford City Council and the ORAH partner Registered Social Landlords) must be trained in these processes.

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 Data Protection legislation.

The purpose of information sharing is:

- to assist in addressing housing need
- to enable the provision of appropriate assistance and support
- to combat fraud
- to improve risk assessment
- to help create sustainable tenancies
- to 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 and its partner organisations (members of ORAH, and district authorities who are part of the Oxfordshire sub-regional Choice Based Lettings scheme) will share information about prospective tenant's past and current circumstances in order to make better allocation decisions.
- Oxford City Council and its partner organisations will share information with appropriate organisations and agencies to assess a prospective tenant's housing need and support requirements.
- Oxford City Council and its partner organisations may contact landlords of properties lived in by prospective tenants for references, including financial references.
- Oxford City Council and its partner organisations may verify any information which the customer has provided.

Customers should note that, where consent is refused, it may not be possible to process a housing application

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 serious risk to the customer or a third party. In such cases a risk assessment and proportionality test will be conducted.

2.6 Applicants' Responsibilities

2.6.1 Supplying information

- Applicants are responsible for giving full and accurate details on all forms and correspondence 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 from the Council or ORAH partnership which needs a reply
- Applicants who are made an offer should let the Council know their decision about whether to accept it within the timescale specified
- Where information is not supplied the Council or ORAH will draw reasonable inference from this failure

2.6.2 False Statements

Applicants who give false or misleading information may be removed from the ORAH housing register, and may be liable to prosecution. Tenancies obtained as a result of false or misleading statements may be terminated.

2.6.3 Deliberately Altering Circumstances

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

3 Application and Assessment

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

3.1.1 What is the Oxford Register for Affordable Housing (ORAH)?

The Oxford Register for Affordable Housing is a single housing register operated by Oxford City Council, together with partner Registered Social Landlords 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 a suite of information leaflets to guide applicants. These are available from local offices including from partner Housing Associations. Applicants can go to any of these offices for information, advice and support.

3.2 How to Apply

3.2.1 New Applicants Who Are Not Currently Residents With Oxford City Council or One Of The Partner Housing Associations

New applicants should read the relevant leaflet on Housing Options available from any of the local offices. Applicants can also seek advice on the range of housing solutions that may meet their needs from the Housing Options team at the Council.

3.2.2 Older Applicants

A separate pack is available for older people who want to apply for Sheltered Housing. This includes a brochure giving general advice about housing for older people and specific detailed information on all sheltered housing schemes in the City.

3.2.3 Transfer Applicants

Applicants who are already tenants of Oxford City Council or one of its partner associations should approach their own landlord for a transfer pack and return the completed form to their landlord. The landlord will check the form and complete a reference before forwarding this onto the Housing Needs Team. Transfer applicants are also encouraged to apply for a mutual exchange.

3.2.4 Joint Applicants

Applications from partners who are cohabiting may be registered as joint applications 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 applications (for example due to relationship breakdown) but wish to remain registered, the application will continue in the name of a partner with residency and parenting responsibilities. The remaining applicant may make a new application in their own name, with a new application date. Couples with no dependents each have to re-register separately, with a new application date.

There are number of other options for applicants which are dealt with in *section 6*

3.3 Eligibility for Allocation of Housing

3.3.1 Who is Eligible?

The below sections provide information on who is eligible to joint the Oxford Register for Affordable Housing. Once on the 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 more applicants than properties available.

3.3.2 The General Register

ORAH's general register includes lists for homeless and non-homeless applicants, and move-on applicants

ORAH's general register is open to most people to join. *Section 3.4* below lists those people who are **not** eligible to join.

3.3.3 Transfer Applicants

The ORAH transfer register is open to secure or introductory tenants of Oxford City Council, or assured tenants of one of our partner Housing Associations (see Appendix VII), will be placed on the Transfer Register. Introductory tenants who transfer will remain introductory tenants until the end of the twelve month period running form the date of the start of the original tenancy.

Transfer cases are given priority for an allocation of housing on the same basis as General Register applications, each application 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 (or introductory) tenant of the Council or an assured tenant of a Registered Social Landlord (such as an Housing

Association) the tenant cannot be disqualified from receiving an allocation of housing on the basis of their immigration status - section 160 A (6) of the Housing Act 1996.

There are a number of locally determined additional preferences which, because they relate to specific rights of secure and assured tenants, or to the management needs of the Council, are applicable only to Transfer Register applicants. These include additional preference for tenants who are currently under-occupying Council or housing association properties and wish to move to a smaller home, and are dealt with in *Section 4* of this document.

See also section “under occupation” *section 7.2* for details of the Removal Expenses and Mobility Scheme (REMS) for transfer applicants who are “downsizing”.

3.3.4 **Age of Eligibility**

Applicants are eligible to join the register from the age of 16.

Applicants under the age of 18 who are eligible can only be considered for some supported properties held by our RSL partners

3.4 **Who is Not Eligible?**

3.4.1 **Persons From Abroad, Who Are Subject To Immigration Control**

Persons from abroad, who are subject to immigration control are generally ineligible for an allocation of social housing. However certain groups are exempt and, although subject to immigration control, are eligible for an allocation through the General Register. These groups are:

- 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)
- EEA Nationals (a national of the EU plus Norway, Liechtenstein, Iceland and Switzerland) who are habitually resident in the Common Travel Area (CTA) (the UK, Isle of Man, Channel Islands and the Republic of Ireland) or is a worker, self employed, financially self sufficient, an accession state worker employed by a registered employer or a student (plus certain others such as family members of these groups regardless of nationality and those who have retired with a permanent right to reside). Note that although Jobseeker status gives an EEA national the right to reside in the UK a jobseeker is not eligible for an allocation
- Persons with Refugee status
- Persons with humanitarian or exceptional leave or indefinite leave to remain - where the leave was not subject to a condition that they are not a burden on public funds which includes social housing.
- Although British nationals from abroad are not subject to immigration control the Secretary of State has prescribed that British nationals **from abroad** who are not habitually resident in the CTA must establish habitual residence to be eligible for an allocation

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

3.4.2 **Applicants No Longer Meeting The Eligibility Criteria**

Unless prior agreement has been made, applicants no longer meeting the eligibility criteria will be removed from the register, and notified in writing for the reasons for the application cancellation. Applicants have the right to a review of this decision (see reviews and appeals *section 7.1*).

3.5 **Who is Unlikely to be Housed or Re-housed?**

3.5.1 **Behaviour which may affect an Applicant's Eligibility to join the Register, or be Housed**

When the Council allocates accommodation, we need to be sure that the applicant can behave in a tenant like manner. This is an important part of creating and maintaining sustainable communities. We also need to know that tenants can manage a rent account satisfactorily.

3.5.2 **Unacceptable Behaviour**

Oxford City Council and its ORAH partners take antisocial behaviour very seriously. The Housing Act 1996 S160A (7) (amended by the Homelessness Act 2002) allows local authorities to regulate the allocation of housing to home seekers who have themselves, or whose household members have been responsible for unacceptable behaviour

The behaviour must have been sufficiently severe to entitle the Council to obtain a Possession Order, should that tenant have been a tenant of the Council at the time of the behaviour.

The types of behaviour specified in the Act are as follows:

- Rent arrears or breach of tenancy
- Behaviour which is a nuisance or annoyance to those in the locality of the dwelling; or 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 violence causing a partner or other family member to leave the property
- Deterioration of the dwelling house or furniture provided for use under the tenancy due to waste, neglect or fault
- Tenancy induced by false statement

3.5.3 **Rent Arrears Owed to an ORAH Partner**

Where a tenant has been evicted by a court for rent arrears owed to Oxford City

Council or to an ORAH partner RSL, or where there is a possession order against them for rent arrears to the same, the home seeker will not usually be able to register with ORAH until they have proved that they are suitable to become tenants of the partners.

Suitability can be demonstrated by clearing the debt in full or making a repayment agreement with the creditor landlord, and adhering to it for at least 6 consecutive months. The senior manager responsible for allocations within Community Housing at Oxford City Council will decide whether a former tenant can be registered as a home seeker. This may include situations where the Landlord has terminated an Assured Shorthold Tenancy without specifying a ground such as arrears.

Where a tenant has been evicted by an RSL partner, and allowed to join the register as a home seeking applicant, they will not be not be nominated to that RSL landlord except in exceptional circumstances and with the agreement of that RSL landlord.

Where a tenant has been accepted onto the register, having kept to the repayment arrangement for at least 6 months, but later defaults, the suspension maybe re-imposed.

3.5.4 Rent Arrears Owed to a Private Landlord or non-partner RSL

If an home seeker has been evicted from an Assured (Shorthold) Tenancy on a rent arrears ground by a private landlord; Oxford City Council will consider whether that home seeker can demonstrate the ability to maintain a rent account before allowing them to register as an applicant.

3.5.5 Former Tenants With No Security Of Tenure

Former tenants who have lost security of tenure (who may also be referred to as tolerated trespassers) cannot register for a transfer or mutual exchange

3.6 Deferred Applications

3.6.1 Applicants in the following categories may apply, but are deferred as follows:

- Applicants living in tied accommodation - until they have a notice to leave the accommodation
- Members of HM forces - until they have a discharge date.
- Applicants currently in prison - until a release date is agreed and confirmed.

When the above dates and criteria have been met, applicants may be awarded a place in a band. Applicants may start to bid for properties as soon as they have been accepted onto the register and, as long as their tenancy would not start before they are free to take up the tenancy in full.

3.7 Applicants Unlikely To Be Re-Housed Due To Financial Circumstances

3.7.1 The Council may take the financial circumstances (ie assets and income) of applicants who fall into one or more of the reasonable preference groups, listed in this document, into account when determining priority for an allocation. 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 given a “nil priority award” by housing officers.

3.8 How the Council Manages Home Seekers Ineligible to be Re-housed

3.8.1 The Council may impose a sanction or condition on the applicant in one of the following ways:

- a) Where the behaviour of a home seeker or a member of the home seeker’s household is unacceptable, as described above; where the applicant has not demonstrated financial responsibility; the Council may not register the application
- b) Where the applicant is in a reasonable preference group but has sufficient means to secure alternative accommodation, the Council may register the application but award it a nil priority
- c) Deferred applicants. The application will not be assessed until the applicant is eligible to bid
- d) Where information is available that would make previous behaviour unacceptable in the new tenancy circumstances: e.g. in cases where offences have been committed which mean that the safety of others needs to be a priority (eg a Schedule 1 offender will not normally be allowed to live in a property near to a school or nursery; an harasser will not normally be allowed to live near their victims); also in cases where rent arrears arrangements have broken down, the Council may: not make an offer to the highest bidding applicant

This will be at the decision of the manager responsible for allocations, in consultation with the Council’s legal services department

3.8.2 Duration Of Sanctions Or Conditions

Where sanctions or conditions are imposed as described in section 3.8.1 above, the duration will usually be as follows:

- a) For unregistered applications the sanction for anti social behaviour will normally last for a minimum period of 2 years after which the applicant must be able to prove that the exclusion is no longer valid

In the case of rent arrears, the applicant must have kept to a repayment arrangement for a minimum of 6 consecutive months, or until they have demonstrated financial responsibility in accordance with 3.5 above

- b) Where a home seeker's circumstances change significantly they may reapply. In the case of deferred applicants, this is outlined in 3.6 above
- c) Where an offence has been committed which potentially compromises another person's safety, this condition may be permanent.

3.9 Household Make-up

3.9.1 Households with Dependants

3.9.2 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 parents.

3.9.3 Day To Day Residence and Parenting Responsibilities

In making an assessment of whether a child can legitimately appear on an application, officers should seek to determine who the child normally lives with. 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, evidence for this must be available, eg a written agreement and / or sanction of Social and Community Services, or a residence order from the Courts. 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 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 Residence Orders or make a written agreement with the mother. This is often 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.

3.9.4 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), proof must be obtained of legal guardianship or confirmation from Social and Community Services that this action is necessary and permanent.

3.9.5 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, or where a new partner requires a separate bedroom). Such cases must be thoroughly investigated, and discretion rests with the Allocation Officers (as defined in *Appendix 2*) 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 full time residential care may include the carer on their application. Proof of the requirement should be sought from Social and Community Services or 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). A separate bedroom grouping should be recorded so that the household is eligible for the correct size of property.

3.9.6 Expectant Mothers

Expectant mothers should provide a MATB1 or other adequate proof of

pregnancy from a health professional (followed by a MATB1). Expectant mothers will be placed in an appropriate band. Up to three months before the expected date of delivery, an applicant may bid for a property based on the number of people who form part of the household at that point, ie: property eligibility is determined by the actual number of people living in the household at the time of the bid. From three months before the expected date of delivery, eligibility will be as if the child had been born. If a time limited priority is awarded, officers have the discretion to start this from the expected date of delivery of the child.

3.9.7 Fostering

Families undertaking long term fostering are 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 defined as being fostering for a period in excess of three years (not necessarily involving the same child or children). It is essential that written confirmation of the fostering arrangement be obtained from Social and Community Services.

Short term fostering is discounted.

3.10 Assessment and Priority for Allocation

3.10.1 Assessing Transfer and General Register Applications

All applications require officer assessment of contents 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 vital 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 (including persons accepted as statutory homeless moving between temporary accommodation addresses) a new application form should be completed, and the application re-assessed.

All applicants are expected to have been visited, at least once, by an ORAH officer, before an offer of permanent accommodation is made.

3.11 Exceptional Circumstances Panel

3.11.1 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 Choice Based Lettings Banding Scheme. 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 compound 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 compound need
- To award additional priority within the banding scheme, where appropriate
- To make decisions on whether to give a “commitment to re-house previous tenants who have surrendered, or 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 settled 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
- Be overseen and monitored by the ORAH partnership board

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 Oxford City Council’s Tenancy Services or Housing Needs Officers or by their equivalents in our partner RSLs. 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.

Any additional priority awarded by the Exceptional Circumstances Panel will be

made for a minimum of 3 months in the first instance. The home seeker's circumstances will be monitored and the award can be renewed if appropriate, or withdrawn where the home seeker'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, a direct offer may be made.

The Exceptional Circumstances Panel will consist of senior officers from the City Council and the Associations.

The Exceptional Circumstances Panel can make the following awards:

- Exceptional Priority (Band A)
- Urgent Priority (Band B)
- Commitment to Re-house (Band B)
- High Priority (Band C)

Housing Needs Officers using the set protocols may make an award of Significant Housing Need (Band D) see Appendix VII.

An award from the Exceptional Circumstances Panel cannot be combined with any other award to create entitlement to move into a higher priority band.

3.12 Health and Housing Assessments

3.12.1 The Health and Housing Assessment Panel 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 Choice Based Lettings Banding Scheme.

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 increase consistency of assessment
- 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 Housing Need (Band B)

- Significant Housing Need (Band D)

Housing Officers, using the set protocols, may make an award of Identified Housing Need (Band E).

Where a household has more than one person with a health need, the HAHA Panel (or housing officer following the HAHA protocol) should award the applicant 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 officers, or the HAHA Panel feel that this award is inadequate given the multiple needs of the applicant 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.

3.13 How Applications are Processed

- 3.13.1 Once an application has been accepted at a local office it is sent through to the Housing Needs Team. This is done by hand, by courier or by recorded delivery to ensure safe arrival.

Once received in the team applications are logged on to the database system and assessed by Options and Allocation Officers. The forms include a number of 'trigger' questions, which may prompt, for example, a support needs assessment or health and housing assessment. Once the housing needs team has received an application it should be assessed within 10 working days.

Once assessed, applications are put into the correct band and the applicant will receive notification of their banding, the reason for it and the effective application date.

The Housing Needs team will maintain the database until the applicant is housed. This includes updating changes of circumstance, and carrying out regular reviews of the list.

3.14 Re-registering and Change of Circumstances

- 3.14.1 Applicants must re-register annually when they are sent a review form. They must inform the Council if there have been any changes in their circumstances. If the review form is not returned the application will be cancelled

Applicants have a responsibility to ensure they update any changes in circumstances such as someone joining or leaving the household as these happen by completing the change of circumstances form. If an applicant moves house they need to complete a new application form and to be reassessed.

4 The Banding Scheme

4.1 Banding

Once accepted as eligible by the Council to join the housing register, applicants will be placed into one of six bands, which have been designed to reflect broad categories of housing need and to enable Oxford City Council to meet its responsibilities to applicants in reasonable preference groups. The bands cover all categories of housing need, from very high to very low.

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

Where applicants have compound needs, that is they fulfil more than one of the requirements for eligibility for a band, they will progress to the next band.

An award from the Exceptional Circumstances panel will not count towards acquiring cumulative priority to progress to a higher band.

4.2	Band A – Exceptional Priority	
4.2.1	Exceptional Cases (ECP)	Any applicant awarded an exceptional category by the ECP Panel ('life and limb' cases; multiple composite need cases, 'place of safety' homeless cases and other exceptional cases)
		<i>See section 3.8.2 on Exceptional Circumstances panel for more details</i>
4.2.2	Temporary Decants	Any tenant of Oxford City Council or its partner RSLs to whom the manager responsible for allocations awards a temporary decant category (where refurbishment or repair work is required and ready to go on-site, and which cannot be done with a tenant in situ)

		<p><i>This category is used only for temporary moves while modernisation, refurbishment, or repair work is undertaken. This award 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 at Oxford City Homes, or other contractor, as appropriate.</i></p> <p><i>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.</i></p>
4.2.3	Permanent Decants	<p>Any tenant of Oxford City Council or its partner RSLs to whom the Manager responsible for allocations awards a permanent decant category (where property is to be disposed of or redeveloped, and tenants require re-housing, or have been given the option of not returning)</p> <p><i>This category is used for permanent moves where properties are to be sold, demolished, or otherwise disposed of, or where tenants have been given the choice of not returning to a property following refurbishment or remodelling. This award is authorised by the manager responsible for allocations, and must be made in consultation with the relevant senior managers at Oxford City Homes or other contractor, as appropriate.</i></p> <p><i>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.</i></p>
4.2.4	Succession Cases	<p>Any tenant who is awarded a succession category, where a person has the right to succeed to a tenancy, by law, but the accommodation succeeded would exceed their requirements</p> <p><i>This category is awarded to legal successors only (not “policy successors” under this scheme). It applies where a tenant would be under-occupying the property following the succession, or where the property has significant disabled adaptations no longer needed.</i></p> <p><i>Spouses and civil partners may be given this band if they wish, but do not need to move on the basis of under-occupation.</i></p> <p><i>See section 8.1 on succession for more details</i></p>
4.2.5	Otherwise Excluded Successors	<p>Any tenant who would have been entitled to a succession, but is not, because one previous legal succession has already taken place</p>

		<i>This includes: those who would have succeeded had one legal succession not already taken place (including a joint to sole tenancy or an assignment). This is on the authorization of the Tenancy Operations Manager. See section 8.1 on succession for more details</i>
4.2.6	Under Occupation A	This applies to applicants giving up family accommodation with 2 or more bedrooms in excess of their requirements. See section 7.2 on under occupation for further details
4.2.7	Statutory Requirements	Any tenant application from a household that has been declared statutorily overcrowded in their current accommodation, or where other statutory notices such as Prohibition or demolition orders have been made <i>This applies where a statutory notice has been issued by the environmental health department eg if an unfit property is to be demolished (HA85)</i>

4.3	Band B - Urgent Priority	
4.3.1	Under Occupation B	Any under occupying tenant of the Council or a partner organisation who wishes to downsize from family accommodation into a smaller property. The Council and some partner RSLs may from time to time offer incentives to its tenants to downsize to smaller accommodation <i>This applies to applicants giving up family accommodation with 1 bedroom in excess of their requirements. See section 7.2 on under occupation for further details</i>
4.3.2	Health and Disability Urgent Award (HAHA)	Any applicants awarded an urgent priority health award by the Health and Housing Assessment panel on the recommendation of a health professional through the health and housing assessment protocols <i>See section 3.8.4 on Health and Housing for more details</i>
4.3.3	Urgent Cases (ECP)	Any applicant awarded an urgent priority award by the Exceptional Circumstances Panel (serious harassment cases, multiple composite need cases not otherwise addressed through the banding system and other urgent cases)
4.3.4	Commitment To Re-House	Any new application from a previous tenant to whom the ECP Panel gave a 'commitment to re-house' as they surrendered a tenancy

		<p><i>In certain cases a commitment to re-house a tenant who has given up, or wishes to give up, their tenancy may be made. by the Exceptional Circumstances Panel. Examples of cases where such an agreement might be appropriate are; elderly or unwell tenants struggling to maintain a tenancy, and needing a period of hospitalisation or respite care, or homeless applicants who successfully pursue a review of the suitability an allocation after accepting a property and moving in.</i></p> <p><i>In all such cases, when an application is received from a person to whom such a commitment has been made, and officers are assured that the applicant is ready and able to take up a permanent tenancy, the applicant will be awarded this band.</i></p>
4.3.5	Move On Schemes	<p>Any application from a person awarded a Move-on category and who has been referred through the move-on scheme protocols from move-on projects or the move-on scheme for care-leavers</p> <p>Move on Scheme: Single Homeless Projects: <i>Applicants are awarded this category in accordance with protocols agreed between Oxford City Council and some voluntary sector hostels. Applicants must be ready to move to independent, permanent accommodation.</i></p> <p>Move on Scheme: Care Leavers <i>Applicants are awarded this category in accordance with protocols and agreed between Oxford City Council and Oxfordshire County Council Social and Community Services. Applicants must be former "Relevant Child" as defined by the Children (Leaving Care) Act 2002</i></p> <p><i>Officers with responsibility for these schemes must be assured by the involved professionals that the applicant is genuinely prepared for a move to secure independent housing, and that ongoing support is in place where needed, in accordance with agreed protocols for operating the schemes.</i></p>
4.3.6	Overcrowded Two Or More Bedrooms Short	<p>Applicants that are two or more bedrooms short of their accommodation requirements</p> <p><i>See bedroom size matrix appendix IV</i></p>
4.3.7	Compound Needs	<p>Any applicant who meets 2 or more categories in Band C</p>

4.3	Band C – High Priority	
4.3.1	Statutory Homeless In Temporary Accommodation	<p>Applicants to whom the Council has accepted a statutory homeless duty and placed in temporary accommodation</p> <p><i>This category is awarded to applicants to whom the Council owes a duty under Homelessness legislation. Temporary accommodation means accommodation supplied by, or on behalf of, Oxford City Council for the above applicants. It does not include people in Home Choice accommodation</i></p>
4.3.2	High Priority Cases (ECP)	<p>Any applicant awarded a high priority award for special welfare or hardship needs by the Exceptional Circumstances Panel (harassment cases, high priority cases, welfare and hardship cases, multiple composite need cases not otherwise addressed through the scheme)</p> <p><i>See sections 3.8.3 –3.8.4 on Exceptional Circumstances panel for more details</i></p>
4.3.3	Unsatisfactory Housing/ Lacking Facilities (Major)	<p>Applicants living in accommodation that the Environmental Health department has assessed under the HHSRS and is deemed to have a category 1 hazard where the most satisfactory course of action is the service of an Improvement Notice, or applicants that lack either a bath/ shower, a toilet, cooking facilities, running hot water supplies, electric/gas, or adequate heating.</p>

		<p><i>To be awarded this category, applicants will need a written confirmation from Oxford City Council's Environmental Health Service (or, when coming from out of area, their local authority's EHS) and that their current accommodation is deemed to have a category 1 hazard as assessed under the Housing Health and Safety Rating System (HHSRS) where the most satisfactory course of action is the service of an Improvement Notice.</i></p> <p><i>Applicants can also be awarded this category if they lack any of the following:</i></p> <ul style="list-style-type: none"> • <i>A bath and shower</i> • <i>A toilet</i> • <i>Cooking facilities</i> • <i>Running hot water supplies</i> • <i>Electric or gas needed for essential activities</i> • <i>Adequate heating</i> <p><i>Where any of the above are in dispute, the EHD will be asked to verify the adequacy of facilities in accordance with current legislation</i></p> <p><i>The award will be reviewed after three months</i></p>
4.3.4	Compound Needs	Any applicant who meets more than one category in Band D

4.4	Band D – Significant Housing Need	
4.4.1	Homeless	Applicants who are deemed to be homeless, but to whom the Council has not accepted a full homeless duty or whom the allocations team have accepted as of no fixed abode
4.4.2	Health And Disability – Significant Priority Award (HAHA)	<p>Any applicants awarded a significant priority health award by the HAHA panel on the recommendation of a health professional through the health and housing assessment protocols</p> <p><i>See section 3.8.5 on Health and Housing for more details</i></p>
4.4.3	Overcrowded – 1 Room Short	<p>Applicants that are one bedroom short of their accommodation requirements</p> <p><i>See accommodation size matrix appendix IV</i></p>
4.4.4	Lacking Facilities (Minor)	Applicants that lack a either a living room or a kitchen

4.4.5	Unsatisfactory Housing (Minor)	<p>Applicants living in accommodation that the Environmental Health department has assessed under the HHSRS and is deemed to have a category 2 hazard, where the most satisfactory course of action is the service of an Improvement Notice</p> <p><i>To be awarded this category, applicants will need a written confirmation from Oxford City Council's Environmental Health Service (or, when coming from out of area, their local authority's EHS) and that their current accommodation is deemed to have a category 2 hazard as assessed under the Housing Health and Safety Rating System (HHSRS) where the most satisfactory course of action is the service of an Improvement Notice.</i></p> <p><i>Where any of the above are in dispute, the EHS will be asked to verify the adequacy of facilities in accordance with current legislation</i></p> <p><i>The award will be reviewed after three months.</i></p>
4.4.6	Gender Overcrowding	<p>Applicants (or members of their household), where two people of the opposite sex have to sleep in the same room, and are not either:</p> <ul style="list-style-type: none"> • Married, or living together as if married, or • Both under ten years old <p><i>This applies to permanent arrangements: ie, not to occasional visits. Where in doubt, verification should be sought on family arrangements. See section 3.7.1 on households with dependents.</i></p> <p><i>Where there is dispute as to whether 2 people are living together as if married, verification should be sought on living arrangements.</i></p>
4.4.7	Significant Priority Award On Welfare Grounds (ECP)	<p>Any Applicant who has been awarded significant priority through the Exceptional Circumstances Panel protocols including: applicants, or a member of their household who require settled accommodation due to vulnerabilities; applicants, or a member of their household, who need to move to a particular locality (where failure to do so would cause hardship to themselves or others, e.g. to give or receive care)</p> <p><i>See sections 3.8.2 – 3.8.5 on Exceptional Circumstances Panel and HAA for more details</i></p>

4.5	Band E – Identified Housing Need	
4.5.1	Insecure Tenancies	Applicants whose private rented sector landlord has commenced court possession proceedings against them

		<p><i>This refers to applicants in private rented sector accommodation, where the applicant has an Assured Tenancy, an Assured Shorthold Tenancy, or a licence to occupy. It does not apply to Excluded Occupiers or short term bare licences (eg lodgers, or those living with family or in hotel type accommodation).</i></p> <p><i>The landlord must have commenced legal possession proceedings against the applicant and have obtained a court order entitling her/him to regain possession. The fact that the landlord has served a Notice to Quit, has written a letter, or has a court date, are insufficient.</i></p> <p><i>Where the landlord is threatening an eviction without a court order, or not in accordance with the court order, the applicant will be referred to a Tenancy Relations Officer or other adviser to address the issues rather than being assessed for priority.</i></p> <p><i>Where the applicant has been illegally evicted, they should be treated as homeless, but should also be referred to a TRO or other adviser.</i></p>
4.5.2	Identified Housing Need Cases. (ECP)	<p>Any applicant awarded an identified housing need priority award by an officer, through the Exceptional Circumstances Panel protocols for health or welfare</p> <p><i>An Allocations Officer, following the Exceptional Circumstances Panel protocols can award this category.</i></p>
4.5.3	Identified Housing Need Award. HAH	<p>Any applicant awarded an identified housing need priority award by an officer, through the HAH protocols for health or welfare</p> <p><i>An allocations officer, following the Health and Housing protocols may make this award. See appendix VII</i></p>
4.5.4	Personal Circumstances	<p>Children (aged under 10) living above the first floor without a lift</p> <p>Applicants must have dependent children residing with them on a permanent basis for all, or part of, the week to qualify for this award see <i>section 3.7.2</i> on dependents for more details</p>
4.6	Band F – No Priority	
4.6.1	Nil Priority	Applicants who do not fall into the above bands or who have been given a “nil priority award” including Applicants with sufficient resources to secure alternative accommodation

4.7	Priority within Bands	
4.7.1	Date Order	Once a home seeker has been placed within a band, they will be usually be prioritised according to the date they were put into that band. An exception will be made where applicants have decreased priority, ie they go down one or more bands, in which case they will retain their original application date.
4.7.2	Local Connection	<p>Applicants who have no local connection should be assessed and placed in the appropriate band for their level of housing need. If applicants with local connection bid against applicants with no local connection in the same band, the applicant with local connection should be prioritised. See <i>section 5.16.2</i> below for information on local connection for inter-district moves.</p> <p><i>The 1996 Housing Act (Section 167(2A)(c) as amended by the Homelessness Act 2002) gives local housing authorities the power to take an applicant's local connection into account when determining additional priority within and between the particular groups of persons to whom they must give reasonable preference.</i></p> <p><i>Taking into consideration the high demand/ low availability housing situation in the city, and the high level of homeless households in temporary accommodation of all forms, Oxford City Council believes that it is imperative to give some measure of priority to all applicants who live or work within the city boundaries.</i></p> <p><i>Those applicants who work within the city boundaries, but do not live in the city, must work at least 16 hours per week to qualify. Proof of employment must be provided.</i></p> <p><i>Lodgers in Oxford City Council properties, which lie outside the city boundaries, are eligible for this award.</i></p>

4.8	Additional Guidance	
4.8.1	Time Limited Priority	In certain cases, placement in a band will be time limited. For example: the Exceptional Circumstances Panel may decide to extend an award for a limited period. In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, though the length of time will depend on the availability of accommodation needed by the applicant.
4.8.2	Change Of Circumstances	If a applicant is moved into a different priority group due to a change in circumstances, their application should be considered to be effective from the date they were placed into the new band

4.8.3	Exceptional Circumstances Panel Awards	An award from the exceptional circumstances panel cannot be compounded with another need to qualify for another band
4.8.4	Sanctions	<p>Applicants may be penalised where the behaviour of a home seeker or a member of the home seeker's family fulfils the criteria described in <i>section 3.5</i> the Council may impose a penalty on the applicant,</p> <p>Applicants at the top of the shortlist may sometimes not be made an offer of accommodation in accordance with <i>3.5 above</i></p> <p>Furthermore, a penalty may be imposed on a non-bidding applicant in accordance with <i>section 5.13 below</i></p>

5 Choice Based Lettings

5.1 Statement on Choice in Allocation

Oxford City Council welcomes government policy to increase the amount of choice offered to applicants for social housing. The introduction of Choice Based Lettings will greatly increase applicants' choice of location. It cannot make more social housing available, which will remain a scarce resource. The availability of feedback on previous lettings will enable home seekers to make informed choices about their future housing options; including whether to look at alternatives to socially rented housing and what types of properties are available.

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

Oxford City Council and its partner district authorities, run a separate, but compatible scheme for inter-district moves. See *section 5.16* below

5.2 Assisting Vulnerable Applicants

Staff from Oxford City Council (and its partner RSLs where technology allows) may assist home seekers 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 home seekers 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.

See Appendix VI on plan to increase access to choice based lettings

5.3 Advertising

All the members of the ORAH partnership are committed to advertising their properties as widely as possible. Empty properties will only be excluded from the advertising scheme for exceptional reasons, for example when the property is needed to deal with an emergency.

- Properties will be advertised on a regular cycle. The length of the cycle may be reviewed periodically
- Properties will be advertised in the following locations:
 - On the website
 - In newsheets available in all Council and RSL offices
 - In a PDF format sent to statutory and voluntary support agencies

- The Council may choose to advertise in other locations in the future
- All advertisements will carry a deadline by which the application for the property must be received. Any bids received after this deadline will be disregarded
- The advertisement will carry a photograph of the type of property, where available
- The advertisement will carry a floor plan of the property, where available
- The advertisement will carry a full description of the property, including the following details where available:
 - Type of property
 - Number of bedrooms/ number of people the property is suitable for
 - Location (street and area)
 - Any adaptation or a description of the level of accessibility for people with mobility difficulties
 - Services provided eg warden, caretaker; key worker
 - Heating type
 - 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

5.4 Properties in the Choice Based Lettings Scheme

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 home seeker only. See *section 5.14* on properties not in the choice based lettings scheme.

The labelling to be used is described below.

5.5 Advert Labels

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

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 and in the advertising medium. This will be clearer and easier to interpret than text, as well as making the descriptions shorter.

5.5.1 Homeless Applicants

The label will say 'preference for homeless applicants'

To qualify applicants will need to have confirmation that Oxford City Council has accepted a duty under the homelessness legislation

5.5.2 Non-homeless applicants/general register applicants

The label will say 'preference for non-homeless and general register applicants only'

To qualify applicants will need to have been accepted on to the general register, and not to have been accepted as homeless and in priority need

5.5.3 Transfer Applicants

The label will say 'Preference for applicants on the transfer list only'

To qualify applicants will need to be a tenant of Oxford City Council or one of its Partnership Associations. 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 its Partner Associations 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.

5.5.4 Sheltered Housing

The label will say "Sheltered housing. For applicants with an assessed support need only".

Sheltered housing is defined as housing with communal facilities and with visiting or residential staff support. Facilities usually include a communal common room, a laundry and a guest room. Properties are also linked to 24 hour emergency call centres for total cover 365 days a year. Property that is designated as sheltered housing will be clearly indicated on the advert label.

This housing is usually let to people over 60 who have an identifiable support need. Some properties have an age criteria of over 55. This housing may sometimes be let to younger applicants who would benefit from the support provided.

The property will be let to applicants who would like to move to sheltered accommodation and who have been assessed as having suitable support needs by a member of the allocation team, the elderly services team or a member of staff at one of our partner RSLs, and/or who meet the age criteria for the scheme. Support needs are assessed by carrying out a standard support needs

assessment at application stage.

Some sheltered housing is suitable for people with disabilities and this will be specified in the advert label.

The reason for labelling properties as for 'assessed support needs only' is to ensure these properties attract applicants who will benefit from the support provided. These properties also carry a 'support charge' which needs to be paid either by the tenant or through the Supporting People Fund. The fund is restricted to those with a need for the support provided.

5.5.5 **Other Specialist Housing for Older People**

There are two other categories of housing let to older people. These are

- Designated Elderly Two housing
- Designated Elderly One housing

5.5.6 **Designated Elderly Two Housing**

The label will say 'Housing with a community alarm. For applicants with an assessed support need only'.

Designated elderly two housing is defined as housing with a 24 hour community alarm provided. A community alarm provides 24 hour cover through a telephone link to a careline service, staffed by operators who can respond to calls and summon help as appropriate. (Such property may also be referred to a Category One sheltered property.)

This housing let to people over 55 (over 50 for some properties) who have an assessed support need for the community alarm service. The property may be let to younger applicants if they are deemed suitable for this kind of accommodation and support.

This need will be assessed through a support needs assessment. However the level of support required to be considered for this type of housing is generally lower than that for sheltered housing.

5.5.7 **Designated Elderly One Housing**

The label will say 'for applicants aged over 40 with no dependent children'.

This is housing that is let to people over 40 with no dependent children. There is no support provided although tenants can be assessed for a community alarm if they require this.

5.5.8 **Disabled Adapted Properties**

The label will say "for applicants with an assessed need for disabled adapted property only".

Disabled adapted properties are defined as properties which 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:

- Level access shower
- Ramps
- Stair lifts
- Lowered kitchen
- Ground floor kitchen and bathroom extensions

Assessment of a need will be validated 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 adaptation needed by short listed applicants. The reason for this is to ensure these properties are used to their maximum potential and to make best use of resources by not having to adapt properties elsewhere.

Applicants choosing to live in disabled adapted properties should not expect to have adaptations removed or to reinstate properties to their original condition (e.g. 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.

5.5.9 **Other Properties That May Carry An Advert Label**

Properties do become available that are for a defined client group (an example would be supported projects for young people). These will be labelled to indicate the client group for the particular scheme and bids will be restricted to this group. These schemes have specialist support for the identified client group.

Advert labels may also be applied to properties were a Local Lettings Plan is in operation in order to comply with its requirements.

5.6 **Bidding**

Applicants who are eligible can express an interest in (commonly known as "bid" for) a property. Applicants will 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 (eg elderly or disabled).

Bids can be made by the following methods:

- Automated telephone line (24 hour)
- SMS text
- Website
- Paper coupon available on request

- Assisted bidding in Oxford City Council offices

The Council may offer other methods as appropriate in future

5.7 Lettings Cycle

A letting cycle will consist of the following:

- All partners upload properties onto the Council's Choice Based Lettings database on a pre-agreed format
- The Council produces and distributes adverts, as described elsewhere, on behalf of the partners
- The advertisement and "bidding" period commences
- The bidding period closes
- The Council generates shortlists
- Council officers check shortlists for eligibility and verification purposes and forward to landlords
- Landlords arrange viewing
- Landlords offer tenancies
- If the applicant at the top of the shortlist refuses the property, the offer is made to the next short-listed applicant. This continues until a tenancy is agreed

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

5.8 Shortlists (The Selection Process)

The successful applicant for each property will be the one who is eligible, in the highest band, and who has the earliest registration date*. Each potentially successful applicant will be checked to ensure they are eligible and suitable for the property and an applicant will only be offered it where they meet the criteria. If an applicant is successful for more than one property they will be contacted and asked to express their preference.

(* Also see note on local connection in banding)

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 to where the tenant 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
- e) Authorising the making of a Direct Offer to an applicant (see Section

5.14)

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 and the band, waiting time and local connection of the successful applicant. The information will be available in the same media in which the properties are advertised, and will be regularly reported.

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 will include tables giving estimated waiting times by area and property type.

Oxford City Council will process all personal data in line with the Data Protection Act 1998 and relevant successive legislation. Where information is published about particular accommodation which 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 extreme cases, the Manager responsible for allocations may make the decision not to publish the fact that a property has been let.

Where direct lettings are made, for whatever reason, information about these lettings should normally be published alongside information about lettings made through the choice based lettings scheme.

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.

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

5.10 Refusals

Oxford City Council acknowledges that a “bid “is an expression of interest in a property and that applicants will not be in a position to make a firm decision until the property has been viewed.

There will be no penalty for refusing a property. However, there is a high demand for social rented accommodation and the Council and its partner RSLs want to let homes advertised through Choice Based Lettings as soon as possible so applicants should be encouraged to choose carefully before making a bid.

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 of the right size being advertised, the Council 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. We may also make a direct offer of accommodation in some circumstances, e.g. where an applicant lives in temporary accommodation supplied by Oxford City Council and is not bidding, despite suitable accommodation being advertised and help being offered.

5.12 Time Limits

There should be no time limits placed on applicants to become housed in permanent accommodation. This is in recognition of the scarcity of social housing in Oxford.

However, all applicants are encouraged and expected to actively engage with the scheme once they have registered.

5.13 Penalties

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

- An applicant is deliberately failing to bid when suitable properties have been advertised, or
- An applicant is turning down properties when they are deemed to have no valid reason for refusing the property when offered

Penalties may only be imposed by the Manager responsible for allocations after the following investigative steps have been taken:

Housing Allocations, Housing Options Officers or ORAH officers have met with the applicant and are satisfied that they understand the process (or have

arranged for another suitable officer to do so) and where the following apply:

Statutory Homeless Applicants to whom the Council has a duty

- Applicants have failed to bid on properties suitable for them, despite a reasonable number becoming available, *or*
- Applicants have refused multiple properties between bidding and viewing, *or*
- Applicants have refused multiple properties after viewing without reasonable grounds

In all cases, applicants should be warned in writing of the consequences and given a further reasonable period to bid on and accept a property. (At least 2 further opportunities to be housed)

Other Applicants

- Where the applicant has understood the process and is making a large number of unsuitable bids or viewing a large number of properties and refusing them, they should be warned of the consequences and given a further reasonable period to accept a property, (during which there have been at least 2 further opportunities to be housed)

Penalties available

- A direct offer may be made (in the case of homeless applicants). If the offer is refused, the application will be reviewed by the Options team with a view to ending the Council's statutory homeless duty (see *section 5.14* on properties in CBL)
- An applicant may be suspended from bidding for up to one year.
- An applicant may be given "nil priority" (general register or transfer applicants). Their priority will be reviewed annually at the renewal date for their application (see *section 4.13* on nil priority)

5.14 Properties not advertised through CBL (Direct Offers)

Oxford City Council may not advertise certain properties if they are needed for management reasons. This may include temporary lettings as emergency accommodation for homeless families, some types of supported housing, direct lettings to national mobility schemes or emergency inter-district transfers for some RSL partner properties.

In other cases, for example very highly adapted properties or for applicants with very individual needs, 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 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 applicants wherever reasonably possible.

5.15 Hard to Let Properties

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.

At the discretion of the Manager responsible for allocations, such properties will be let on a “first come, first served” basis; that is, any applicant may be granted a tenancy. The Manager responsible for allocations has the discretion to allow 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.

5.16 Inter-District Moves

5.16.1 Oxford City Council has formed a partnership with other district councils in the area to create sub-regional Choice Based Lettings arrangements.

For the purposes of Oxford City Council’s allocation scheme, certain properties will be available for applicants to make “inter-district” moves: that is; applicants may move into the properties of another council within the partnership

5.16.2 Local Connection

For the purposes of inter-district moves, local connection means having a connection with any **one** of the district councils within the partnership, not necessarily with the council whose property an applicant is moving into. See *section 4.7.2* on Oxford City Council’s definition of local connection

5.16.3 Application and Allocations For Inter-District Moves

Applicants will be able to bid on any property for which they are eligible within the Council to which they have applied, as described in that council’s allocation scheme. Applicants will further be able to bid on any of the properties designated as available for inter-district moves, when advertised. For this purpose, a separate priority scheme will be agreed with the other districts in the sub-region.

If an applicant is successful in bidding for an inter-district move property, they will then be subject to the policies and procedures of the authority responsible for that property. Once a tenant has been in residence for 12 months, their local connection is with that authority and cannot be transferred back to the original authority. This will affect transfer applicants who have previously made inter-district moves; although such applicants will be entitled to make further inter-district moves under the scheme.

Where an Oxford City Council tenant who is resident in the Vale of the White Horse District Council (VWHDC) area is rehoused by the VWHDC, nomination rights to the resulting void property may be offered to VWHDC

6 Housing Options

6.1 Housing Options and Choice

6.1.1 Oxford City Council will give all 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 Home Choice

6.2.1 What is it?

This is a scheme that provides 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.

6.2.2 Who is Eligible for Home Choice?

Only applicants towards whom the Council has or would have a statutory duty to re-house (ie statutorily homeless or threatened with statutory homelessness) can be housed under the scheme.

6.3 Lower Cost Home Ownership: “HomeBuy”

6.3.1 What Is It?

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 other priority groups identified by the HomeBuy website.

Lower cost Home Ownership Schemes are now co-ordinated by the HomeBuy Agent who provides a register for all schemes in the area. HomeBuy includes the following schemes.

- **New Build HomeBuy.** This scheme offers new homes on a part rent/part buy basis where applicants purchase a percentage of the property (typically 50%) and pay discounted rent on the remaining share to Housing Associations. *Nominations for vacancies for New Build HomeBuy are made by Oxford City Council and anyone interested in the scheme must apply to the Oxford Register for Affordable Housing as well*
- **Open Market HomeBuy.** This provides an applicant with an equity loan to supplement a mortgage loan on a property available on the open market. The scheme is targeted at key workers, existing tenants of local authorities and housing associations, those on waiting lists and other

priority first time buyers. *If a scheme is available locally people should apply via the Oxford Register for Affordable Housing as well as with the HomeBuy agent.*

- **Social HomeBuy.** This enables some residents of Housing Associations to buy their property if their landlord is participating in the scheme.

HomeBuy also run new build discounted rent schemes for key workers.

Who Can Apply?

Applicants will usually be first time buyers but assistance is sometimes given if someone needs to buy due to circumstances such as relationship breakdown or because a family has outgrown their current property.

Eligibility criteria including financial criteria will vary between schemes.

How To Apply

Applicants should register with HomeBuy and because the Council needs to prioritise applications for New build HomeBuy, applicants for schemes in Oxford City also need to complete an application form for the Oxford Register for Affordable Housing.

7 Special Circumstances

7.1 Reviews and Appeals

7.1.1 The Right of Review

An applicant has the right to request an internal review of a decision taken that:

1. They, or a member of their household, have been guilty of unacceptable behaviour serious enough, in the circumstances, and at the time the application is considered, to make them unsuitable as a tenant and that in virtue of that behaviour, Oxford City Council does:
 - a) not register the application
 - b) register the application but award it “nil priority”, even if the home seeker is in a reasonable preference group
 - c) not allow applicants to bid for a specific period of time, or overlook them in shortlists while an outstanding issue is being resolved (eg investigations into certain circumstances or the agreed payment of tenancy arrears). certain applications on the shortlists in specific circumstances
 - d) not make an offer to the highest bidding applicant where information is available that would make previous behaviour unacceptable in the new tenancy circumstances (ie 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)
2. They are ineligible for an allocation by virtue of being a person subject to immigration control who is ineligible for a housing allocation.

Where an authority decides an applicant is ineligible, by reason of their immigration status or serious unacceptable behaviour, it must notify them of the decision and grounds for it in writing.

An applicant has the right on request (under 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.

7.1.2 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

7.1.3 **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 appeal on a point of law only, to the high court or county court

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

7.2.1 Under Occupation

Under occupation of properties is a concern for Oxford City Council, given the high demand for larger properties in the city. Under-occupation is listed in the Code of Guidance on Allocation of Accommodation as being one of the unsatisfactory housing conditions that may be used to determine additional priority within and between the groups to which any Allocation Scheme must give reasonable preference. 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.) Housing Associations may have their own expenses and other incentives schemes in place, and each Association should be contacted for details of current schemes.

In order to encourage under occupiers to move to smaller accommodation, the following arrangements are in force.

Any Oxford City Council tenants, or tenants of partner Housing Associations within the City, who have 2 or more bedrooms than they need, and who currently live in family accommodation, will be placed in Band A "Exceptional Priority".

Any Oxford City Council tenants, or tenants of partner Housing Associations within the City, who have 1 bedroom more than they need, and who currently live in family accommodation, will be placed in Band B "Urgent Priority".

7.2.2 Permitted Under Occupation

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

- 'trading down' from larger accommodation to two bed accommodation
- medical recommendation
- mutual exchanges
- tenancy successions to a spouse or civil partner
- urgent or exceptional moves (e.g. on moving a victim of harassment) (at decision of ECP)
- decants
- where permitted by the provisions of a Local Lettings Plan

Under-occupation priority is not awarded to homeless applicants placed in temporary accommodation

7.2.3 The REMS Scheme

Oxford City Council operates a Removal Expenses and Mobility Scheme. Applicants 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 under this scheme are available to members of the public on request.

8 Tenancies which are Treated Separately from the Normal Allocation Process

8.1 Succession

8.1.1 Council Tenants

Succession is a right given under the Housing Act 1985, as amended by the Civil Partnership Act 2004. It refers to the right for secure tenants to pass on their tenancy to a spouse, civil partner or family member on the death of the tenant; or for assured tenants to pass their tenancy on to a spouse or civil partner.

The Law on Succession is as follows:

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 are regarded as family members
- co-habiting same sex couples, without a CP are not entitled to succeed by law

Furthermore:

- A spouse or civil partner 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 usually take precedence over a family member where more than one person is entitled to succeed.

Housing Association Tenants

Housing Associations' tenants' right to succeed is laid down in the Housing Act 1988, and advice should be taken at the time.

All ORAH Tenants

If the tenant herself was a successor, there is no right to succeed.

A succession will also have been created by:

- A joint to sole tenancy
- 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)

Points to note on successions

- a) Band A priority will be awarded to everyone who would have been entitled to a legal succession, but is not, because one previous succession has already taken place, by authorisation of the Tenancy Operations Manager or equivalent ORAH officer
- b) Civil partners are treated the same as spouses.
- c) The exceptional circumstances panel will consider the following: Unpaid carers; personal friends and lodgers who have lived with the tenant for at least 10 year's prior to the tenant's death, as their only, or principal, home. The exceptional circumstances panel will have discretion to award priority up to band A as they consider appropriate.
- d) Joint to sole tenancy counts as the one legal succession by law.
- e) "Policy successions" generally apply to people who would have been entitled to succeed but for the fact one legal succession has happened usually where a joint tenancy has become a sole tenancy

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

Legal successors, other than spouses or civil partners, can be asked to move to more appropriate accommodation where a succession results in the occupation which is more extensive than their needs, within the terms of the Council's allocation scheme; or has significant adaptations for disabled persons which are not required by the successor.

If a legal successor refuses to move from the property, the Council will serve a Notice of Seeking Possession, between six and twelve months after the tenant's death, and the case will be referred to the County Court to make a decision on the future of the tenancy. (This does not apply to spouses and civil partners.)

Where a succession results in the successor occupying a property of the appropriate size for their needs, they will be allowed to remain as a tenant of that property.

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 serve a Notice to Quit on the tenant and will treat them as an unauthorised occupant.

8.2 Assignment

8.2.1 Assignment of a secure tenancy can take place on the following grounds s91(3)

of the 1985 Act .These are:

- assignment by way of mutual exchange (see section 92)
- a 'property adjustment order' under Family law (matrimonial/divorce proceedings etc) and the Children Act where the court vests the tenancy in another person
- an assignment to a person who would be qualified to succeed the tenant under law (not as a result of policy relating to this Allocation Scheme), if the tenant had died immediately before the assignment, including joint to sole tenancies.

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 are excluded). The Council encourages all eligible tenants who want to move to consider applying for an exchange, and the transfer application form allows applicants to register on the Mutual Exchange Register at the same time.

Oxford City Council is responsible for maintaining the mutual exchange register on behalf of ORAH. Exchanges are possible between multiple tenants – for example, a three way exchange.

Secure tenants have a right to exchange under S92 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

8.4.1 Oxford City Council Owned Properties

Joint to Sole

On receipt of written confirmation that one party wishes to end their interest in the tenancy, a new sole tenancy for the same property may be granted at the discretion of the Manager responsible for Allocations on the recommendation of the Tenancy Operations Manager. (The receipt of this confirmation will **not necessarily** lead to an automatic eviction of the other tenant)

Sole to Joint

On written application by the sole tenant and the proposed joint tenant, a new, joint, tenancy for the same property may be granted at the discretion of the Manager responsible for Allocations on the recommendation of the Tenancy Operations Manager. The decision will be confirmed in writing.

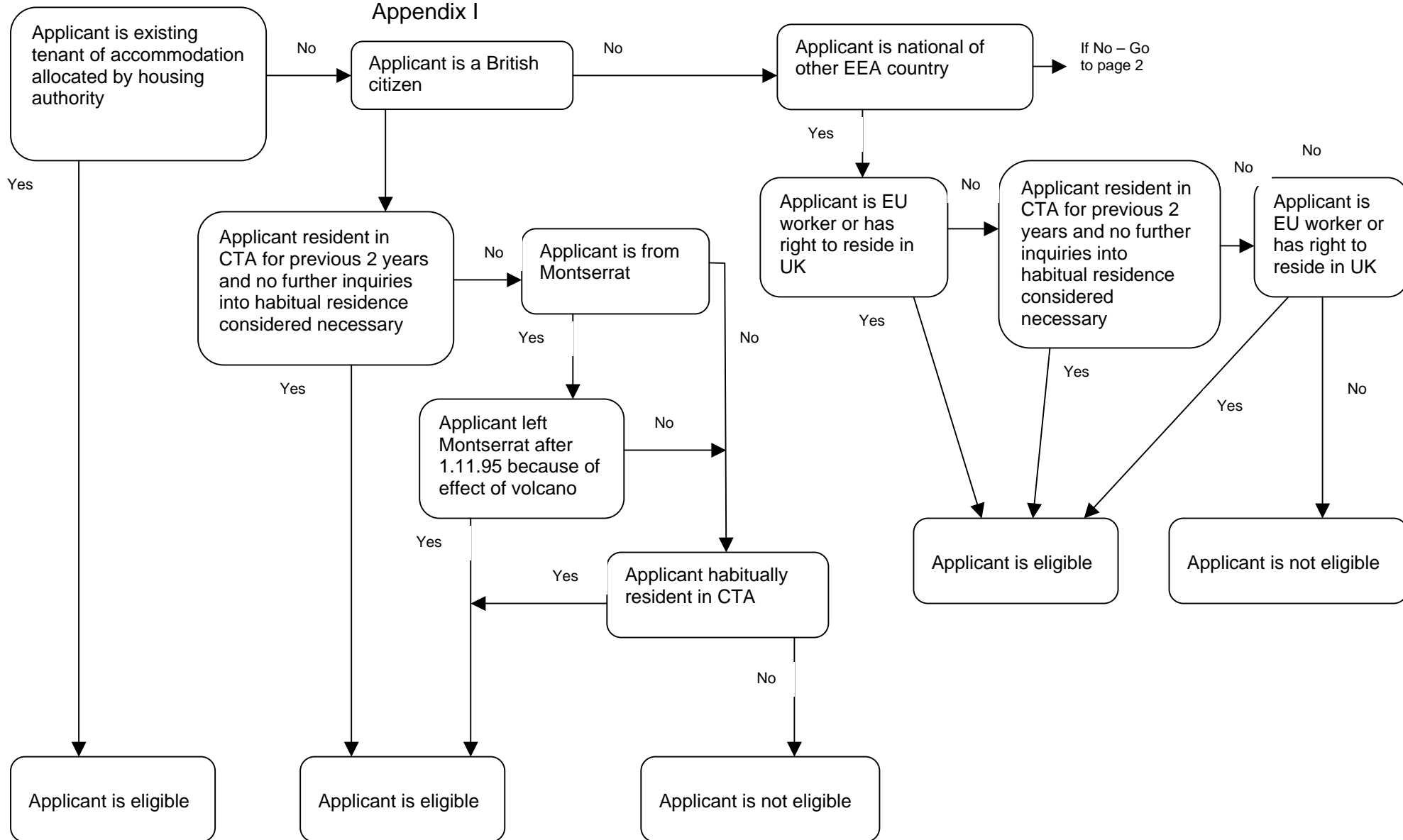
8.4.2 Other Properties Within The ORAH partnership

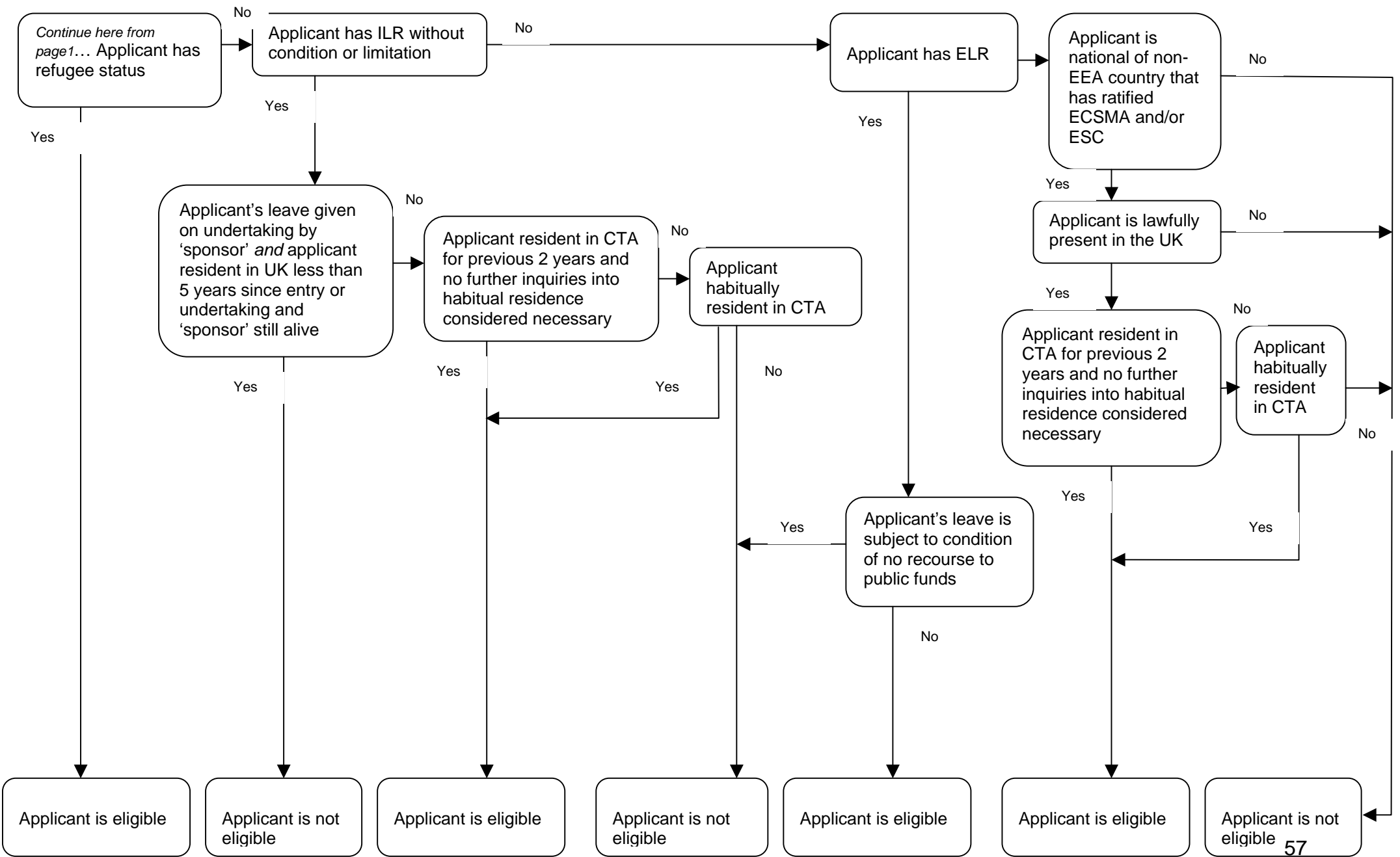
It is at the discretion of each landlord how they treat applications to transfer from either joint to sole, or sole to joint tenancies.

Appendices

- I Flowchart on Eligibility
- II People not Eligible for Social Housing in Oxford, including those subject to Immigration Controls
- III Flowchart on Oxford City Council's Process of Application
- IV Accommodation Size Guide
- V Definition of Bedroom Usage
- VI Plan for Equality of Access to the Scheme
- VII Officer Roles in Relation to the Allocation of Housing and Associated Processes

Appendix I





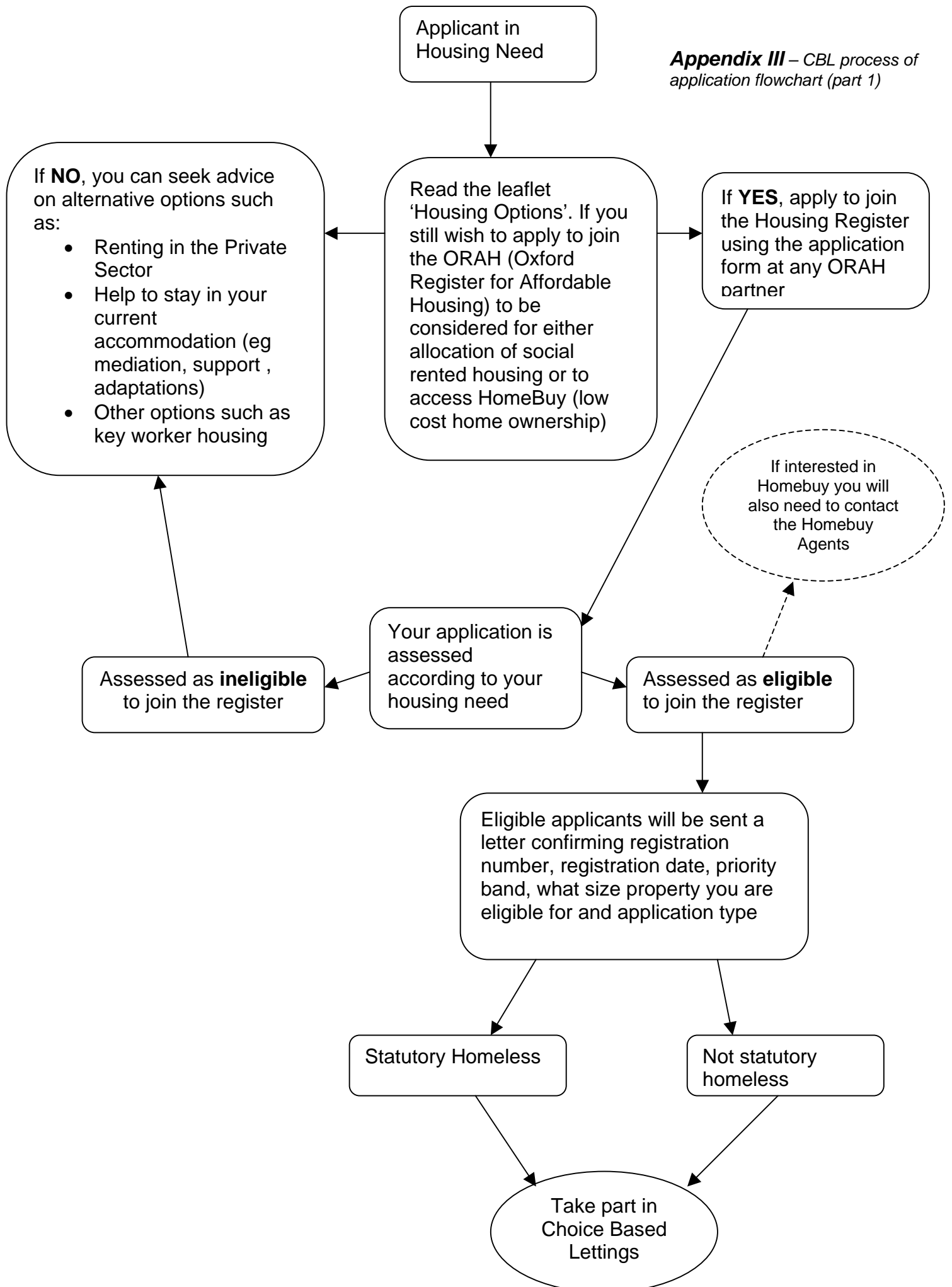
Appendix II– Classes Of Person Ineligible For An Allocation Of Housing
By Reason Of Their Immigration Status

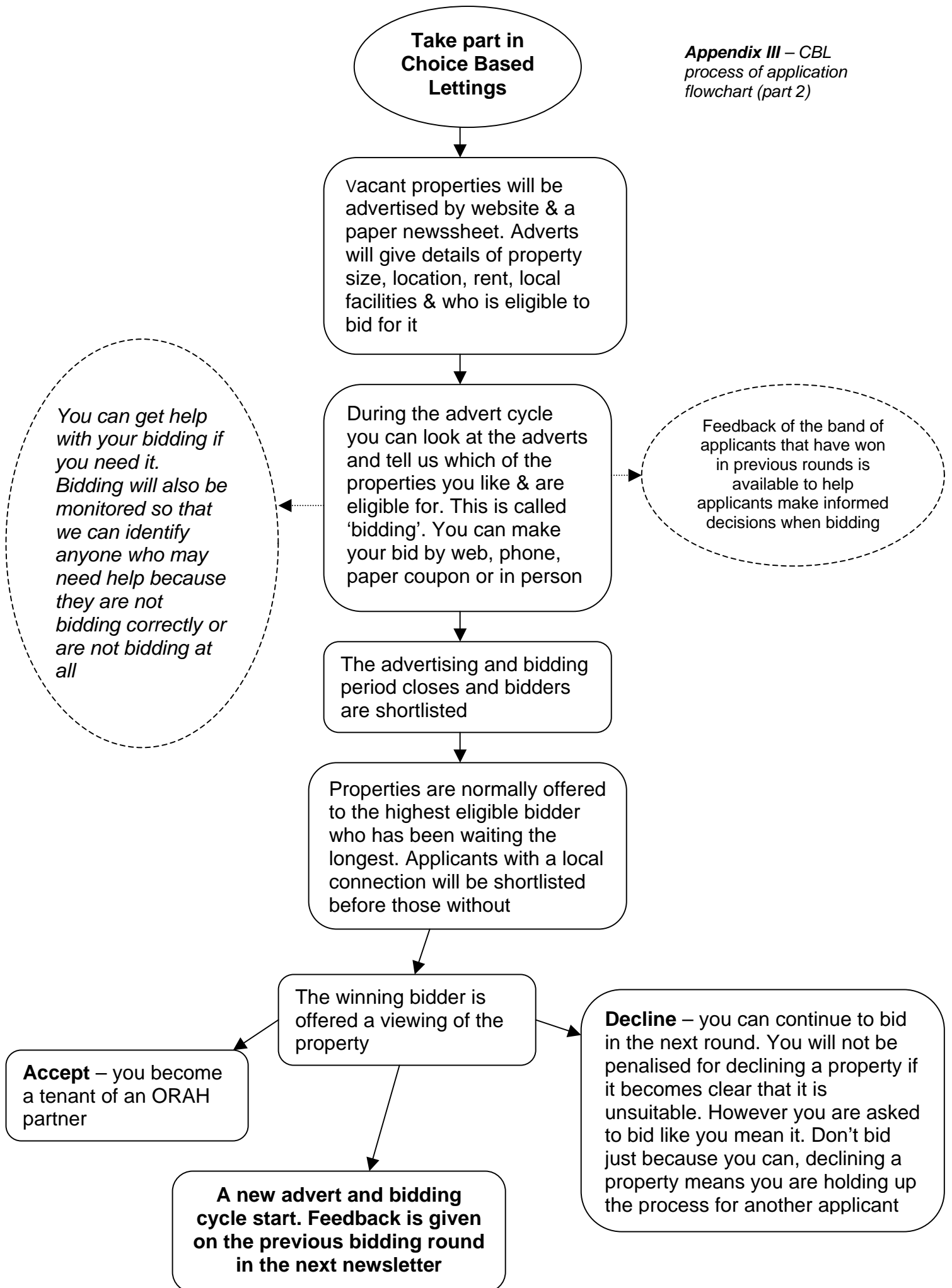
The following classes of persons are not eligible for an allocation of housing by reason of their Immigration status or lack of habitual residence, unless they are already a secure or introductory tenant of a housing authority, or an assured tenant of accommodation allocated to them by a housing authority.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

- 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 still alive.
- f) A person who is a national of a non-European Economic Area (EEA) country that is a signatory to the European Convention on Social and Medical Assistance (ECSMA) and/or the European Social Charter (ESC) but has ratified neither.
- g) A person whom is a national of a non-EEA country that has ratified the ECSMA and/or the ESC but is not lawfully present in the UK (i.e. does not have leave to enter or remain or is an asylum seeker with temporary admission) and/or is not habitually resident in the Common Travel Area.
- h) 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.





Accommodation size guide

	Bedsit/ Studio	1 bedroom	2 bedroom	3 bedroom	3 bedroom 'parlour' house	4 bedroom	5 bedroom	6+ bedroom
Single Person	X	X						
Couple		X						
Applicant(s) & one dependant			X					
Applicant(s) & two dependants of same gender if there is more than a 15 year age gap				X				
Applicant(s) & two dependants of same gender with less than a 15 year age gap			X	X				
Applicant(s) & two dependants of different genders if both are under 5			X	X				
Applicant(s) & two dependants of different gender if one is over 5				X				
Applicant(s) with three dependants *				X	X			
Applicant(s) with four dependants *					X	X		
Applicant(s) five dependants *						X	X	
Applicant(s) with 6 dependants *						X	X	
Applicant(s) with 7+ dependants *							X	X

* dependant on age and gender of dependants

Appendix V

Bedroom Usage and Overcrowding

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 applicants current accommodation, based on this assessment.

The two key aspects that must always be considered are:

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.*

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:

- Bed sits - 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, advice of the Environmental Health Department must be sought
- Sharing bedroom with non – applicant(s) - Counts as lacking a bedroom
- Size of bedrooms - Bedroom under 4.2 square metres (45 sq ft) discounted
- Generation - Children with an age difference of 15 years should not share bedroom – count as lacking a bedroom
- Best Use (mixture of sexes) - If bedrooms can be better used, assume they are for assessment purposes
- Separated sexes - 2 persons of opposite sex both over 10 and not partners get additional priority over and above the priority awarded for lack of bedroom space
- Need for carer - Where there is a recognised need for a 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 single applicants and childless couples, in three bed or larger properties, are eligible for transfer to two bedroom properties
- 'Exceptional' cases – Some cases that have been awarded an urgent category 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 – Applicants requiring a permanent decant move can maintain their existing bedroom number, even if they are not eligible for this size of property due to their current circumstances
- Succession cases – Where a successor to a three bedroom, or larger, property is required to move to smaller accommodation, they may be allowed one additional bedroom more than they would normally be eligible for, at the discretion of the Allocations Officer

A separate bedroom is needed for each of the following categories when assessing applications/recording on HMIS:

- Single applicant, or couple (including same sex couples)
- Single child
- Two children (of the same or opposite sex) both under 5 years old (i.e. such children can share a bedroom)
- Two children (age difference less than 15 years, same sex) over 5 years old (i.e. can share a bedroom)
- Any person who needs their own room on health grounds
- Residential carer (proof of necessity for residential care required)
- Any person sharing a bedroom with people not included on the application counts as lacking a bedroom
- A bedroom that measures less than 45 square feet (4.2. square metres) counts as lacking a bedroom
- Two children of opposite sex where one or both are over 5 years old cannot share a bedroom
- Children (same sex) cannot share a bedroom where the age difference is greater than fifteen years

An additional award is given where two people of opposite sex, but not partners, where one is over the age of 10 years old, are forced to share a bedroom.

Appendix VI

Plan for equality of access to the scheme

Background

Choice Based Lettings means that instead of applicants passively waiting for accommodation to be allocated to them, we will introduce a scheme where applicants must become active participants in their search for appropriate housing. Applicants will need to be involved in the process and to make quick decisions on whether an available property adequately meets their need.

This will present difficulties for some applicants, and in order to ensure that the scheme is fair, and to maximise effective participation, those difficulties must be considered and overcome. The scheme must also meet our statutory obligations under the Disability Discrimination Act. We have consulted widely about this issue, not only with the general public but also with internal staff, tenant representatives, our registered social landlord partners, the social exclusion unit and with many representatives of statutory and voluntary agencies.

Vulnerability is an important issue for choice based lettings. Rather than simply draw up a list of people who might be considered vulnerable, it is more appropriate to look at those categories of people who may have barriers to accessing the scheme. Vulnerability can then be considered in the context of their ability to access the scheme. In addition, applicants may fall into more than one category of “vulnerability” e.g. they may have mobility difficulties and also lead a chaotic lifestyle due to a lack of decision making skills.

Evidence from the ODPM CBL pilot authorities showed that people considered vulnerable welcome more choice, and a more transparent system, and it is important that these benefits are made accessible to them. The level of support required might include arranging to post advertising information to older people who cannot get access to it from the usual outlets, and giving a high level of support to someone with mental health difficulties.

Issues to be addressed

Defining vulnerability/identifying vulnerable people

Adopting the approach above, it is possible to draw up a wide and inclusive (though not exhaustive) list of people who *may* be vulnerable within the context of accessing a choice based lettings scheme. Some applicants may appear to fit in to these categories but in fact experience no barriers to participating in choice based lettings e.g. fit elderly people.

Vulnerable persons

Physical disability including visual impairment, lack of /low mobility	Prison leavers
Lack of fluency in English	People leaving hospital
Difficulties in reading and writing	Cultural barriers to using public services
Difficulties in accessing and using ICT	Lack of access to transport
Learning difficulties	Homelessness
Mental health difficulties	Young parents
Drug and/or alcohol misuse or dependency	Refugees/asylum seekers
Rough sleepers	Travellers
Chaotic lifestyle	Elderly
Social isolation	Those at risk of domestic violence
Care leavers	

There are 4 areas where barriers to access may occur: -

- Ability to register for the scheme
- Ability to access or understand advertising
- Ability to access or to understand the bidding method
- Decision making

Ability to register for the scheme

Issues which may apply include visual impairment, language barriers, difficulty reading and/or writing English, and learning difficulties. It is important to take account of these when designing the registration forms and accompanying information. Accessibility can be improved by offering translation services, BSL and large print versions of the information and by using icons in the text. The website should meet RNIB (Royal National Institute for the Blind) accessibility standards and the W3C's WAI AA standards for website accessibility. Audio cassettes and DVDs explaining the scheme could also be offered.

Incomplete or poorly completed registration forms should trigger an investigation into whether the applicant needs support in completing the registration form, and in the process of accessing advertising and making appropriate bids. Some applicants may ask for help in completing the registration form, or may have support needs already known to the council or their RSL landlord. The application form will ask home seekers to self identify any support needs and give contact details for support already received.

Applicants with no address can still be accepted on to the scheme, if they are able to provide other contact details.

Ability to access or understand advertising

It will be more difficult to identify those who are excluded from accessing or understanding advertising as they will not come to officers' attention so readily. This barrier can be tackled by trying to make sure that the advertising is as accessible as possible and that there is adequate signposting to extra support. The issues of visual impairment, language barriers, difficulty reading and/or writing English, and learning difficulties, all apply as do lack of mobility, difficulty accessing and using ICT. Care, hospital and prison leavers may also have problems obtaining advertising materials, and we will need to work closely with partner agencies to ensure that they are able to access the material at an appropriate time.

It will not be possible to offer to translate the advertising material in the short timetable for production of the newsletter, so we can only offer a translation service on request. With Makaton (for people with learning difficulties), large print and Braille we have no way of gauging what the demand might be so it is better to signpost people to the possibility of getting the information in those formats, and arrange for the information to be provided on request. The use of symbols in text can make it easier for people with learning or literacy difficulties, and those whose first language is not English to interpret the advertising material.

A subscription scheme to the newsheet can be offered to people with mobility problems. A newsheet can be displayed in a variety of locations including community centres and medical centres, though it will be important to ensure that as far as possible the information is up to date. Copies of advertising and feedback should be sent to support agencies, as a PDF computer file in black and white, to distribute in their organisation.

In order to support applicants it is essential that there are trained staff in St Aldate's and in local housing offices, including the partner RSLs; and that we continue to engage support agencies in the Choice Based Lettings process. This will require initial training and updates for existing staff and induction for new staff. Regular reviews should be held with the support agencies to ensure a consistency of approach and to identify any difficulties with the scheme from the perspective of the support agencies. Staff need to be confident in the scheme to pass that confidence on to users.

Ability to access or to understand the bidding method

People who have not already been identified as in need of support may be identified at this stage in the process by a failure to bid or by making inappropriate bids.

A variety of bidding methods will make the scheme more accessible. It is important to include text bidding as an option; it is both cheap and widely available. It enables support workers to assist with bidding from a variety of locations without the need for more complex technology. It is also popular with young people, who can be hard to reach. Mobile phones are widely used by

the most disadvantaged people who may not have access to ICT facilities or be able to use the postal system.

Using libraries to distribute advertising information has the benefit of making applicants more aware of the availability of free ICT facilities there. Libraries in other areas have found that usage of their other facilities also increases and have been happy to support CBL schemes in this way. Other schemes have noted that BME applicants who are culturally unlikely to use most council services are willing to use library services.

Oxford City Council staff should also be trained to support bidders using City Council ICT facilities. This would be particularly appropriate if a Property Shop is offered, though it is important to have trained staff available to support applicants at a variety of locations in order to reach applicants with mobility problems or other difficulties travelling to a property shop. Support should also be available over the telephone and home visits could be offered to some applicants in conjunction with the support agencies.

An automated telephone line should be Minicom compatible.

Staff should be aware of the possibility of making an assisted bid on behalf of an applicant, who has made a decision to bid but is unable to access an appropriate bidding method.

Decision making

It is important to draw the distinction between assisting applicants with the process and taking over decision making for them. Whenever possible the aim should be to empower the applicant to make an appropriate decision. There may be some applicants who cannot or will not participate in the process. There may be some occasions when vulnerable persons wish to hand over the decision making to another person, and allow a bid to be made on their behalf.

Proxy bidding will only be allowed in exceptional circumstances, such as where a person holds power of attorney. Oxford City Council will monitor the process. Bidding by members of staff, without the applicant present, will be discouraged, and should only be permitted in exceptional circumstances.

This will reduce the instances where the applicant becomes disempowered.

Where a person is not able to physically bid, it is proposed that a key worker, support worker, or carer can assist them. Staff will be available to help customers with the bidding process as and when necessary. Training will be given to external agencies that would also be in a position to help their clients with bidding.

Summary

- look at the barriers to access to the scheme, rather than categorising people as vulnerable
- offer appropriate support at each stage of the process rather than make assumptions about what will be needed

- be aware that some people might like support rather than need it, and that this group should be expected to manage without it
- as far as possible assist people with the process rather than take over from them
- monitor the process carefully to observe where support is needed
- before CBL scheme is launched, review people in highest need to find out whether they have support needs/problems accessing the scheme
- engage support workers/agencies through outreach work and training
- set up regular reviews with partners (including support agencies)
- build into the scheme a mechanism for monitoring non bidders and inappropriate bidders and use this to prompt officer action to investigate and remedy
- offer alternatives in advertising and bidding methods
- if there are repeated requests for translations to a particular language or format be prepared to include that in the scheme

**Appendix VII – Officer Roles In Relation To The Allocation Of Housing
And Associated Processes**

i) General. The power to operate the Allocation Scheme is a power delegated to the Strategic Directors under Part 3, Section 7 of Oxford City Council's Constitution.

ii) Under Part 3 of the Constitution, the Strategic Directors may delegate some or all of these powers to other officers in order that the relevant area of work be carried out. In respect of the Allocation Scheme, the Directors have delegated all powers to the Housing Services Business Manager. Officers of the Housing Services Business Unit are further delegated to operate certain functions, as follows:

Officer Roles and Responsibilities

Officer Designation	Role and Responsibilities
Housing Needs Assistant	<ul style="list-style-type: none"> 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.
Allocations / Options Officer	<ul style="list-style-type: none"> 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 for an allocation of housing in respect of immigration or residence status. b) Drawing up shortlists for allocations of housing, and nominations to Housing Association 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 housing association property. e) Answering general queries by telephone, in writing, and in person.

<p>Manager Responsible for Allocations</p>	<p>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.</p> <p>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.</p> <p>c) Decisions as to whether or not an applicant is eligible for an allocation of housing in light of previous unacceptable behaviour (including outstanding rent arrears).</p> <p>d) Decisions as to whether or not an applicant shall be given a reduced priority, in light of previous unacceptable behaviour (including outstanding rent arrears), or in light of their financial resources.</p> <p>e) Decisions relating to the authorisation of “like-to-like transfers, outside the Allocations Scheme, in sheltered accommodation and other schemes.</p> <p>f) Authorisation of over-riding categories to applications where:</p> <ul style="list-style-type: none"> • a previous commitment to re-house has been made by the exceptional circumstances panel, & • in cases where a status of permanent or temporary decant is required to facilitate works to the applicants home.
<p>Principal Housing Facilitator</p>	<p>a) Responsible for carrying out all internal reviews of allocations decisions.</p> <p>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.</p>
<p>Exceptional Circumstances Panel</p>	<p>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.</p> <p>N.B. The panel does not have a fixed membership, but will be drawn from officers within the Housing Services Business Unit and from ORAH partners, who have sufficient knowledge and experience to contribute to the Panel’s effectiveness. The panel will comprise of a minimum of three persons, including two managers. Officers referring cases to the panel will make representations on behalf of the applicant in question, but may not sit on the Panel for cases they have referred to it.</p>
<p>Community Housing Business Manager</p>	<p>i) Resolution of disputes between officers regarding interpretation of the Allocations Scheme and decisions arising from that interpretation.</p> <p>ii) award of Urgent over-riding status in cases which fall outside</p>

	the remit of the Exceptional Circumstances Panel.
Tenancy Operations Manger, Area Housing Managers & Area Housing Team Leaders (or equivalents in partner RSLs)	Approval and counter signature of submissions to the Exceptional Circumstances Panel, and Health & Housing Assessment Forms. Decisions on Joint to Sole and Sole to Joint tenancy applications (Tenancy Operations Manager)
Furnished Tenancy Officer	Responsibility for administering cases under the Removals Expenses Scheme.
Estate Managers/ Housing Officers (or equivalent role in partner RSLs)	Approval, inspections, and tenancy changes relating to requests for Mutual Exchange of Tenancies. The recommendation to award a SUCC status (succession status) to a Transfer applicant, and home visits to some transfer cases.
Mobile Wardens	Home visits for all applications for sheltered housing, at application and offer stages of the allocation process.
Environmental Health Officers	Assessment of disrepair, and award of priority for housing condition, where requested by an applicant.
Customer Service Officers	General advice, and verification of documents provided by applicants.

Appendix VII

ORAH partnership Exceptional Circumstances Panel

Terms of Reference

1 INTRODUCTION

This document sets out the terms of reference for the Exceptional Circumstances Panel for the ORAH partnership – this being the body responsible for making priority awards to homeseekers whose circumstances are not otherwise adequately covered by the Choice Based Lettings Banding Scheme

2 OBJECTIVES OF THE PANEL

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 compound need
- To award additional priority within the banding scheme where appropriate
- 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 settled communities and sustainable tenancies

3 SCOPE OF PANEL

The remit of the Exceptional Circumstances Panel is to hear evidence about exceptional cases of housing need

The Exceptional Circumstances panel will:

- Hear and assess evidence about applicants on the Oxford Register for Affordable Housing on the basis of the evidence before them
- Make awards as described in the Allocations Scheme
- Be overseen and monitored by the ORAH partnership board

4 METHODOLOGY

It is proposed that the exceptional circumstances panel meets 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 can be made by Oxford City Council's tenancy services officers, housing needs officers, or by their equivalents in our partner RSLs

Applicants should provide evidence to the referring officer 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 objective evidence must be produced for the Panel to be able to review the case.

Any additional priority awarded by the Exceptional Circumstances Panel will be made for 3 months in the first instance. The homeseekers circumstances will be monitored and the award can be renewed if appropriate, or withdrawn where the homeseekers 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, a direct offer may be made. The panel can apply conditions to its award such as precluding rehousing in specific areas where the applicant may be at risk

5 MEMBERSHIP

The Exceptional Circumstances Panel will consist of senior officers from the City Council and the Associations, who have not previously been involved in the cases under consideration. Some panel members will sit at each panel (ensuring consistency of decision making), while for the RSL partners, attendance at the Panel will be on a rota basis. See tables below.

The panel will usually have three members.

Members available to sit at each meeting of the panel		
Peter Vogt	Housing Enablement Officer	Oxford City Council

Marianne Upton	Allocations Manager	Oxford City Council
Members of the ORAH partners who will sit on a rota basis		