

Appendix 1

Draft Allocations Scheme For Consultation

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

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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 Private Registered Providers of Social Housing operating within the City. This is the Oxford Register for Affordable Housing Partnership (ORAH Partnership). The Council maintains a common register of social housing on behalf of the Partnership. There is a single application process for 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 Choice Based Lettings scheme. 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.

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, introductory tenant, or fixed-term tenant of a Private Registered Provider 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 or assured shorthold tenant of housing accommodation held by a Private Registered Provider.

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.

Children

Children are defined as dependents, in a household, under the age of 18 years of age

Choice Based Lettings

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

Common Housing Register

Instead of the Council and PRPs keeping their own different waiting lists, applicants join a single waiting list for housing within Oxford City (ORAH).

General Register List

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 18 who are not current tenants of Oxford City Council or living in the city as one of our partner PRPs' tenants 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.

General Register Applicants

People who have been accepted onto the ORAH general register list as being eligible to apply for social housing.

Homeless List

Applicants to whom the Council has accepted a statutory homeless duty living in temporary accommodation provided by the Council or on behalf of the Council.

Oxford Register for Affordable Housing (ORAH)

Social housing in the city owned by the Council and its partner PRPs is let through the Oxford Register for Affordable Housing. It is administered by Oxford City Council and managed by Oxford City Council and its partners.

Priority Band Start Date

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

Registration Date

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

PRP

A Private Registered Provider of social housing. The official name for housing

associations, housing cooperatives and housing companies that are registered with the Homes & Community Agency.

Social Housing

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

Transfer Applicant

A secure tenant of Oxford City Council or an Assured tenant or Secure tenant of one of our partner PRPs who lives in the city and 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 PRPs' stock, and any other stock available to us
- To ensure that empty properties are let quickly and efficiently
- To promote the widest possible access to housing to residents of Oxford or those assessed as having local connection to the City, including directing applicants to private rented stock in appropriate circumstances
- To allow applicants to express choice in selecting their accommodation wherever possible (with restrictions for applicants accepted under Part 7 of the Housing Act 1996 who may be made a Private Sector Offer outside of the Allocations Scheme by the Housing Team or made a direct offer)
- To provide clear and easy to understand information to allow applicants to make informed choices
- To set out clear standards so that applicants know what to expect
- To offer appropriate advice to applicants who we are unable to house, including accurate and timely referrals to other agencies
- To promote sustainable communities
- To act legally and adopt best practice
- To review the advice and allocation service with the intention of producing continuous improvement
- To not discriminate against members of the armed forces/former members of the armed forces in housing need, with regard to local connection

2 Responsibilities

2.1 The Council's Responsibilities

2.1.1 The Legal Framework

In framing this allocation scheme, Oxford City Council complies with the relevant legislation, including, but not exclusively: the 1985 and 1996 Housing Acts, as amended by the Homeless Act 2002; the Equality Act 2010; The Localism Act 2011 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 and Oxford City Council's Homelessness and Tenancy Strategies.

2.1.2 Reasonable Preference

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

- Those who are homeless within the meaning of Part 7 of the 1996 Act (including those who are intentionally homeless and those not in priority need)
- Those who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)
- Those in insanitary or overcrowded housing or otherwise living in unsatisfactory conditions
- Those who need to move on medical or welfare grounds, including grounds relating to a disability
- Those who need to move to a particular locality in the district, where failure to meet that need would cause hardship to themselves or others

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

2.1.3 Additional Preference

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

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

- is serving in the regular forces and is suffering from a serious injury,

illness or disability which is attributable (wholly or partly) to the person's service, or

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

2.1.4 Information Provision

The Council is required to provide information about:

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 2.5 below

Additional Information

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

2.2 Equality and Diversity

Oxford City Council:

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

2.3 Targets and Monitoring

2.3.1 Annual Lettings Plans

The Housing Register consists of three-separate housing lists:

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

The Annual Lettings Plan is designed to set allocation percentages, which are targets, set by the Council, to determine the proportion of social housing offered to different lists within the Council's Housing Register. In order to best balance their competing demands and needs. The Head of Housing will approve the annual lettings plan setting out the percentage of allocations to be made to each group. If any significant changes are proposed the Head of Housing will request the City Executive Board to approve these changes.

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

Supply

- The number of properties that are expected to become available to let during the year (consisting of re-lets and new build properties)
- The proportion of properties expected to become available to let for single-applicants and couples, including designated elderly and sheltered

accommodation

- The proportion of two-bedroom, three-bedroom and four-bedroom properties or larger that are expected to become available to let

Demand

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

2.3.2 Local Lettings Plans

From time to time Oxford City Council may decide to develop Local Lettings Plans for specific blocks or areas, in order to develop balanced and sustainable communities. The decision to implement a local lettings plan will be approved by the City 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' & "additional preference" criteria. A local lettings plan will generally be expected to be part of a wider action plan to address the issues in that locality.

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

2.3.3 Monitoring the Allocation Scheme

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

2.3.4 Statistical Records

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

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

Records are kept and monitored of the entire allocation process. The purpose is to identify how different groups are receiving and taking up offers and to highlight

the quality and type of accommodation. This information will provide an indication of the length of time people wait, according to band, bidding patterns and refusal rates after viewing.

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

2.4 Verification

All documents 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
- Enable the provision of appropriate assistance and support
- Combat fraud
- Improve risk assessment
- Help create sustainable tenancies
- Improve communities

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

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

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

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

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 will be conducted and any actions must be proportionate.

2.6 Applicants' Responsibilities

2.6.1 Supplying Information

- Applicants are responsible for giving full and accurate details on all forms and correspondence 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, within the specified timescales
- Applicants who are made an offer should let the Council know their decision about whether to accept it within the timescale specified
- If information is not supplied, the Council or an ORAH partner may cancel an application or withdraw an offer of housing

2.6.2 False Statements

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

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

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 Private Registered Providers of Social Housing with stock in the City. The standards and expectations on all parties are set out in a Partnership Agreement. A Partnership Board comprising of senior representatives from the City Council and the partner Housing Associations manages the partnership.

There is a single application process with a set of information leaflets to guide applicants. These are available from local offices of the ORAH partners. Applicants can go to any of these offices for information, advice and support.

3.2 How to Apply

3.2.1 New Applicants who are not currently tenants of Oxford City Council or of city properties of one of the partner PRPs:

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

Separate information 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 in Oxford City, 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 applicants giving both parties joint and several rights and responsibilities for any future tenancy. Partners include same sex couples.

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

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

If joint applicants wish to change to sole applications (for example due to relationship breakdown) they will need to notify the Council and one of the applicant's will need to make a sole application. Normally the application will continue in the name of a partner with residency and/or parenting responsibilities. The remaining applicant may make a new application in their own name, with a new registration date.

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

3.3 Eligibility and Qualification

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

3.3.1 Who Qualifies For Inclusion on the Housing Register

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

3.3.2 Qualification For Inclusion On the General Register List

Only applicants who have a local connection to Oxford will qualify to be included on the Housing Register.

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

1. The applicant or joint applicant is permanently resident in the district and that residence is of their own choice.
2. The applicant or joint applicant was previously resident in the district as a matter of choice and the period of residence was either:
 - At least six out of the last twelve months or
 - Three out of the last five years.
3. The applicant or joint applicant is employed in the district for a minimum of sixteen hours per week and the employment is not of a short-term or temporary nature.
4. The applicant or joint applicant has close family associations with the district.

Family association will normally be defined in relation to close relatives (i.e. parents, children or siblings) and where there is no estrangement. However, other family associations may be taken into account (e.g. Grandparents, grand children and step relations) where there is evidence of frequent contact, commitment or dependency.

To qualify the relatives must live in the district now and have been continuously resident for a minimum of five years.

With the exception of:

- Applicants aged 60 years or older with no local connection to the City assessed as eligible and suitable for sheltered accommodation
- Persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation;
- Bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases;
- Seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.
- "Life and Limb" and other exceptional cases that have moved to Oxford and approached the Council for housing assistance who are considered to be in urgent or exceptional housing need by the Exceptional Circumstance Panel. Such applicants may be allowed

to qualify for inclusion on the Housing Register at the discretion of the Allocations Manager but it is expected these cases to be very rare due to high levels of applicants on housing need with a local connection to Oxford already on the Housing Register.

A local connection is **not** established where the applicant is:

- is in prison within the district or in a probation hostel
- is detained in the district under the Mental Health Act.
- is living in temporary supported accommodation that would normally be able to access the “move on” scheme within City.

An applicant on the General Register List or applying to be included on the General Register List who would normally fall into to a qualifying group can be disqualified under certain circumstances (see 3.5).

3.3.3 Qualification For Inclusion on the Transfer List

The ORAH transfer list is open to secure tenants of Oxford City Council, and assured tenants (including on fixed term tenancies that have successfully completed the first year of their tenancy) of one of our partner PRPs living in Oxford.

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

Transfer cases are given priority for an allocation of housing on the same basis as General Register 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 tenant of the Council or an assured tenant of a PRP 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 that, because they relate to specific rights of secure and assured tenants, or to the management needs of the Council, are applicable only to Transfer List applicants. These include additional preference for tenants who are currently under-occupying Council or PRP family properties and wish to move to a smaller home, and are dealt with in *Section 4* of this document.

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

An individual applicant on the Transfer List, or applying to be included on the Transfer List, who would normally fall into to a qualifying group can be disqualified under certain circumstances (see 3.4)

** starter tenancies are Assured Shorthold Tenancies but where the intention is to create a permanent tenancy at the end of the probationary period*

3.3.4 Age of Eligibility

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

3.4 Who is Not Eligible?

3.4.1 Persons From Abroad Or Who are Subject to Immigration Control

The main applicant must not be subject to immigration control or be a person from abroad, unless they are a 'qualifying person'. They must pass the habitual; residence test as defined in section 161 of the Housing Act 1996 and the Allocation of Housing regulations 1996 (SI 2996 number 2753) as amended by the Homeless Act 2002.

The main applicant and their household must be resident in the UK or the Common Travel Area, which includes the United Kingdom, the republic of Ireland, Channel Islands and the isle of Man

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

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

3.5 Who May Not Qualify?

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

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

Where the behaviour of a applicant or a member of the applicant's household is unacceptable, as described above; or where the applicant has not demonstrated

financial responsibility; the Council may not register the application.

The Manager Responsible for Allocations may exclude an applicant whose behaviour has been unacceptable. The reasons can include antisocial behaviour and rent arrears.

3.5.1 Applicants Unlikely to be Re-Housed due to Financial Circumstances

The Council may take the financial circumstances (i.e. assets and income) of General Register or Transfer List applicants who fall into one or more of the reasonable or additional preference groups, listed in this document, into account when considering if an applicant qualifies for inclusion on either list. Social housing in Oxford is a scarce resource, and those applicants with sufficient resources to secure alternative forms of accommodation without undue hardship may be excluded from the Housing Register. (See Appendix V).

3.5.2 Rent Arrears & Property Related Debts

Where a tenant owes significant rent arrears in excess of £1000 to Oxford City Council or to an ORAH partner PRP, or where there is a possession order against them for rent arrears to the same, the applicant will not usually be able to register with ORAH until they have proved that they are suitable to become a tenant 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 Manager Responsible for Allocations within Community Housing at Oxford City Council will decide whether a former tenant can be registered as an applicant. 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 an applicant, they will 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 exclusion may be re-imposed.

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

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

- Former Tenants – with property related debts relating to a property/or

- properties where they have previously lived
- Current Tenants – with property related debts relating to where the applicant currently live

3.5.3 Individual applicants that meet one or more of the following criteria will not normally qualify for inclusion on the Housing Register and will be excluded:

(1) Former Tenants of the Council, another Local Authority or Registered Social Provider who:

- Have been evicted from or given up their former property owing rent arrears or other property related debts;

&/or

- Still have unpaid property related debts outstanding (which are legally recoverable);

Will normally be disqualified from inclusion on the Housing Register.

(2) Former Tenants of Private Landlords where there is clear proof that they have:

- Substantial rent arrears outstanding after being evicted or giving up their former private rented accommodation in excess of 2 months rent;

&/or

- Substantial re-charges due to wilful or unreasonable (not due to reasonable wear & tear) damage to a property (including the loss or partial loss of a deposit paid for by the Private Sector Team caused by tenant) .

NB Criminal damage to a property is covered under ASB.

3.5.4 (3)_Current Tenants of The Council or a Registered Social Provider where a Court Order has been issued regarding the arrears:

Where:

- The tenant is in breach of the court order

Or

- A Court Order has been issued within the last 12 months (even if the tenant is complying with the court order – unless the arrears have been re-paid in full).

(4) Current Tenants of a private sector landlord where the landlord has:

- Applied to court for possession on the grounds of non-payment of rent or other property related debts such as re-charges;

Or

- Obtained a possession order or warrant for eviction from the court due to rent arrears or other property related debts.

3.5.5 Exceptions

The following cases will usually be exempt and be included on the Housing Register:

- Applicants awarded a Band 1 “Exceptional” Category by the Exceptional Circumstance Panel and where a move with arrears has been sanctioned (normally life & limb place of safety cases)
- Temporary Decants, or Permanent Decants where the Council may incur a significant expense if the person is not moved
- REMS cases – where the compensation will clear the debt in full (or will clear most of the debt where the property is a 3 or 4 bed property larger)
- Technical arrears, where it is confirmed that a Housing Benefit award is due that will clear the arrears
- Persons accepted as statutory homeless and housed in temporary accommodation (unless a warrant for eviction has been applied for)

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

3.5.6 Unacceptable Behaviour

Oxford City Council and its ORAH partners take antisocial behaviour very seriously.

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

- Applicants who have been evicted from council, Registered social provider or private rented property for, illegal subletting or antisocial behaviour in the last 5 years. Exceptions maybe made if there is persuasive evidence behaviour has been amended and another tenancy has been successfully maintained
- Breach of tenancy for 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

3.6 Applicants Not Meeting the Eligibility &/or Qualification Criteria

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

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

Applicants have the right to a review of this decision (see reviews and appeals *section 7.1*).

3.6.1 Duration of Exclusion for Rent Arrears or ASB

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

1. For unregistered applications the sanction for anti-social behaviour will normally last for a minimum period of 5 years, after which the applicant must be able to prove that the exclusion is no longer valid
2. 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 by successfully sustaining a tenancy for 6 months if the debts are no longer recoverable.
3. Where an applicant's circumstances change significantly they may reapply.

WHERE AN OFFENCE HAS BEEN COMMITTED WHICH POTENTIALLY COMPROMISES ANOTHER PERSON'S SAFETY, THIS CONDITION MAY BE PERMANENT

3.7 Household Make-up/ Households with Dependants

3.7.1 Children in Care

Where care is:

- Compulsory: children are treated as though at home, subject to written confirmation from Social and Community Services that the children are to live with the parents on a permanent basis should they be allocated a suitable property. Failing such confirmation, children should not be included on the application
- Voluntary, children are treated as though at home

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

3.7.2 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, e.g. 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 current child benefit
- Legal guardianship

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

- Where parents are or have been married there will often be a Residence

order settling the arrangements as to where a child will live.

- Unmarried fathers may acquire 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.

3.7.3 Extended Families – Minors

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

3.7.4 Adult Households Members

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

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

Established Household Members

Persons may continue to be considered as part of the household after they reach the age of 18 years of age, if they still reside with the applicant, and wish to continue to do so, and have continually resided within the household as a child up to that point.

With the following exceptions:

- Adult household members*, or couples aged 18 years or older, that have savings and capital of £16 000 or more.
- Adult household members who are studying and living away from home elsewhere for part of the time in student, private rented or other accommodation.

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

Persons aged 18 years or older will be required to provide a statement of their savings and capital on request – failure to do so will result in them being excluded from applicant's housing application.

3.7.5 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 Options/Allocation Officers in the first instance.

The desire to be part of the household is not sufficient reason for inclusion on the application in these circumstances.

Adults requiring an extra bedroom must only to be added to an application if they have a demonstrable need to live with the applicant and if they plan to make their long-term home on a permanent basis with the applicant.

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

3.7.6 Expectant Mothers

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

3.7.7 Fostering

Families undertaking long term fostering may be able to include foster children as part of their application to ensure that they are eligible for the appropriate sized property. Long term fostering is 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 Children and Family Services. Consideration will be given to this in assessing the application. This does not apply to households living in temporary accommodation to whom the Council has accepted a statutory homeless duty. Short term fostering is discounted.

Due to changes being introduced by the Welfare Reform act and the new "bedroom tax", before an offer of family accommodation is made to an applicant on a low income with foster children, the Council will need to be satisfied that the applicant is able to pay any shortfall in rent that may be due

from the applicant due to the bedroom tax. As foster children are not “counted” as household members under the new “bedroom tax”.

3.8 Assessment and Priority for Allocation

Assessing Transfer and General Register Applications

All applications require officer assessment before being entered onto the Housing Management Information System (HMIS). This section gives information and guidance on matters relating to the assessment process. It is 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, it is their responsibility to notify the Council as soon as practicably possible, and usually within one month. In such cases, a new application form should be completed, and the application re-assessed.

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

3.9 Calculation of Overcrowding and Under-Occupation

Definition of Bedroom Usage

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

An award of priority is given for each bedroom lacking in the 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:

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

Due to the introduction of the “bedroom tax” by the Welfare Reform Act applicants including the cases above will not normally be able to move to a property where they are under-occupying a property unless they are exempt from the “bedroom tax” or the Council they will be able to afford the shortfall in rent.

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

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

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

3.10 Exceptional Circumstances Panel

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 complex and cannot be accommodated by the banding scheme.

The objectives of the Exceptional Circumstances Panel are as follows:

- To make evidence based assessments of exceptional cases of housing need
- To make evidence based assessments of cases of complex need
- To award additional priority within the banding scheme, where appropriate
- To make decisions on whether to give a “commitment to re-house” to previous 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 officers within the Housing Services including the Housing Needs Team or by their equivalents in our partner Registered Social Providers. Self referral by applicants or their representatives is not possible.

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

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

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 1)
- Urgent Social or Welfare Needs Priority (Band 2)
- Commitment to Re-house (Band 2)
- Significant Social or Welfare Needs Priority (Band 3)
- Moderate Social or Welfare Needs Priority (Band 4)

Housing Needs Officers using the set protocols may make an award of Moderate Social or Welfare Needs Priority (Band 4) see Appendix V.

3.11 Commitment to Re-house

This 'award' may be made by the Exceptional Circumstances Panel as part of a 'negotiated surrender' of a social tenancy by the tenant. Applicants awarded a

commitment to re-house are likely to be awarded an Urgent Social & Welfare Award and placed in Band 2 by the Exceptional Circumstance Panel.

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

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

The Exceptional Circumstances Panel may also make this award for Statutory Homeless Applicants currently registered on the Housing Register, who successfully pursue a review of suitability of an allocation (usually a direct offer only) after accepting a property and moving in.

3.12 Health and Housing Assessments

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

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

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

3.13 How Applications are Processed

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 that 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 Registration Date (and Effective Date, if the applicant is placed in Bands 1 to 4). Applicant's not considered eligible and or to qualify for inclusion the Housing Register will be notified.

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

3.14 Re-registering and Change of Circumstances

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

Applicants have a responsibility to ensure they inform the council of any changes in their circumstances, such as someone joining or leaving the household, by notifying the Housing Needs Team in writing. If an applicant moves house they need to complete a new application form so that their housing need can be re-assessed. Where applicants circumstances change they should inform the Council promptly within 28 days (or as soon as practicably possible if they have exceptional circumstances where it is not possible to inform the Council sooner) so their housing need can be re-assessed based on their new circumstances. If an applicant is unsure whether a change in their circumstances needs to be

reported, they should contact the Housing Needs team, or make an appointment to visit the Council.

Where a General Register applicant moves and notifies the Council within 28 days their Housing Application will be treated as continuous and they will retain their original registration date, however, their effective date may change if their housing need has changed and they move into one of Bands 1 to 4. Any applicants that move will have their housing need re-assessed based on their new circumstances and their priority band may change. General Register applicants failing to notify Oxford City Council within 28 days of a change of their address, will have their Housing Application cancelled and will be removed from the General Register unless they have exceptional circumstances (see above). In such circumstances if an applicant re-applies for housing in the future (after 28 days of moving) their registration date will be the date their new application is received and the application will not be treated as continuous.

4 The Banding Scheme

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

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

4.2	Band 1
4.2.1	Exceptional Circumstances
	<p>Any applicant awarded this priority by the Exceptional Circumstances Panel, where there is an immediate risk to health and safety, complex needs cases, 'place of safety' cases or other exceptional or emergency needs</p> <p><i>This category is intended to be reserved for only the most urgent cases. This includes cases where rehousing is needed to protect the health or safety of the applicant or a member of their family, where there are complex needs, 'place of safety' cases etc. This could include the immediate threat of domestic violence and any other "life and limb cases".</i></p> <p><i>The award of Exceptional Circumstances priority will normally be time limited (to 3 or 6 months) and priority will be reviewed at the end of the period.</i></p>
4.2.2	Under-occupying by Two or More Bedrooms
	<p>Council tenants or tenants of partner Registered Social Provider living in Oxford with an assured or secure tenancy, who will be giving up permanent accommodation with at least two bedrooms more than they require</p> <p><i>Applicants should check whether they are eligible for any incentive schemes to assist with the cost of removals and associated expenses being operated by their landlord or local council.</i></p>

4.2.3	Decants and other Housing Management Moves
	<p>Council tenants or tenants of partner Registered Social Providers living in Oxford who need to move because refurbishment or repairs* are due to be carried out, which cannot be done with the tenant living there and who have been awarded 'decant' status by the Manager Responsible for Allocations.</p> <p><i>Awards of this priority will be time limited. Transfer applicants would normally qualify for this status 6 months before they are required to vacate the property. At the end of the six months the Council may decide to make a direct offer, if the applicant has not been successful in bidding for a suitable property. This would not prevent an applicant from registering for a transfer at any time before this and being assessed on their current circumstances.</i></p>
4.2.4	Successor Tenants
	<ul style="list-style-type: none"> • Legal successors other than spouses or civil partners • Policy successors i.e. Applicants (close family members) who would have been entitled to succeed to the tenancy but for the fact that one succession has taken place already. <p>In both instances priority will usually be awarded where:</p> <ul style="list-style-type: none"> • they are occupying a property with adaptations for a disabled person which they do not need, <i>or</i> • they are occupying a property larger than they would qualify for under the allocation policy, <i>or</i> • where occupying the property gives the benefit of facilities and or services for which they would otherwise not qualify. <p>Legal successors will qualify as transfer applicants .</p>
4.2.5	Prohibition/ Demolition Notices
	Households where a statutory notice of prohibition or demolition has been issued by the Environmental Health department and it is not possible to remedy the defects in a reasonable time.
4.2.6	Statutory Overcrowding
	Households where the level of overcrowding exceeds the statutory limit.

4.3	Band 2
4.3.1	Urgent Social or Welfare Needs
	<p>Applicants assessed as having an urgent need to move on social or welfare grounds and awarded this priority by the Exceptional Circumstances Panel. Including applicants assessed as being in urgent housing needs where the applicants is:</p> <ul style="list-style-type: none"> • formerly served in the regular forces, or • has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or <p>&</p> <p><i>This may include applicants assessed as:</i></p> <ul style="list-style-type: none"> • <i>serious harassment cases</i> • <i>having multiple needs not already covered by other band categories</i> • <i>urgently need to move to give or receive care or support</i>
4.3.2	Urgent Health or Disability Needs
	<p>Applicants assessed as having an urgent need to move because of a health problem or disability, and awarded this priority by the Health and Housing Assessment Panel. Including applicants assessed as being urgent housing needs where the applicant:</p> <ul style="list-style-type: none"> • is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service, • or, is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
4.3.3	Under-occupation by One Bedroom
	<p>Council tenants or Registered Social Provider tenants living within Oxford with an assured or secure tenancy, who will be giving up permanent general needs accommodation with one bedroom more than they require</p>
4.3.4	Move-on
	<p>Applicants who have been assessed as ready to move on from supported accommodation, including:</p> <p>Applicants from voluntary sector hostels, foyers and supported lodgings Care leavers: applicants who are former "relevant children" as defined by the Children (Leaving Care) Act 2002.</p>

	<p><i>Applicants will be awarded this band category in accordance with the protocol of the council, when the council is satisfied that the applicant is ready to move to secure independent housing and that ongoing support will be in place where this is needed to sustain the tenancy.</i></p> <p><i>Quota arrangements may be used to ensure a minimum supply of vacancies suitable for those ready to move on from supported housing</i></p>
4.3.5	Overcrowding by 2 or more Bedrooms Short
	Families assessed as being two or more bedrooms short of their needs
4.3.6	Band 3 Upgrade
	Any applicant who qualifies for two or more compoundable categories in Band 3
4.4	Band 3
4.4.1	Priority Homeless (<i>not compoundable</i>)
	<p>Existing applicants living in homeless temporary accommodation accepted as homeless by the Council under s.193 of Part 7 of the Housing Act 1996</p> <p>Existing applicants living in private rented accommodation accepted as homeless by the Council under s.195 of Part 7 of the Housing Act 1996 where:</p> <p>If within two years beginning with the date on which an applicant accepts an offer under section 193 the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and the Council is:</p> <ul style="list-style-type: none"> • satisfied that the applicant is homeless and eligible for assistance, and • satisfied that the applicant did not become homeless intentionally, regardless of whether the applicant has a priority need. and • a valid valid notice under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) has been given the applicant will be awarded this priority from the date the section 21 was issued.

4.4.2	Significant Social or Welfare Needs
	Applicants assessed as having a significant level of social or welfare need arising from their housing situation, and awarded this priority by the Exceptional Circumstances Panel
4.4.3	Significant Health or Disability Needs
	Applicants assessed as having a significant level of housing need as a result of health problems or a disability, and awarded this priority by the Health and Housing Assessment Panel
4.4.4	Unsatisfactory Housing: Level 1
	<p>Applicants living in sub-standard accommodation that a qualified officer has assessed as a category 1 hazard, where repair is not possible or it is not practical in a reasonable timescale.</p> <p>Applicants living in homes lacking the use of one or more of: A kitchen (or cooking facilities)*, a bathroom, an inside WC, running water, or electricity will usually be deemed to meet this criteria.</p> <p><i>Applicants whose existing housing is of a low standard will have their need assessed against the Housing Health and Safety Rating System (known as HHSRS). In the most urgent cases, or where an inspection is needed, the assessment will be carried out by an Environmental Health Officer or other qualified officer.</i></p> <p><i>A Category 1 Hazard is a defect where the consequences could include serious harm to applicants. For example: accommodation lacking any bathroom facilities, cooking facilities, or a water supply. The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.</i></p> <p>* Persons living in Move-on Hostel accommodation, where meals are available, are excluded from this category unless a qualified officer has assessed as a category 1 hazard</p>
4.4.5	Overcrowding by One Bedroom Short
	Applicants assessed as being one bedroom short of their needs where they permanently reside

4.4.6	Insecure Tied Accommodation
	<p>Applicants who are living in accommodation tied to their employment and who have received a formal notice to quit from their employer and where the loss of employment is through no fault of the applicant. This category includes members of the armed forces in married quarters and agricultural workers.</p> <p><i>Priority category will only be given where there is clear documentary evidence that the employer is terminating the employment and the use of the accommodation in the near future.</i></p> <p><i>There is Government guidance (August 2008) for local councils on registering the housing needs of those being discharged from the armed forces. Applicants will be considered as having a connection to a district where their employment is based. In order to be given priority for Insecure Accommodation there must be less than twelve months to the date of discharge.</i></p>
4.4.7	Insecure Private Rented Accommodation
	<p>Tenants of private landlords where the landlord is taking action to recover possession of the property and has demonstrated a real intention to proceed to eviction.</p> <p><i>Before priority for Insecure Accommodation can be given documentary evidence of the date of eviction will be needed by the Council, depending on the type of tenancy or licence held. The landlord must have shown a real intention to proceed with an eviction. Evidence of a Court Order for Possession may be required.</i></p>
4.4.9	Band 4 Upgrade
	Any applicant who qualifies for at least two categories in Band 4.
4.5	Band 4
4.5.1	Moderate Social or Welfare Needs
	Applicants assessed as having a moderate level of social or welfare need arising from their housing situation, and awarded this priority under the Exceptional Circumstances protocols
4.5.2	Moderate Health or Disability Needs
	Applicants assessed as having a moderate level of housing need as a result of health problems or a disability, and awarded this priority by the Health and Housing Assessment protocols
4.5.3	Homeless and Not in a Priority Group <i>(not compoundable)</i>

	<ul style="list-style-type: none"> • Applicants who have been assessed as being of No Fixed Abode (NFA), or • Applicants who are Homeless but have been given a decision that they are not in Priority Need, or • Applicants living in Move-on Homeless Projects who could otherwise access the Move-on Scheme <p><i>This category is given where a formal assessment has been carried out under the homelessness legislation and the applicant is found to be homeless but not in a defined priority group. The category will also be given without a formal assessment, where it is clear that the applicant has No Fixed Abode. This includes those living in voluntary sector Move-on Projects.</i></p> <p><i>This category does not include applicants who have been assisted to access the private rented sector through a rent deposit scheme.</i></p> <p><i>This category is not compoundable with other factors. Those who are homeless and have other priority needs will be assessed in accordance with the Homelessness legislation and, if they qualify, will be given a Band 2 priority.</i></p>
4.5.4	Unsatisfactory Housing: Level 2
	<p>Applicants living in sub-standard accommodation that is deemed to have a category 2 hazard and where repair is not possible or it is not practical in a reasonable timescale.</p> <p>Applicants living in homes lacking a fixed heating system will usually be deemed to meet this criteria.</p> <p><i>The band category will not be awarded, if it is possible for repairs or other remedial action to be carried out within a reasonable timescale. Where a landlord has been served with an improvement notice but remedial work has not been carried out, the Council may decide to award priority at its discretion.</i></p>
4.6	Band 5
4.6.1	Adequately Housed
	<ul style="list-style-type: none"> • Applicants who are adequately housed • Applicants with no immediate need for rehousing • Applicants sharing where the accommodation is of sufficient quality and there is no overcrowding • Applicants who do not qualify under any other category

	<p><i>This category includes applicants who may have a low level of housing need, but where the circumstances do not give rise to any exceptional problems. This includes:</i></p> <ul style="list-style-type: none"> • <i>formal and informal house-sharing arrangements where the size and standard of the accommodation is adequate for the needs of those living there</i> • <i>those living with family or friends where the size and standard of the accommodation is adequate for the needs of those living there</i> • <i>families living in flats where the internal accommodation is adequate for the family's needs but where there is no private garden.</i>
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4.7 Compound Needs

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

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

4.8 Time Limited Priority

In certain cases priority will be time limited. For example, a decision to grant a high band on the grounds of an urgent social or welfare need might be for a limited period. This will normally be three to six months. In all cases the applicant will be given a reasonable amount of time to bid for alternative accommodation, and the length of time may be adjusted according to the availability of suitable accommodation. Priority will be re-assessed at the end of the period.

4.9 Date Order

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

Priority Band Start Date

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

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

4.10 Change of Circumstances

Changes of Circumstance & Priority Band Start Dates

Where an applicant's circumstances have changed and they should notify the housing needs team within 28 days to check whether this has affected their housing need and whether they need to supply any further information. If the change in the applicants circumstances have resulted in:

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

5 Choice Based Lettings

5.1 Statement on Choice in Allocation

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

5.2 Assisting Vulnerable Applicants

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

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

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

5.3 Advertising

All the members of the ORAH partnership and 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 or is particularly suitable for a household assessed as in high housing need – such as an adapted property suitable for a disabled person.

- 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 newssheets available in all Council and RSL offices

- In a PDF format on the website suitable for download by 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 bids for the property must be received. It is not possible for an applicant to make bids after the bidding cycle closes
- 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 e.g. 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 applicant only; for direct match only; or with initial preference being given to certain categories of applicant. See *section 5.14* on properties not in the choice based lettings scheme.

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 Statutory Homeless Applicants

The label will say 'preference for statutory homeless applicants'

To qualify applicants will need to have confirmation that Oxford City Council has accepted a duty under the homelessness legislation (see 4.4.1 of the Banding Scheme)

5.5.2 General Register Applicants

The label will say 'preference for general register applicants'

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 secure tenant or an Assured tenant of the Council or another ORAH partner and living within Oxford. They will have been verified as eligible to be on the transfer list through the application process.

This label is used to ensure the Council and other ORAH partners, can make optimum use of the stock. When a tenant transfers this creates a further vacancy which will normally be available for letting. This helps ensure there is mobility within the stock.

5.5.4 Supported Accommodation

The label will say 'Supported housing. For applicants with an assessed support need only'.

Supported Housing will have accommodation-based support provided as part of the scheme to give additional care and support to the residents of the scheme and include some properties at Riverside Court.

5.5.5 Sheltered Accommodation

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 24hour 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 aged 60 or over who have an identifiable support need. Some properties have an age criteria of 55+. This housing may sometimes be let to younger applicants who would benefit from the support provided.

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 housing needs team or a member of staff at one of our partner Registered Social Providers, and/or who meet the age criteria for the scheme. Support needs are assessed by carrying out a standard support needs assessment at the application stage or where an applicant's support needs have increased.

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' that 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.

5.5.6 **Other Specialist Housing for Older People**

The Council has two types of designated elderly accommodation:

Designated elderly accommodation only suitable for applicants aged 55 years or older that the Council has no plans to currently de-designate.

Designated elderly accommodation only currently considered suitable for applicants aged 40 years or older that *may* in the future be de-designated to allow younger applicants to apply for these properties too.

5.5.7 **Designated Elderly Housing (with a Community Alarm)**

The label will say 'Housing with a community alarm. For applicants over 55 with an assessed support need only' and includes flats at North Place.

This housing is usually let to people over 55 (or over 40 for some properties) who have an assessed support need for the community alarm service. 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 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.

5.5.8 Designated Housing Minimum Age 40+

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.

5.5.9 Disabled Adapted Properties

The label will say 'for applicants with an assessed need for disabled adapted property only' and will specify the level of adaptation using the four categories set out below

Disabled adapted properties are defined as properties that have been specially built or adapted for people with disabilities. The level of adaptation will be specified in the property advertisement. An adapted property is one containing one or more of the following features:





- Level access shower
- Ramps/ Level access
- Stair lifts
- Walk-in Bath

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 and will specifically label these properties as such. The Council may allocate some adapted Mobility 3 and 4 standard properties outside of Choice-Based Lettings, to applicants in high housing need requiring an adapted property. By offering an applicant a property as a direct match when a particularly suitable property becomes available.

	Level Access. Level access into the property (from the street to the front door) and level access throughout the property (no internal steps)
	Mobility Standard. Level access into and throughout the property, although all rooms may not be accessible by a wheelchair. Meets part M of the Building Regulations (e.g. minimum door widths)
	Disabled Adaptations. The property may not meet the other standards, but it has a significant adaptation, such as a level access shower; a stair-lift; or a walk-in bath. Specific details available
	Wheelchair Standard. The property is specifically designed for wheelchair users. Design features include parking and level access; enhanced circulation space; and specialist fixtures and fittings

5.5.10 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 where a Local Lettings Plan is in operation in order to comply with its requirements, or where a priority may be given to larger families, or to those applicants with a specific local connection to a district within the sub-region (or to a parish, in the case of some sub-regional rural schemes).

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

5.6 Bidding

5.6.1 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 (e.g. elderly or disabled).

Bids can be made by the following methods:

- Automated telephone line (24 hour)
- SMS text
- Website
- Assisted bidding in the offices of Oxford City Council, or it’s ORAH

partners

The Council may offer other methods as appropriate in future

5.6.2 **Property Size Eligibility**

The rules used to calculate the number of bedrooms an applicant is eligible to apply for are set out in 3.10. Applicants will notified in writing of the size of property they are eligible to apply for and will not normally be able to bid for a smaller or larger property.

5.7 **Lettings Cycle**

A letting cycle will 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 advertising 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 suitable 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 **The Selection Process**

The successful applicant for each property will normally be the one who is eligible for the size and type of property being offered, and who is in the highest band. Where there is more than one applicant in that band, priority will be by date (see below).

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

Applicants will be able to bid to be considered for three social rented properties and any number of shared ownership or private rented properties in any one advertisement cycle. Applicants can withdraw bids and add new ones in the course of the cycle.

5.8.1 Priority Order

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

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

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

5.8.2 Shortlists

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

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

If it can be demonstrated that the property does not match the needs of the applicant, then this is recorded, and the decision verified by the manager responsible for allocations. The allocating officer then proceeds to investigate the suitability of the property for the next applicant on the list, and the process continues until a suitable match is found.

If an applicant is successful for more than one property they will be contacted where possible and asked to express their preference over which property they would like to be offered.

The Manager Responsible for Allocations is responsible for:

- a) Checking paperwork relating to all allocations and nominations, to

- ensure that correct procedure has been followed
- b) Authorising offers and nominations, including decisions as to the reasonableness or otherwise of an allocation or nomination
- c) Deciding whether to make an allocation of housing 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)

5.8.3 Rent Arrears & Property Related Debts

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

Rent arrears are defined as any money, including former tenant arrears, owed to Oxford City Council or any social landlord, in the form of non-payment of rent, hostel charges, chargeable repairs, or court costs. Amounts under £200, when combined, may be disregarded for this purpose. Any amount over £200 will lead officers to make further enquiries into the applicant’s ability to sustain a tenancy.

If a Transfer Applicant has a Postponed Possession Order (that does not exclude them from the transfer register), no offer will usually be made, unless:

- the application has an Exceptional category sanctioned by the ECP & payments have been received in line with the order made, or
- it has a REMS category, and any compensation due will clear the debt in full, or
- the debt is cleared in full by the tenant.

If any applicant is allowed to be included on the Housing Register but has any outstanding rent arrears (but no postponed possession order), they should not usually receive an offer of accommodation unless:

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

The following cases will usually be exempt from this:

- Exceptional Category – a move with arrears sanctioned by the ECP panel
- All Temporary Decants, or Permanent Decants where the Council may incur a significant expense if the person is not moved
- REMS cases – where the compensation will clear the debt in full
- Technical arrears, where it is confirmed that a Housing Benefit award is due that will clear the arrears
- Persons accepted as statutory homeless and housed in temporary accommodation (unless a warrant for eviction has been applied for)

The Manager responsible for Allocations may also exempt other cases. This

discretion might be exercised where the applicant has made an agreement to clear the debt and has made consistent payments for a period of time (usually a minimum of 6 months) or where the situation was deemed to be out of the applicants control; unlikely to render the applicant to be a suitable tenant at this time; or relates to physical, mental or learning disability.

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 that has been allocated, the information shall not enable a member of the public to ascertain the identity of the individual applicant who has been allocated the accommodation, or to put them at risk of violence or intimidation by other individuals or members of the public. In extreme cases, the Manager responsible for allocations may make the decision not to publish the fact that a property has been let.

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

Applicants will be able to review their own bidding history through the website, or ask a member of Oxford City Council or its partner 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 may not be in a position to make a firm decision until the property has been viewed. However, there is a high demand for social rented accommodation and the Council and its partner RSLs want to let homes advertised through Choice Based Lettings as soon as possible so applicants should be choose carefully before making a bid.

If an applicant refuses an offer after a bid has been placed on the property without good reason the Council reserves the right to apply a penalty (see 5.13).

5.11 Failure to Bid

Oxford City Council will look at who is bidding and how often. If an applicant in a high priority group is not bidding despite properties 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 place a bid for an applicant or make a direct offer of accommodation in some circumstances, e.g. where a homeless applicant lives in temporary accommodation supplied by Oxford City Council, or is a “legal” or “policy” successor required to move, and is not bidding, despite suitable accommodation being advertised and help being offered.

5.12 Time Limits

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

Homeless applicants to whom the Council has accepted a homeless duty and placed in temporary accommodation will be given 3 months to bid for a suitable property through the Choice-Based Lettings scheme. If after this time the applicant has not successfully bid for a property despite a suitable property becoming available, the Council may place bids for the applicant on all suitable properties within Oxford irrespective of their location or property type, or make the applicant a direct match outside of Choice-Based Lettings. The Council also reserves the right to make a suitable Private Sector Offer outside of the Allocations Scheme to discharge homeless duty at any point after a homeless duty has been accepted to the homeless applicant (including during the initial 3 month period given to homeless applicants to bid for properties via CBL).

Policy “successors” will normally be given up to 6 months to bid for a suitable property, after this time, if they have failed to bid or failed to successfully bid for a property the Council will place bids for them on all suitable properties becoming

available and may make a direct offer outside of CBL.

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 has turned down a property 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 contacted 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:

5.13.1 Statutory Homeless Applicants to whom the Council has a duty:

Applicants on the homeless list will be made one suitable offer of accommodation – this could be an allocation of social housing through the Allocations Scheme or an offer of suitable accommodation within the private rented sector made outside of the Allocations Scheme by the Housing Options Team to discharge the Council's homeless duty.

If a homeless applicant refuses a suitable offer the Council will no longer have a duty to accommodate them and ask them to leave their temporary accommodation and to resolve their housing situation themselves. If the applicant does not move out the Council will take action to take possession of the property.

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

Applicants already accepted as homeless prior to the introduction of the new scheme will only be made offers of social housing and will not be offered private rented accommodation (unless they request the Council to assist them in moving into the private rented sector).

Homeless applicants will be given a time-limited priority to bid for properties through CBL. During this time they could also be made an offer of suitable private rented accommodation to discharge the Council's homeless duty by the Housing Options Team outside of the Allocations Scheme.

After a reasonable time has passed (3 to 6 months normally) or longer if for example a household requires a very large property, an adapted property or it

has been accepted that they can't not go to certain areas within Oxford. If a homeless applicant has not successfully bid for a property or been offered a suitable property in the private rented sector they may have bids placed for them automatically on all suitable properties becoming available (all suitable property types & in all areas) by the Allocations Team and will be offered the first property they shortlist for an offer on, irrespective of whether they have bid for the property or not.

5.13.2 Applicants on the General Register & Transfer Lists

UNREASONABLE REFUSALS

Unreasonable refusals delay other applicants in housing need moving into a property and can result in the landlord losing rental income from having longer void periods

Applicants on the General Register or Transfer List who are considered to have unreasonably refused two suitable offers of accommodation within the last 12 months will be suspended from bidding for 12 months.

If the applicant disagrees with this decision they have the right to request a review of this decision (see Reviews & Appeals). If the appeal is successful they will be able to continue to bid. If the appeal is not successful they will remain suspended for 12 months.

5.14 Properties not advertised through CBL (Direct Offers)

Oxford City Council may choose not to advertise certain properties if they are needed for management reasons. This may include temporary lettings as emergency accommodation for homeless families, some types of supported housing, direct lettings to national mobility schemes, emergency inter-district transfers for some SRP partner properties, or permanent decants (where the properties are being sold, demolished or otherwise disposed of, or where tenants have been given the choice of not returning to a property following refurbishment or re-modelling, and it is not practicable to allocate through the CBL scheme).

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 Temporary Decants

Where a temporary move is required while modernisation, refurbishment, or repair work is undertaken to any property of Oxford City Council, or its partner

RSLs, and the tenant cannot remain in the property for a temporary period while this is being undertaken, the Manager responsible for Allocations may award a Decant category.

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

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

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

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

5.16 Hard to Let Properties

A property will be declared “hard to let” if:

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

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

5.17 Inter-District Moves

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

5.18. Priority for Local Connection

As part of the allocations policy priority will also be given to applicants who have one or other type of local connection. Normally only applicants with a local connection will qualify for inclusion on the Housing Register; however, there are some exceptions (see 3.3.2).

District Connection

Most housing vacancies will be advertised as giving priority to those applicants with a district connection to Oxford.

The following rules will be used to define District Connection:

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

1. The applicant or joint applicant is permanently resident in the district and that residence is of their own choice.
2. The applicant or joint applicant was previously resident in the district as a matter of choice and the period of residence was either:
 - At least six out of the last twelve months or
 - Three out of the last five years.
3. The applicant or joint applicant is employed in the district for a minimum of sixteen hours per week and the employment is not of a short-term or temporary nature.
4. The applicant or joint applicant has family associations with the district.

Family association will normally be defined in relation to close relatives (i.e. parents, children or siblings) and where there is no estrangement. However, other family associations may be taken into account (e.g. Grandparents, grand children and step relations) where there is evidence of frequent contact, commitment or dependency.

To qualify the relatives must live in the district now and have been continuously resident for a minimum of five years.

A district connection is **not** established where the applicant is:

- is in prison within the district or
- is detained in the district under the Mental Health Act.

6 Housing Options

6.1 Housing Options and Choice

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

6.2 Home Choice

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.

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

6.3 Private Renting

From time to time there may be opportunities to advertise privately rented properties, with the agreement of the landlord. These are most likely to be properties being made available for lettings with the help of rent deposit assistance from the local authority.

The adverts will appear in the Housing Options area of the web site and in the property newsletter.

6.4 Homebuy and Other Low Cost Home Ownership Options

6.4.1 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 Association accommodation to buy their property if their landlord is participating in the scheme

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

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.

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.

6.4.2 Advertising and Bidding for Home Ownership Properties

Partner housing associations and private developers offering subsidized forms of home ownership will be able to advertise their properties via the Homechoice web site and Property Newsletters. These properties will be listed separately from properties for rent. Registered applicants may apply by bidding in the same way as for rented properties.

Applicants registered with the Council may bid for any properties advertised as available for sale. The short-list will be prioritised in the same way as for rented vacancies. However, the Private Registered Provider or developer will be supplied with the contact details of all qualifying* applicants and those selected to proceed to purchase may not necessarily be those highest on the list.

*Qualifying applicants are those who are eligible to register who have been assessed as having sufficient income and savings to proceed to make a purchase on the terms on offer.

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

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

An applicant has the right on request (under 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.

7.1.4 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. These may also be supported by the Council.

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 1.

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 2.

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 (REMS) Oxford City Council Tenants who are granted REMS status are eligible for compensation based on the number of bedrooms released by any move, and expenses covering costs associated with moving. Details of the levels of compensation and expenses payable 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

Existing tenants at 1 April 2012

The rights of occupiers of council housing to succeed to a secure tenancy are governed by sections 87 and 88 of the *1985 Housing Act*. Secure tenants are able to pass on their tenancy to a spouse, civil partner or family member on the death of the tenant. Assured tenants can pass their tenancy on to a spouse or civil partner.

There is only one legal right to succession per tenancy.

Those entitled to succeed by law are:

- spouses and civil partners (secure and assured tenants)
- family relatives (including blood and step relatives but not cousins)
- co-habiting opposite sex couples, are regarded as family members
- co-habiting same sex couples, without a civil partnership are not entitled to succeed by law

The following conditions apply:

- 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.

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

A succession will also have been deemed to be 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)

Tenants after 1 April 2012 (England only)

The *Localism Act 2011* has amended the succession rights of new tenants for tenancies that began on or after 1st April 2012.

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

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

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

In some cases, a tenancy agreement may allow other people to succeed apart from those who have a legal right to succeed. For example, a tenancy agreement may allow family members to succeed, such as the tenant's son or daughter.

Other people can only succeed to a secure tenancy which began on or after 1 April 2012, if, when the tenant dies:-

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

A tenant should check her/his tenancy agreement as it may give additional contractual rights.

8.1.2 Housing Association Tenants/PRPs

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

8.1.3 Points to Note on Successions

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.

8.1.4 Otherwise Excluded Successors

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

“Policy successions” generally apply to people who would have been entitled to succeed but for the fact one legal succession has happened, usually where a joint tenancy has become a sole tenancy. Band 1 priority may be awarded to a close family member who would have been entitled to a legal succession, but is not, because one previous succession has already taken place, by authorisation of the Manager responsible for Allocations, based on the recommendation of the Tenancy Operations Manager or equivalent ORAH officer.

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

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

Civil partners are treated the same as spouses.

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

8.2 Assignment

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

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

8.3 Mutual Exchange

Mutual Exchanges are exchanges by way of Assignment. All permanent social housing tenants are able to go onto the register (Assured Shorthold Tenants or Introductory Tenants 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 section 92 of the Housing Act 1985. Assured tenants have a right to exchange under the 1988 Housing Act. Mutual exchanges may be refused in accordance with the Housing Act 1985 (for Council properties) or the Housing Act 1988 (for RSL properties). Consent will only be made conditionally on the breaches of tenancy being rectified. All mutual exchanges can only proceed with the written consent of both landlords.

Some landlords may in addition keep exchange books at their offices.

8.4 Joint To Sole and Sole To Joint Tenancies

8.4.1 Joint to Sole

On receipt of written notice that one party wishes to end the tenancy, a new sole tenancy for the same property may be granted at the discretion of the Tenancy 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 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.

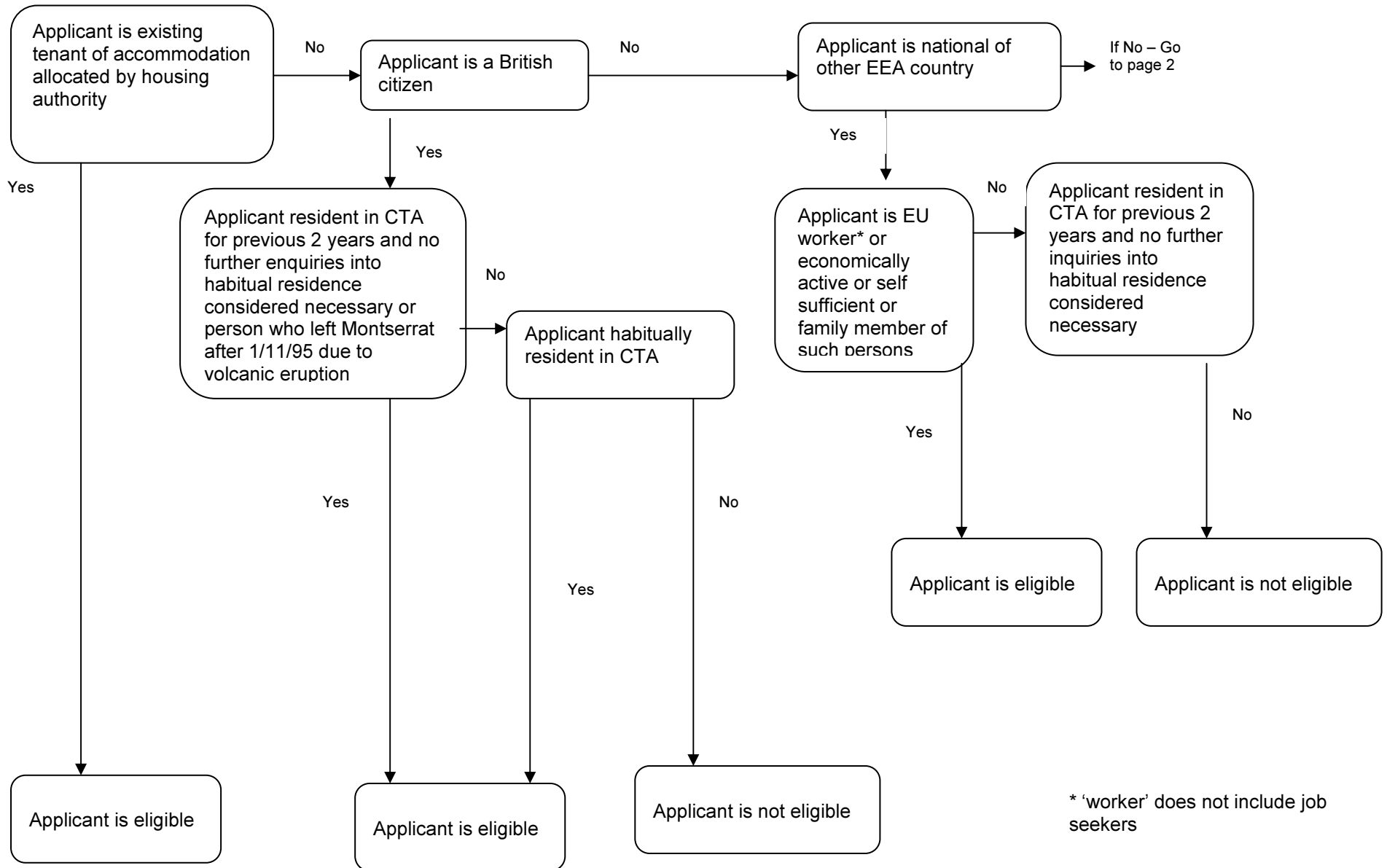
Appendices

- 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
- V Officer Roles in Relation to the Allocation of Housing and Associated Processes
- VI Guidelines for Calculations on Affordability

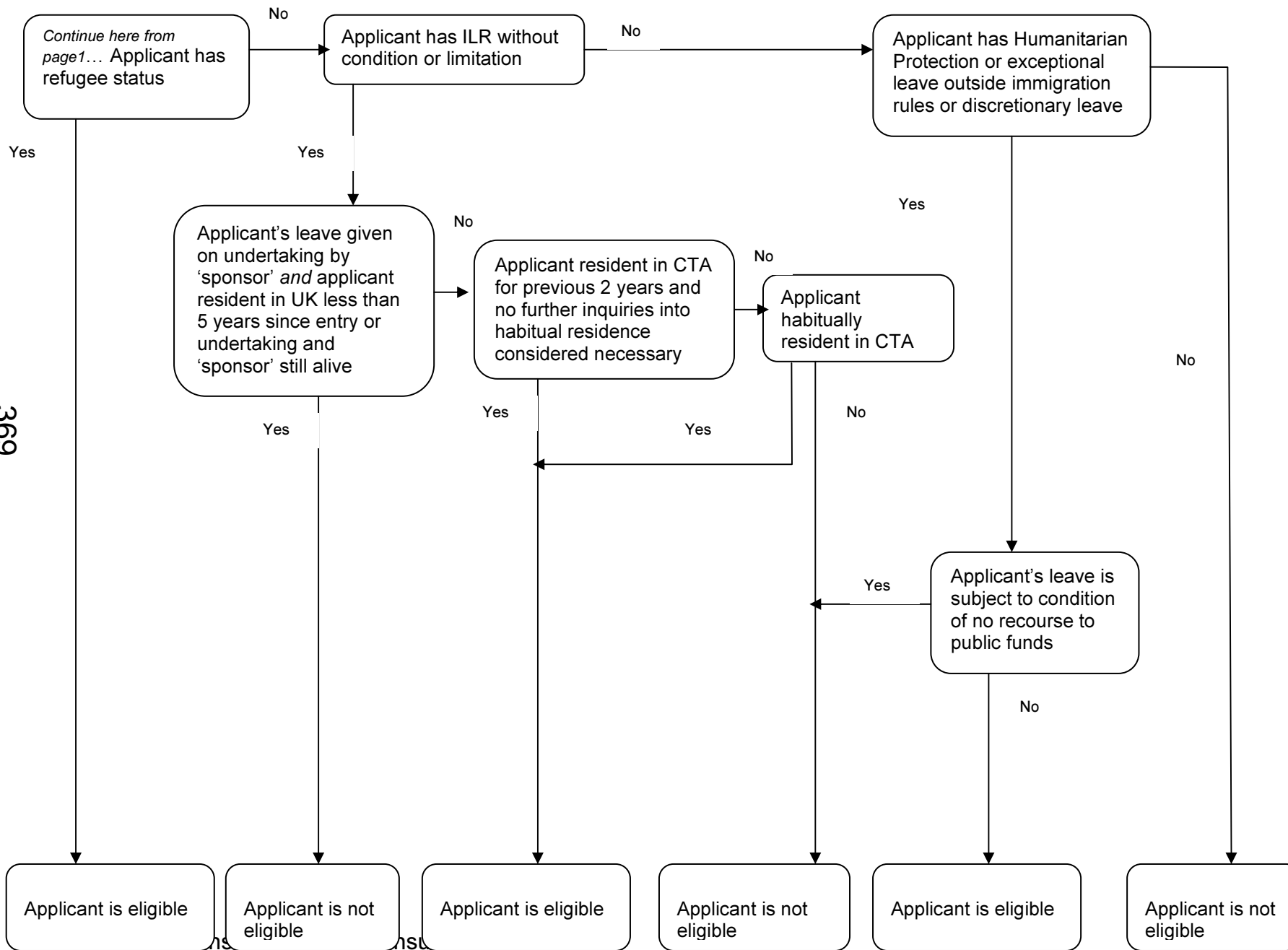
Appendix I

This flowchart is a simplification of a complex area and is for guidance only. Applicants should not rely on it as a statement of eligibility but discuss this with a relevant officer.

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Appendix II – Classes Of Person Ineligible for an Allocation of Housing By Reason Of Their Immigration Status

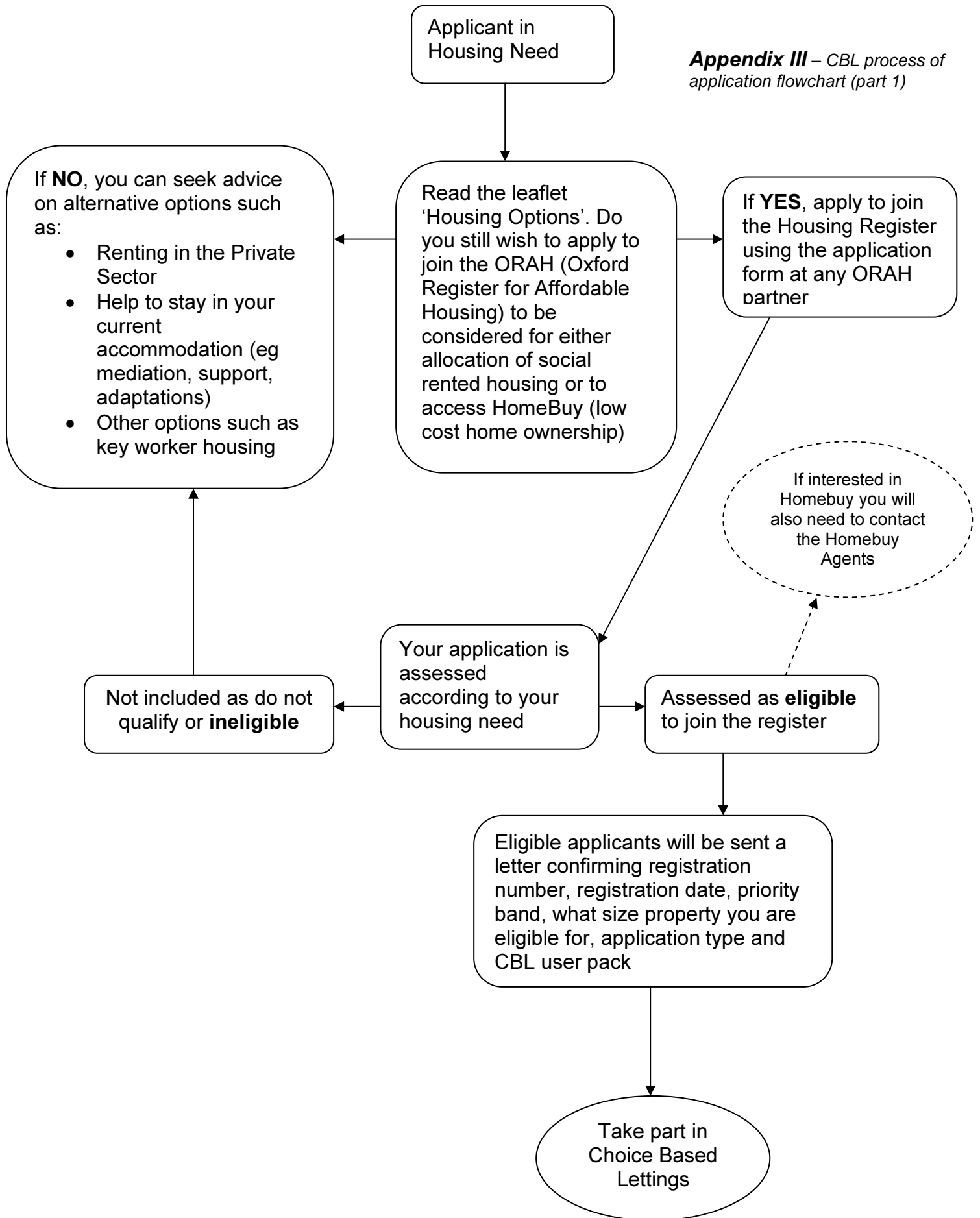
The following classes of persons are not eligible for an allocation of housing by reason of their Immigration status or lack of habitual residence, unless they are already a secure or introductory tenant of a housing authority, or an assured tenant of accommodation allocated to them by a housing authority.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

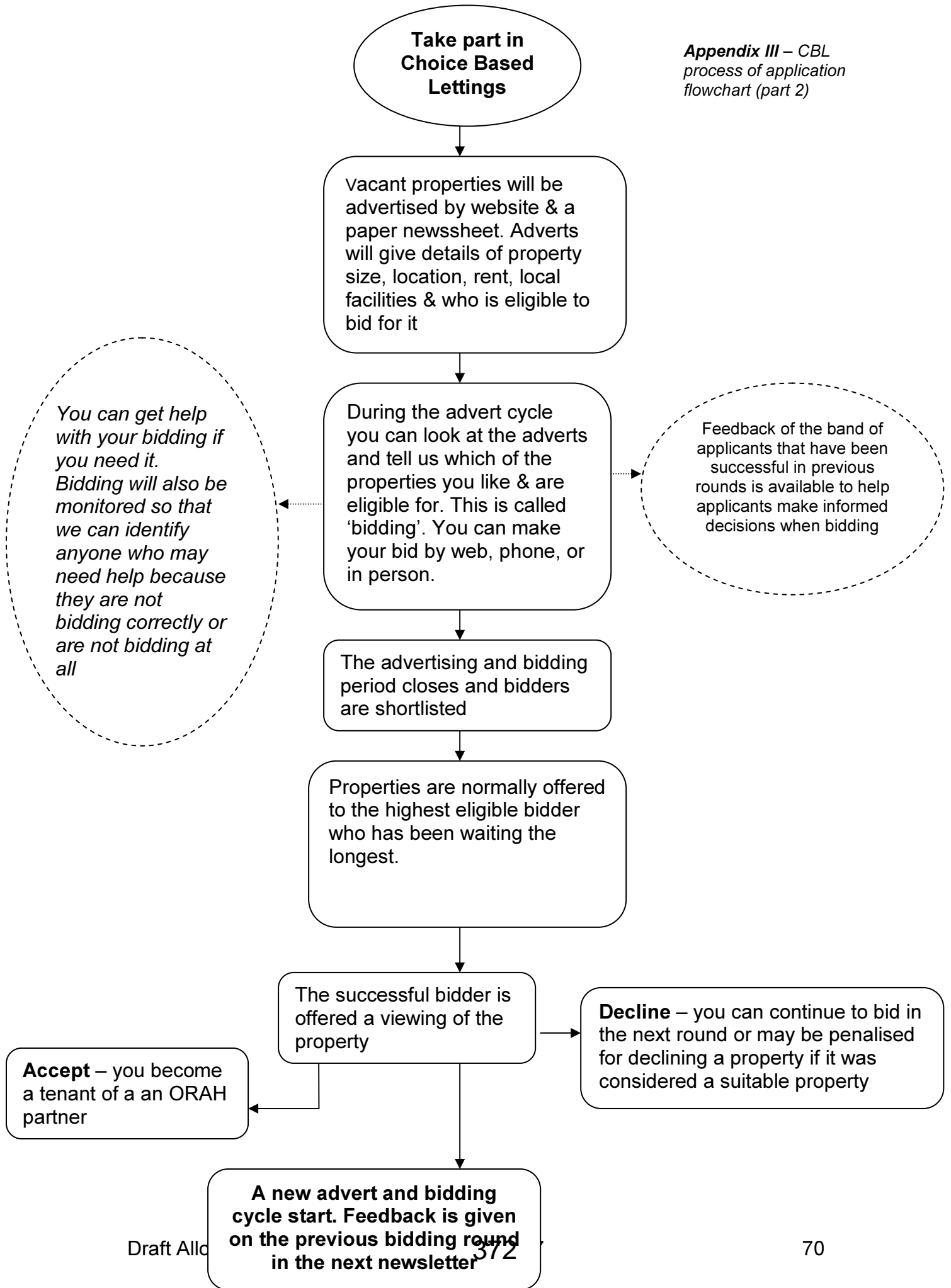
- a) A person registered with the Home Office as an asylum seeker.
- b) A visitor to this country (including an overseas student) who has limited leave to enter or remain in the UK granted on the basis that he or she will not have recourse to public funds.
- c) A person who has a valid leave to enter 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 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.

Appendix III – CBL process of application flowchart (part 1)





Appendix IV – 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 by full Council in accordance with Oxford City Council's Constitution

ii) The Head of Housing, may further delegate operation of the Scheme to officers within the service (or on occasion to other officers)

Officer Roles and Responsibilities

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/ Housing Needs Officers	<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 and qualification for inclusion on the housing register and an allocation of housing 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, ad 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) Awarding Band 3 or 4 priority based on a HAHA assessment f) Awarding Band 4 on an ECP assessment g) Answering general queries by telephone, in writing, and in person
Manager Responsible for Allocations	<ul style="list-style-type: none"> 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>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 &/or qualifies 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 should be excluded from qualifying for inclusion on the Housing Register, in light of previous unacceptable behaviour (including outstanding rent arrears), or in light of their financial resources</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 • a status of permanent or temporary decant is required to facilitate works to the applicant's home • a 'policy successor' is required to move Band 1 may be awarded to expedite this move <p>g) Decisions to make Direct Offers of accommodation</p>
Principal Housing Facilitator	<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>
Exceptional Circumstances Panel	<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>The panel does not have a fixed membership, but will be drawn from officers within the Housing Business Units 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. The Panel will be chaired by a Senior Officer for the Housing Needs Team. 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>
Head of Housing	Resolution of disputes between officers regarding interpretation of the Allocations Scheme and decisions arising from that interpretation

	<p>The Head of Housing has delegated authority to:</p> <p>Authorise minor amendments to the Allocations Scheme proposed by the Allocations Manager where:</p> <ul style="list-style-type: none"> • Legislation changes and the Allocations Scheme needs a minor change to comply with new legislation <i>and</i> the change will have a low impact on those on the housing register. • Best practice or new guidance is introduced that needs to be reflected in the Allocations Scheme <i>and</i> the change will have a low impact on those on the housing register <p>Authorise offers of accommodation outside of the Allocations Scheme for “management cases” to make the best use of stock for existing tenants. To include:</p> <ul style="list-style-type: none"> • Adapted properties no longer required by the tenant • To facilitate a move as an alternative to adapting a property • To maximise bedroom occupation and ensure affordability <p>&</p> <p>Approve the annual lettings plan targets proposed each year by the Allocations Manager – where the targets remain the same as the previous year or include only a small adjustment (up to 5% or less than 10 properties per annum) to the target of properties to be allocated to each list.</p> <p>Change the annual lettings plan targets after 6 months if the demand on the housing register has changed significantly and minor corrective action is required. Such changes should be subsequently reported to CEB if the annual lettings plan was approved by CEB.</p>
<p>Tenancy Operations Manager, Area Housing Managers & Area Housing Team Leaders (or equivalents in partner PRPs)</p>	<p>a) Approval and counter signature of submissions to the Exceptional Circumstances Panel, and Health & Housing Assessment Forms.</p> <p>b) Decisions on Joint to Sole and Sole to Joint tenancy applications (Tenancy Operations Manager)</p> <p>c) The authority to make a recommendation to award a succession status to an applicant</p>
<p>Furnished Tenancy Officer</p>	<p>Responsibility for administering cases under the Removals Expenses Scheme.</p>
<p>Tenancy Management Officers ((or equivalent role in within the</p>	<p>a) Approval, inspections, and tenancy changes relating to requests for Mutual Exchange of Tenancies.</p> <p>b) Home visits to some transfer applicants.</p>

Council or partner RSLs)	
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/ORAH equivalents	General advice, and verification of documents provided by applicants.
Health and Housing Assessment (HAHA) Panel	<p>Responsible for awarding priority and assessing cases in which the health of the applicant, or their household, is worsened due to their current housing circumstances, in accordance with this Allocation Scheme. The award of increased priority, as appropriate, should reflect the applicant's situation.</p> <p>The panel does not have a fixed membership. This will be drawn from officers from Community Housing; Oxford City Homes; and ORAH partners, who have sufficient knowledge and experience to contribute to the Panel's effectiveness. The panel will comprise of a minimum of 2 persons, including 1 manager and health professional or 2 managers and another officer. The Panel will be chaired by a Senior Housing Needs Officer. Officers referring cases to the panel may make representations, but may not sit on the Panel for cases they have referred.</p>

Appendix V – Guideline Calculations for Affordability

Social housing is a scarce resource. Applicants on the General Register List and Transfer Lists will be excluded from the Housing Register, regardless of their housing circumstances, if there is evidence to suggest that they have sufficient income or assets to resolve their housing problem through the housing market by renting or buying a suitable home. Each case will be considered on its merits and where there would otherwise be hardship, priority may be awarded in accordance with the policies and protocols of the Allocations scheme.

Property

Applicants or members of their household who own a property in the UK or overseas that is considered suitable for their households housing needs will not qualify for inclusion on the Housing Register or as a member of another applicant's housing application. If the property is valued at £16 000 or more and would provide sufficient funds to resolve their housing situation

Applicants with property valued at under £16K will not be excluded from the housing register due to the value of their property.

Property includes: narrowboats and caravans.

Savings/Investments/Assets

An applicant/joint applicant or member of their household with savings/investments or assets of £16K or more will not qualify for inclusion on the Housing Register or as a member of another applicant's housing application.

Income

Applicants with sufficient income to resolve their own housing situation may be excluded from the housing register. An applicants income combined with savings less £16K could be taken into account when making this decision.

Exceptions

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

Those applicants to whom the Council has accepted a duty under Homelessness Legislation will not be included in this policy as it would not be in the best interests of the Council to delay getting such persons housed due to the high cost of temporary accommodation.

Those applicants applying for Shared Ownership will be included on the Shared Ownership Register but will not normally be included on the General Housing Register or another applicant's housing application.

Exclusion from the Housing Register

Should a decision be made to exclude an applicant, they will be informed of this, with the right to request a review, and will be given information as to how to source alternative accommodation and resolve their own housing needs through the open market or private sector.

Verification

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