

**Allocations Policy**

**2020 Policy**

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**Section 1 Introduction and Background**

**Members of the Cumbria Choice Based Letting Partnership**

This document is the revised Housing Allocation Policy for the Cumbria Choice Partnership (CCP).

The Allocation Policy is called the ‘Cumbria Choice’ and is a choice based letting scheme where applicants are able to bid for advertised vacant properties. Cumbria Choice is a sub-regional partnership between the 6 Local Council Districts and 8 Registered Provider Housing Associations that own social housing stock across Cumbria.

The following are members of the Cumbria Choice Partnership:

Allerdale Borough Council

Barrow Borough Council

Carlisle City Council

Copeland Borough Council

Eden District Council

South Lakeland District Council

Plus the following Housing Associations:

Accent Housing Association

Castles and Coasts Housing Association

Eden Housing

Home Group

Impact Housing

Riverside Housing

South Lakes Housing

Each of these Registered Providers (commonly known as and referred to in this policy as Housing Associations) have voluntarily signed up to the policy to ensure that all applicants applying for social housing in Cumbria are provided with a single route of access to social housing and are assessed using a single policy. Where any individual housing association in Cumbria is not a partner to the policy and continues to let vacant properties owed to the Council under a nominations arrangement, this policy will apply to the nominations owed.

The participating Housing Associations listed above (contact details are set out in appendix 5) have agreed to advertise the majority of their available vacant properties through the scheme and in accordance with this policy.

The ‘Cumbria Choice Partnership’ is overseen by a ‘Sub Regional Project Board’, which is governed by a partnership agreement. The membership consists of one senior officer representative from each organisation. Each organisation has one vote within the partnership.

The Project Board will meet at least six times a year to oversee the running of the scheme and to monitor its compliance with local and national policy and guidance. The partnership will continue to monitor, fund, develop and make policy decisions about the scheme as appropriate.

The policy covers the nomination of any applicant under the scheme to be an assured or an assured short hold tenant of housing accommodation held by any participating Housing Association across Cumbria, whether by way of a legally enforceable arrangement or not. This includes a nomination of a ‘starter tenancy’. Of the 6 Cumbrian Councils only Barrow still owns Council stock and the policy applies to allocations made for that stock.

This policy sets out who is, and who isn’t, eligible for social housing in Cumbria and how the CCP will make this assessment. It details how applications to join the CCP Housing Register can be made, the priority they will be given, and how offers of social housing will be made.

This is a revised ‘Housing Allocation Policy’ and will take effect in respect of all allocations of housing on or after 27th April 2022*.* The assessment of need and qualifying criteria set out in this policy will be applied to all new and existing Applicants from this date.

**Legal context**

This is the 6 Cumbrian Councils Housing Allocation Policy as required by Part 6 of the Housing Act 1996. Applicants are able to apply for housing and all applications will be fully assessed.

When applying an applicant will be asked to choose a local authority or housing association partner to administer their application. Where a housing association partner assesses and administers an application they will, on behalf of the 6 Cumbrian local authorities, be formally discharging the legal responsibility for a local authority to receive applications and apply their adopted allocation policy to assess that application. All applications will be assessed and administered through applying this allocation policy: this being the legally adopted allocation policy for all 6 Cumbrian local authorities.

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

1. The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
2. The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
3. Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”;
4. Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.
5. Plus the following statutory regulations:
6. Allocation of Housing (Procedure) Regulations 1997, SI 1997/483;
7. Allocation of Housing (England) Regulations 2002, SI 2002/3264;
8. Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments
9. Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
10. Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
11. The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
12. ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)’
13. Right to Move guidance (DCLG, 2015)
14. Social Housing for Victims of Domestic Abuse in Refuges or other Types of Temporary Accommodation, guidance (MHCLG, 2018)
15. Homelessness code of guidance for local authorities (MHCLG, 2018)

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

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

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

Where the Policy refers to the Cumbrian Choice Partnership, or CCP, this is to be taken to mean each of the 6 Cumbrian Councils. Each Council has adopted this Policy as its legal Allocation Policy to meet the statutory duty under Part 6 of the Housing Act 1996.

This Allocation Policy applies when a Cumbrian Council:

1. Selects a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation owned by Barrow Borough Council as the other 5 Council Partners no longer retain social housing stock).
2. Nominates a person to be a secure or introductory tenant of housing accommodation (i.e. in practice accommodation held by another housing authority).
3. Nominates a person to be an assured tenant or assured shorthold tenant of housing accommodation held by a Registered Provider (commonly referred to in the Policy as Housing Associations).

The above includes Affordable Rent properties and Flexible (i.e. fixed term) tenancies.

For details of lettings not covered by the policy see appendix 1.1

**The key aims and objectives set for the Policy**

The key aims and objectives adopted for the Policy are:

1. A Policy that meets the legal requirements placed on each Cumbrian Council, namely to give appropriate priority to applicants who fall within the Housing Act “reasonable preference” categories
2. To ensure there is a social housing lettings service that embraces equality and diversity by being open and fully accessible to all individuals.
3. To improve the means by which local people in Cumbria gain access to social rented housing by providing a modern and easy to understand allocation system which offers realistic choices.
4. A Policy that is simple to understand and use, is transparent and is seen as fair by the general public and applicants
5. To support the objective of making the best use of the social housing stock in Cumbria, and to support mobility across Cumbria especially where residents need to access to employment.
6. A Policy that contributes to creating balanced and sustainable communities, and helps attract new customers to areas of low demand thereby reducing void times on any ‘harder to let’ properties.

## Making changes to the Policy

Any major change to the Policy can only be made after a copy of the proposed amendments have been consulted on by sending to every Registered Provider Housing Association in Cumbria, regardless of whether an association is a participating member of the CCP. (Section s166A (13) Housing Act 1996).

All major changes must first, be agreed by the CCP Partnership Board who will make recommendations that will then be considered:

a) By each of the 6 Cumbrian Councils, and

b) By each participating Partner Housing Association.

Details of how major changes will be considered by each of the 6 Cumbrian Councils are set out in appendix 9.

For minor changes to the policy or the operational procedures, decisions will be delegated to the CCP Board who will consult with the lead officer responsible for housing in each Council, (or their delegated officer), and with the Chief Executive for each CCP Partner Housing Association (or their delegated officer).

All major changes to the policy will be notified to those it may affect within a reasonable period of time.

**General Data Protection Regulations 2018**

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

Appendix 1.2 sets out the details for how the scheme will apply:

1. The General Data Protection Regulations 2018
2. The ‘Privacy Notice’ for the policy, and
3. An applicant’s right to information

**Equality, accessibility, and monitoring**

The CCP is committed to ensuring that the Policy and the implementation of all associated guidance and procedures are non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act.

To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010 and in particular the Public Sector Equality Duty under section 149, Councils are required to give due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, when exercising a public function such as their legal Housing Allocation Policy.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The CCP will ensure that the policy complies with the current equality legislation and with all relevant statutory codes and guidance. The new policy has been subject to a full, detailed ‘Equality Impact Audit’ before it has been adopted (see appendix 10). This EIA will be regularly reviewed as more monitoring information regarding the impact of the policy is obtained.

The outcomes for applicants identified as having specific needs or who meet the definition of a protected characteristic under the Equality Act will be monitored in relation to the outcomes for applications to join the register and offers of social housing.

The CCP will monitor the policy and outcomes to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met. Monitoring will be used to ensure that:

* Those in the ‘reasonable preference’ categories are given priority for housing
* The Policy is complying with its Equality Act duties
* There is overall customer satisfaction with the scheme

**Complaints**

Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. Such a request should be made under the review procedure set out in section 4 and not through the complaints procedure.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the complaints procedure for the Cumbrian District Council where they currently live. A copy of the current complaints procedure for each of the 6 Councils is available on their websites.

Complaints regarding the handling of an application by a partner Housing Association should be made through that Association’s complaints procedure which will be detailed on the Association’s website.

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

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

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

The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration.

For example, if a Council has:

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

The Ombudsman will not normally investigate a complaint:

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

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

Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614.

You can also text ‘call back’ to 0762 480 3014.

Fax: 024 7682 0001

Website: www.lgo.org.uk

**Policy Statement on Choice and Preferences**

One of the key objectives of the Policy is to, as far as possible, give choice to applicants who wish to obtain social housing. This is why the CCP has taken the decision to operate the Policy through a ‘choice based lettings’ system (CBL). The aim being to give applicants the best possible choice over where they wish to live.

For all applicants who are eligible to be registered, they should be able to express a preference over any area that they would like to live in and the type of property they would prefer. However, the ability to satisfy that preference might be limited by the housing pressures faced.

The housing pressures faced limit the degree of choice that can be offered, along with the responsibility the 6 Cumbria District Councils have to offer housing to applicants in urgent housing need, including the need to reduce the financial impact of temporary accommodation on a Council. As a result of housing pressures there is a limit on the degree of choice that can be offered. The district councils have to offer housing to applicants in urgent housing need, this reduces the financial impact of providing temporary accommodation on that Council.

Expressing a preference over where an applicant would prefer to live does not mean that preference can be met, nor prevent an applicant being offered suitable accommodation outside of their preferred area.

Any applicant will be asked to state any area where they believe they cannot live due to fear of violence, harassment or domestic abuse. The assessment will then consider the facts and decide whether the applicant can be allowed to restrict those areas.

**The key policies on choice explained**

**A) When the CCP may make a direct offer outside of the choice based letting (CBL) system and, in exceptional circumstances, outside of the CBL band and date order system**

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

Specifically, this would be where there are urgent operational or financial reasons. Examples include but are not limited to:

1. Situations where urgent re-housing is required due to an applicant’s existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.
2. Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer.
3. Where there is an evidenced threat to life in the area in which an applicant currently lives.
4. Tenants of a CCP Partner in emergency cases whose homes are damaged by fire, flood or other disaster
5. To facilitate a three way (or greater) mutual exchange. Mutual exchanges are not an allocation, but when it would make best use of its housing stock and support the needs of the tenants involved, the CCP may make available a property for a three-way exchange
6. Direct offers to persons who the council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
7. Direct offers in order to meet an annual lettings plan in the circumstances where a decision has been taken to adopt an annual lettings plan.
8. Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty a Partner Council may wish to implement a short term scheme to make direct lettings for a period of time to move applicants out of temporary accommodation, in order to manage any budgetary or legal impact. The CCP Board should be informed so that they can monitor to ensure that any scheme does not undermine the key objective, which is to ensure that direct lets do not form more than 15% of all lettings.
9. If an applicant is not being realistic in the areas they are bidding for accommodation, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
10. Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.
11. Where the assessment is that it is inappropriate for the applicant to participate in Choice Based Lettings. For example, vulnerable applicants nominated by Adult Social Care where work is on-going with social workers and care managers to decide on the best letting solution for that applicant.
12. Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

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

We will provide information about the number and types of homes, and current vacancy rates, to help applicants to make informed choices. The more flexible applicants are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property that meets their need.

The number of direct offers will be monitored and should add up to no more than 15% of all lettings annually made under the scheme. This is to preserve Choice Based Lettings as the primary method of letting social housing properties in Cumbria.

**B) Penalty for refusing a set number of offers**

Any applicant in Bands A or B who refuses 3 reasonable offers within a 12-month period will have their application placed into Band C for up to 12 months. This is to tackle the problem of applicants making unlimited bids that may result in higher refusal rates with resulting extended re-letting periods.

Criteria setting out what will be considered to be, and not be, a reasonable offer is set out in Appendix 4. A refusal of an offer of the correct size and type will normally be considered unreasonable.

**C) Offers of accommodation made to any applicant owed any statutory homelessness duty under Part 7 of the Housing Act 1996**

Specifically, for applicants owed the section 189B(2) Relief of homelessness duty, or the Main section 193(2) duty under Part 7 of the Housing Act 1996, or where an applicant has an urgent housing need that must be met immediately, although the Council supports that the ability of applicants to express a preference for where they wish to live, the Council is of the view that what is paramount is the need to offer suitable housing, which may not be possible in the location preferred by the applicant.

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

Applicants owed a statutory homeless duty will be identified through the IT system at the shortlisting stage. On identification of a suitable property the RP and LA partners will agree a process for ensuring the a ‘final offer warning letter’ will be sent to the homeless applicant owed a statutory homelessness duty set out below. This will normally be to inform the relevant local authority Housing options Team that an offer is to made so they can send out a ‘final offer warning letter’

In these circumstances unless they have another reason to be awarded a statutory housing need Band A or B under this policy, they will be placed into Band C. The offer they have refused will count as the first offer out of the 3 offers allowed within the 12 months period. They will no longer be owed any banding award for being owed a statutory homelessness duty, as that duty would have been brought to an end when they refused a suitable offer of social housing.

A statutory homeless duty means:

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

For operational guidance notes:

Note 1: Where it has been decided to refer the case to another authority at either the ‘Relief Stage’ or at the ‘Main Duty stage’ of their homeless application, an applicant will not receive any banding for being owed any homelessness duty as the Council will owe no duty (other than, depending on the circumstances) an interim accommodation duty. Being owed an interim accommodation duty pending the outcome of a local connection referral does not qualify an applicant to be owed a banding A or B

Note 2: Where a Cumbria District Council has ended any statutory homeless duty and is exercising its power to provide accommodation pending a review decision (section 188(3) power) no statutory duty will be owed by the Council unless the outcome of any review is favourable for the applicant. Therefore where a review has been requested any banding priority for being owed any of the homelessness duties will be removed.

**D) Where applicants in Band A have not bid within 3 months of being awarded Band A**

Band A is an award of additional preference based on an applicant’s very urgent need to be housed. The need to house someone urgently will be undermined if an applicant fails to bid because they may, for example, be waiting for the ‘perfect property’ to become available.

Therefore an award of Band A will be reviewed after 3 months for any applicant who has not bid, or where the view is that bids have been made but are not realistic.

The review after 3 months could result in a decision that:

1. The Band A award should continue with further reviews scheduled for every 3 months, or
2. The Band A award should be removed with the applicant losing additional preference and being placed into Band B, or
3. That a direct offer should be made as soon as possible due to the urgent need for the applicant to move.

Note: There may be circumstances where no suitable properties have become available for an applicant to bid on within the 3-month period. In these circumstances an applicant will not have Band A removed and will continue to be able to bid. However, in recognition of their urgent need to move it may be agreed with the relevant local authority to make a direct offer for any property that is assessed as suitable to meet their urgent housing need.

**Section 2: Who can apply to the Housing Register and the criteria for assessing who is eligible to be included**

The CCP Housing Register is a single list of applicants across Cumbria who qualifies to be included on the scheme. It includes new applicants and existing social housing tenants living in Cumbria who are seeking a transfer.

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

If an applicant is under 18 years of age they will not normally be offered a tenancy. This does not apply to young people living in a foster home or in residential care provided by Social Services for whom re-housing under the Children Act has been agreed and who are within 6 months of their 18th birthday. There is an agreed protocol between the Housing and Social Services departments covering housing for applicants who are looked after, or were formerly looked after. Applicants under the age of 18 will registered but made inactive until 2 months before their 18th Birthday, at which point the young person or Professional Appointee must inform Cumbria Choice so their application can be activated.

Any offer to an applicant who is under the age of 18 will only be made after their ability to manage a tenancy has been fully assessed. This assessment is to make sure that they can cope with being a tenant at a young age and that they do not risk losing that tenancy offered through a lack of support.

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

**The eligibility persons from abroad qualification rules**

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

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

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

The relevant regulations that apply to eligibility are:

* Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
* All subsequent amendments including ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)

The rules are complicated and anyone who is impacted or believe they may be impacted can approach any CCP Partner for advice, or seek independent legal advice.

The rules will change from 2021 due to the UK’s exit from the EU and new regulations regarding eligibility for housing based on the EU settlement scheme. This policy will be amended to take into account any new rules.

**The qualification rules adopted under the Policy**

In addition to the Government’s ‘persons from abroad’ rules setting out when a person is ineligible for an allocation of housing accommodation the housing laws allow for the CCP to define in the Policy who will be regarded as ‘qualifying persons’ (section 160ZA).

What this means is that under section 160ZA(7) is that the Policy can set out classes of people who are, or are not, qualifying persons. A number of qualification rules have been adopted by the CCP. There are also a number of defined exceptions to all, or an individual qualification rule. The qualification rules and exceptions are set out below.

**Qualification Rule 1: Local Connection**

Only those applicants with a local connection to Cumbria and who also have an assessed statutory housing need, as defined by this policy, are eligible to be included for the statutory reasonable preference housing needs Bands A and B. The local connection rules do not prevent an applicant from being awarded Band C as long as they meet the other qualification rules set, for example – as long as they are not disqualified through the unacceptable behaviour rule.

There will be some properties advertised that may be subject to additional local connection requirements however, these will be clearly stated in the advert where this is the case. A local connection is defined as:

1. Must live in Cumbria and have done so continuously for the past year, or for 3 years in the last 5, and that residence was of their choice.
2. Have immediate family (mother, father, brother, sister, son, daughter) who are currently living in Cumbria and have done so for at least the last 3 years
3. Are employed in permanent employment in Cumbria. Employment is defined as paid employment for 16 hours or more per week for a period of one year, or self-employment where an applicant can demonstrate that the self-employed work they perform is in the Cumbria area and is on average 16 hours a week or more. The employment must be based on their actual place of work in the area and not based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours fluctuate i.e. casual or zero hours contract, an average will be taken over the last three months, or
4. Have close family (normally mother, father, brother, sister, son or daughter) that have lived in Cumbria for a minimum of the past 3 years. We will consider whether there are exceptional circumstances where other family members may be considered as close. For example, the circumstances where an extended family member brought up a person in the absence of their own parents.
5. Where there is an exceptional need to move to the area as determined for very special circumstances.

For the purposes of determining local connection for residence in Cumbria, this will include:

1. Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch where it is demonstrated that this their permanent place of residence and can be evidenced through paying council tax.
2. People who are forced to sleep rough in Cumbria if they meet the qualification period for residency.

The exemptions to the residency qualification rule for Bands A or B are:

1. An applicant is homeless and a Cumbrian Council has accepted the section 189B ‘relief of homelessness duty or the main section 193(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another Council under the homelessness local connection rules.
2. A Cumbria District Council has placed an applicant into temporary accommodation outside of Cumbria.
3. Where there are significant and special circumstances requiring a move into Cumbria. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application. Examples include:
4. Reasons of safety; i.e. when an applicant is fleeing domestic abuse or hate crime from another area, or
5. Is on a witness protection programme and the CCP have agreed that there is an essential reason why they need to move to Cumbria
6. Applicants who are leaving an institution such as a prison or secure unit or a hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Cumbria and the applicant was resident in Cumbria for one year one year immediately preceding residency in an institution, or 3 out of the last 5 years immediately before they were accommodated in that institution.
7. The CCP will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule, as the period may have been broken by travelling. The CCP will consider the facts of each case when deciding whether the rule should be waived.
8. Care Leavers below the age of 25 years who are, or were, owed a duty under section 23C of the Children Act 1989 by Cumbria County Council and have been looked after in accommodation outside of Cumbria. This will include care leavers who are still receiving after care support from Children’s Service until they are 25, and some care leavers who are in full-time education who wish to move back to Cumbria on completion of their education.
9. Applicants that satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
10. Applicants who are serving members of the regular armed forces
11. Applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application
12. Applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service
13. Applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
14. Applicants who satisfy the right to move criteria will be exempt from the Bands A or B qualification rule. The Right to Move qualification regulations 20155 states that Local Connection criteria must not be applied to existing social tenants who seek to move from another Council district in England and who have a need to move for work related reasons to avoid hardship.

To qualify the applicant must:

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

**Qualification rule 2: The requirement to give permission to obtain and share an applicant’s personal information**

Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

1. The information given is correct and that they will notify the CCP of any change in their circumstances.
2. Enquiries will be made concerning their eligibility for housing and level of priority.
3. Information will be provided to other partner organisations that are part of the scheme.

This is a condition of being accepted onto the housing register and applies to the applicant, or any member of the applicant’s household.

Once an applicant provides information we will process that information under Article 6 GDPR. The processing is necessary under the Public Task purpose and is necessary for the Council to perform a task in the public interest or for its official functions, and that task or function has a clear basis in law.

**Qualification rule 3: Homeownership, or legal interest in homeownership**

An applicant cannot qualify for Bands A or B of the housing register (see section on exemptions) if they own or have an interest in residential property including freehold, leasehold, joint ownership or shared ownership (applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds). This includes:

* Properties owned and rented out to other persons
* Properties in the UK or other Countries
* Properties owned by a spouse or civil partner

However, applicants will be able to qualify for Band C.

However, if as a result of a divorce settlement a Court has ordered that, for a period likely to exceed 5 years, an applicant may not reside in a former matrimonial or civil partnership home in which they still have an interest the Applicant will be treated as disqualified under this rule.

**Qualification rule 4: Financial resources**

Applicants who are considered to have sufficient financial resources to buy suitable accommodation in Cumbria will not qualify for Bands A or B but can qualify for Band C. ‘Sufficient financial resources’ are defined as sufficient capital to buy or rent privately; or sufficient income to raise a mortgage to buy or rent privately; or a combination of both. The income and savings limits are:

1. Applicants (both single persons and couples) who have total savings, investments and/or assets of £25,000 or more.
2. Applicants whose total gross household income from all sources exceeds an annual income of £45,000 or more (for single persons) or joint income of £60,000 or more (for couples).

'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant, such as any residential or non-residential property that they own or part own anywhere in the UK or abroad.

Any lump sum received by a member of the armed forces as compensation for an injury or disability on active service will be disregarded.

Although this qualification rule will mean an applicant cannot be granted the statutory housing needs bands A or B, it does not prevent them being considered for any low cost home ownership schemes, such as rent to buy, shared ownership/equity, discounted market sale and starter homes or lower demand properties. Information can be given on request regarding which Housing Associations or developers are currently operating any of the above schemes and how applications can be made.

Applicants who do not qualify for Bands A or B under the homeownership, legal interest or financial resources rules may be considered as an exception if:

a) They own or part own accommodation or have an legal interest in accommodation; and

b) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted, and

c) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market despite owning a property, or having income or savings above the ‘sufficient resources’ thresholds set out in this policy.

The possible exemption is intended to cover situations where a person owns their own home but where it is agreed that they are no longer able to manage in it due to their advancing years, or due to developing a substantial disability that makes living in their home impracticable. This would be the circumstances where selling up would not provide sufficient funds to purchase a more suitable alternative in the area leaving that person in a difficult position.

**Qualification rule 5: Failure to Bid**

This is a disqualification rule that will be applied to applicants who are included on the Housing Register.

The CCP will monitor the bidding patterns to identify applicants who fail to bid and identify any applicants where their failure to bid could be the result of a vulnerability and not being able to understand the bidding system. In these circumstances the rule will not be applied.

Any applicant who has failed to bid for more than twelve months will be removed from the Housing Register to reduce the administrative burden of maintaining the register. This is based on the assumption that an applicant who has not bid for accommodation in 12 months is unlikely to continue to be in housing need. Any applicant removed from the register can reapply if they have a housing need.

If an applicant has only registered because they are interested in bidding for accommodation for a new section 106 rural developments that may be being built, this will be considered as an exception to the ‘no bid in 12 months’ rule.

**Qualification rule 6: Fraud or giving False Information**

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

1. Committed fraud, or
2. Given false information, or
3. Withheld information

For details on how we will assess the question of alleged fraud or false information see appendix 1.3

**Qualification rule 7: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt.**

This section sets out the rules for when an applicant

a) Will not be allowed to qualify for the Housing Register because of rent arrears or a housing related debt, or

b) Will be allowed to qualify but will be not be allowed to bid for properties advertised until the rent arrears or housing related debt have been resolved to the satisfaction of the CCP using the criteria set out below.

When carrying out an assessment, we will take into consideration all housing related debts, associated with either a current or former tenancy where this relates to any social housing provider in the UK. Note the rules in this section apply only to social housing former or current rent arrears, occupation of temporary accommodation debts, and some other forms of housing related debt. This section does not cover any rent arrears for a private sector tenancy or licence. This is covered under the unacceptable behaviour rules set out in Qualification rule 8 below.

Note: the definition of a housing debt will not include debts that are statute barred. The debt will be considered statute barred where an applicant, or their representative or someone else they held the account with hasn’t:

* Made a payment in the last 6 years
* Written to the creditor acknowledging the debt in the last 6 years
* Had a county court judgement (CCJ) relating to the debt in the last 6 years

For the purposes of this qualification rule housing related debts include:

1. Current or former tenancy rent arrears of a social housing tenancy;
2. Outstanding re-chargeable repairs;
3. Current and former housing related service charge arrears;
4. Bed and breakfast or other temporary accommodation charge arrears for a licence or a tenancy
5. Housing benefit overpayments for a social housing tenancy;
6. Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy or temporary accommodation
7. Any court costs associated with any of the above debts

Housing related debts apply to both the applicant and to any members of their household that are included in the application.

The purpose of this qualification rule is twofold.

1) To ensure any debt to a former landlord is recovered and

2) To focus on whether an applicant's history creates a risk of future non-payment, rather than simply on the existence of a current outstanding debt.

The following framework will be used to guide officers to apply this qualification rule. We will consider:

* Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt and whether it is a recoverable debt or a statute barred debt.
* Whether there possible exceptional circumstances that need to be considered.
* Whether the claimant has taken debt advice acted on it, and entered into and begun to implement any arrangement to clear the arrears/debt.
* If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of any payments made.

After applying the above procedure it may be decided that the applicant does not qualify for the housing register or that they will be allowed to qualify, but not allowed to bid for advertised properties until the matter has been resolved to the satisfaction of the CCP.

There is no time limit regarding when a person can make a new application following disqualification. Where a new application is made we will assess whether the applicant has taken appropriate action to address the debt. When disqualified the applicant will have been informed of the steps they need to take to resolve the debt in order to qualify.

**How decisions for applicants with a social housing debt will be made**

**a) Applicants with debts of £1,000 or more who have not made any arrangement to address the debt**

Applicants with debts of £1000 or more who have not made any arrangement to address the debt should be ineligible to join the register unless the circumstances surrounding the debt are exceptional and the assessment concludes that there is no real risk of future non-payment.

**b) Applicants with debts of £1,000 or more who have made any arrangement to address the debt**

Applicants will be permitted to join the register and be able to bid for accommodation if they have maintained a payment arrangement for at least 13 weeks and have either:

* Repaid at least £750; or
* Repaid at least 25% of their original debt

Applicants who satisfy the above will be permitted to bid for properties. All partner landlords are encouraged to abide by these guidelines and to accept bids on this basis. It is however, accepted that the housing association to whom the debt is owed may wish to see that a longer period of repayment should be kept to. Where this is the case the period should not be more than a further 13-39 weeks in addition to the 13-week period that the applicant has already paid. Any requirement by the partner to whom the debt is owed for payments to be maintained for more than 13 weeks should not prevent an applicant from bidding for properties advertised by another housing association partner.

All partner landlords are discouraged from requiring a debt of £1000 plus to be paid in full. This disincentives applicants from making any attempt at payment and may result in an applicant having to demonstrate an extended repayment period of several years before they can be considered for accommodation. This would be unfair on applicant’s who have demonstrated a commitment to pay off the debt and that the risk of any further debt for a new tenancy is low. It also makes it more likely that the housing association is unable to recover the debt.

**c) Applicants with debts of £1-£499**

Applicants with debts of £1-£499 should be eligible to join the register and eligible to bid, unless there is clear evidence of a future risk of non-payment.

Clear evidence of a future risk could include factors such as:

1. A long history of housing debt;
2. A long history of poor rent payments; and
3. A long history of breached payment arrangements.

Where such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

1. Maintaining a payment arrangement for 1-8 weeks;
2. Demonstrating that the causes of the previous problems have been addressed.

**d) Applicants with debts of £500-£999**

Applicants with debts of £500-£599 should be eligible to join the register but ineligible to bid, unless the applicant can demonstrate there is no real risk of future non-payment.

Evidence there is a no real risk of future non-payment could include factors such as:

1. A history of not having housing debts;
2. A history of regular rent payments; and
3. A history of maintained payment arrangements.

Where no such evidence exists the applicant should be unable to bid until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

1. Maintaining a payment arrangement for 8-26 weeks;
2. Reducing the debt to below £500 (in which case the above rules at c would apply)
3. Demonstrating that the causes of the previous problems have been addressed.

Applicants who are disqualified for a housing related debt of £1,000+ should notify the Partnership immediately when they have either repaid at least £750 or repaid at least 25% of their original debt so they can qualify for the register. If it is agreed that the matter has been resolved and they can register, their effective date will be the date they have been assessed as qualifying for the register and will not be the date of their first application which resulted in the decision that they do not qualify.

The only exceptions to this qualification rule are applicants who can demonstrate that their circumstances are exceptional and that they would face serious hardship or risk through not being allowed to qualify. An exception may be considered where for example an applicant has a good payment history with a debt resulting from a one off incident or problem such as relating to Universal Credit, or benefits reforms, or where a tenant had to flee domestic abuse and a subsequent debt built up for their tenancy.

Additional procedural information on the consideration of exceptional circumstances and how applications where there is a ‘Debt Relief Order’, ‘Bankruptcy Declaration’ or ‘Individual Voluntary Agreement (IVA)’ are set out in appendix 1.4

**Qualification rule 8: Serious unacceptable behaviour**

This rule will apply where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour that, in the view of the CCP, makes them unsuitable to be a tenant. It is important to note that whether an applicant’s behaviour means that they are not allowed to register is entirely a matter for the CCP and that the qualification rule is not restricted to whether the unacceptable behaviour would entitle the Council to an outright Possession Order if the applicant were to be a tenant. This was the ‘threshold test’ set by the legislation for Housing Allocation Policies until the Localism Act 2011 was implemented in 2012. Since 2012 the legislation allows qualification for unacceptable behaviour to be defined through the rules adopted in any new Housing Allocation Policy.

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

a) The applicant should not qualify to be included on the Housing Register due to their (or household member’s) serious unacceptable behaviour, or

b) Will be allowed to qualify but will not be allowed to bid until the applicant (or household member) has demonstrated to the satisfaction of the assessing officer that their behaviour has changed.

In the circumstances described by b) the applicant will be placed in the band that reflects their housing need and will continue to accrue ‘time’ on the register for the band awarded, despite not being able to bid. Once they have resolved their unacceptable behaviour their date within the Band will remain the date they were awarded that band for their housing need and will not be the date they resolved the unacceptable behaviour to the satisfaction of the CCP.

This rule will apply for example where the CCP is satisfied, having considered all available evidence of any of the following in relation to an applicant (or a member of their current or prospective household)

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

Additional guidance for assessing officers and the framework to be used to apply the test of unacceptable behaviour are set out in appendix 1.5

**Qualification rule 9 – Existing CCP Tenants who are not assessed as Band A or B for having a statutory housing need.**

Existing tenants of any Council or Housing Association located in Cumbria or outside of Cumbria will only be allowed to qualify for the Housing Register if they have an assessed housing need that would qualify them for Bands A or B.

This does not prevent a tenant who is not in housing need from seeking a transfer through the ‘Mutual Exchange Scheme’.

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

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

1) Whether the application would result in the applicant being awarded a statutory housing need reasonable preference Band A or B under the Policy, and if so

2) Whether the applicant’s circumstances (or those of a member of the applicant’s household) are so exceptional that the qualification rule should be waived.

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

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

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

1. Whether the person, or a member of their household that they wish to be housed with them, meets the definition for one or more of the 9 protected characteristics in listed in the Equality Act 2010
2. If we agree that the applicant or a member of their household comes under the definition for a protected characteristic the CCP will fully comply with section 149 of 2010 Equality Act and ensure that it has obtained all relevant information relating to the applicant’s protected characteristic and will consider that if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with the protected characteristic, and
3. Ensure that any decision that the applicant’s circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate aims set out in this policy in section 1.

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| **Section 3: Applying to join the Housing Register** |

**How to apply**

Applications should be made online by accessing the housing allocations section of the Cumbria Choice website and completing the on-line application form - <https://www.cumbriachoice.org.uk/Data/ASPPages/1/38.aspx>

An applicant will be asked to choose one housing organisation to administer their application. This can be the local authority for where they are resident or a housing association partner. If the applicant is a tenant of a ‘Cumbria Choice’ partner their application must be administered by that housing association. If they are a former tenant of a ‘Cumbria Choice’ partner, that partner must administer their application.

Applicants can call any of the CCP Council or Housing Association Partners if they need help to make their application on-line. There is also free access to the Internet at libraries, Council offices, Housing Association Offices and at some community facilities. A telephone or office appointment can be offered when an applicant has no access to the Internet or is unable to use the Internet. To mitigate any impact it is agreed that paper forms will still be available in exceptional circumstances where it is agreed an applicant is unable to complete an on-line form.

The Cumbria Choice website contains a list of all of the supporting documents that an applicant must provide in order to progress their application. In most circumstances an applicant will be able to upload their documents.

Where the applicant indicates that they have medical problems they will also be requested to complete an additional medical assessment form on-line.

Once the on-line application has been received there may be a need for additional information. If so applicants will receive a phone call, email or letter setting out the details for any additional information needed.

Prisoners can register in the 6-month period prior to their date of release. They are able to express an interest in a property in the 2-week period prior to release but must be able to accept the tenancy on the date required by the housing provider.

If accepted onto the register, applicants will be informed of:

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

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

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

**Where a band is allocated what date will this be from?**

The band start date is the date that the housing register application was received for assessment, unless an applicant’s housing need and/or circumstances changes and they are as a result placed in a higher band. In these circumstances they will have their band start date reset as the higher band reflects how long they have had the higher level of housing need.

Note for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply with regard to their Band start date:

1. Owed a section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application
2. Owed a section 189B (2) Relief of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application
3. Owed the Main section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. To start the date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless
4. Relief duty has ended and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty was owed and not the date the Relief duty is ended and the non-priority decision confirmed. To start the date at the date the Relief duty was brought to an end would disadvantage an applicant by 56 days who has been found to be homeless but not in priority need

**Assessing Applications**

In order to assess an applicant’s housing need and therefore their place on the Housing Register the scheme uses a needs based banding system detailed in section 4 below.

The Bands are awarded to reflect housing need, whereby the need reflected by the highest Band indicates the greater need for housing.

Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

1. The information given is correct and that they will notify the CCP of any change in their circumstances.
2. Enquiries will be made concerning their eligibility for housing and level of priority.
3. Information will be provided to other partner organisations that are part of the scheme.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until such time as the CCP is satisfied that it has in its possession all of the information it requires to complete its assessment.

All incomplete applications will be cancelled after a period of 28 days measured from the date information has been requested and not provided. If canceled this does not prevent the applicant making a subsequent application at a later date, although in such cases the effective date of registration would not be backdated to the earlier application date.

The CCP may request information or a reference from an applicant’s current or previous social landlord and, depending on whether the application gives rise to any concern, request a reference from the most recent private sector landlord if the applicant is or has been a private sector tenancy.

Where a landlord does not reply a reminder will be sent, and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their private rented tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

All applications are subject to certain verification checks and may be reassessed:

* At the point of initial application
* Following any change of circumstance notified to the CCP by the applicant
* Following any routine validation audits
* Following an annual review of the application
* At the point of an 2 working days
* At the point of letting

**Checks into any court cases or unspent criminal convictions**

In the interests of community all applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The CCP may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or remaining on the register, due to applying the serious unacceptable behaviour rule including whether they may pose a serious risk to a community if they were to be housed.

Spent convictions are not required to be disclosed and will not be taken into account in assessing that person’s eligibility to join the register. The assessment will instead reflect whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

If the CCP decide that, on the information obtained during the assessment process, there is a real pressing need for a ‘Disclosure and Barring Service (DBS)’ check,or a police check, a supplementary request for information and declaration will be sent to the applicant asking for more details and for permission from the applicant for the CCP to make the relevant check. Failure to give permission may result in the application not being made live whilst the CCP consider the information available to it or may result in the application being closed through the applicant failing qualification rule 2 which is to give permission for the CCP to undertake all reasonable enquiries.

Information gained will not automatically exclude an applicant from the register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

All assessments will be carried out in accordance with the data protection and information sharing policies and legal requirements.

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

The Application can include the following household members:

1. Spouses or Civil Partners where the applicant lives with and/or intends to live with their Spouse or Civil Partner.
2. Partners where the applicant is currently cohabiting with a member of the same or opposite sex.
3. Children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes. Where there is any dispute as to whether children reside with and are dependent upon the applicant, the CCP will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide (see below).
4. A Carer where the assessing officer has agreed that on the evidence there is a need for a live in Carer. The Carer is a person who provides or intends to provide care for another adult. It is either a relative or friend who assists another person in their day-to-day life. This is different from someone who offers care professionally or through a voluntary organisation. Even if a carer is in receipt of Carer’s Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer in a housing application will be considered by the assessing officer’s Manager to determine if the carer has been assessed by Social Care and Health as needing to provide overnight support. In these circumstances the applicant must provide supporting evidence from other agencies e.g. Social Care or a Health professional.
5. Any other household member at the discretion of a manager delegated by the assessing body to make such decisions.
6. Note: Individuals can only be on 1 application. Where someone has an application in their own name (or with a partner) they cannot also be included as a household member on another application unless they are a victim of domestic abuse. If this is the case they should remove themselves from their previous application.

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

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

Joint tenancies are normally granted where applicants have a long-term commitment e.g. married and unmarried couples, civil partners but this decision is down to the individual housing association who will decide whether to allow a joint tenancy depending on the rules adopted by that association.

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

As part of the assessment process the CCP will record whether the applicant claims to have children that live with them part of the week whether or not this arrangement is set by the court or not. The CCP will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.

There will be cases where after the section 189(1)(b) assessment it is agreed that children live with the applicant on a ‘shared arrangement’ even though they do not exclusively live with the applicant.

In these cases, and in cases where an applicant has contact with children who stay over but do not live with the applicant, the applicant will be advised as to what size of property the applicant they are likely to be able to access and the rules applied by each partner housing association for allocating accommodation to households where children do not exclusively live with an applicant. The decision in this respect of each partner Housing Association is likely to vary and will depend on a number of factors including:

1. The ability of the applicant to afford the rent with or without help from benefits
2. The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example a Housing Association may be willing to be more flexible where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

**The requirement to inform the CCP of any change of circumstances**

Applicants are required to inform the CCP of any changes in their circumstances, which affect their housing application.

Examples of a change in circumstances include but are not limited to:

* 1. A change of address or contact details, for either themselves or members of their prospective household;
  2. A change in their medical condition or disability (either existing or newly acquired);
  3. Additional family members or other people they wish to add to their application (It will be for the CCP to decide whether they will allow additional people to join the application);
  4. Any family member or any other person on the application who has left the accommodation; and
  5. Any significant changes in income, savings or assets, which may require a reassessment under the income and savings qualification rule.

Where there is any change in an applicant‘s circumstances, an on-line change of circumstances form must be completed, and supporting documents must be provided. If there is any change to the banding, applicants will be informed in writing. The onus is on applicants to inform the CCP when there is a relevant change in their circumstances.

If the change in circumstances results in a higher banding award the effective date will be the date they moved into the higher band. If the applicant moves to a lower band there will be no change to their effective date.

Note, a failure to notify the CCP of changes in circumstances may lead to the offer of any housing being withdrawn and the application suspended whilst the changes are verified.

**Applications from members of the Council, Board Members, and staff**

Elected Councillors, or Housing Association Board Members, cannot be involved in assessing housing applications or the allocation of housing. However, this does not prevent Councillors seeking or providing information on behalf of applicants.

In order to ensure that the Council is treating all applicants fairly, any application for housing from a Councillor, Board Member, or employee of any Cumbrian Council`s Housing Department or Partner Housing Association will be assessed in the normal way, but an offer of housing must be approved by the Lead Officer for the social housing partner advertising the vacant home. Canvassing is not allowed in any circumstances by or on behalf of members of staff.

**Reviewing the Register**

Every applicant on the Register will have their application reviewed annually, or more frequently as decided by the CCP in order to manage the administration of the register. A letter will be sent to all applicants requesting confirmation of their current circumstances, and asking if they wish to remain on the register. If a reply is not received within 28 days of the date the letter is sent the application will be cancelled.

**Cancelling Applications**

An application will be cancelled in the following circumstances:

* At the request of an applicant
* Where an applicant does not respond to an application review, within the specified time limit set out in any correspondence sent to them
* Where a CCP Partner, or any other Council, or Housing Association has housed the applicant (unless it is assessed that the applicants’ housing circumstances still qualify for an award of Band A or B based on their housing need, but this is unlikely to be the case). An applicant that has been rehoused and does not have an assessed housing need could of course apply again and would be included in Band C with a new Band date, which would be the date of their application.
* When a tenant on the housing register completes a mutual exchange
* Where the applicant moves and does not provide a contact address
* Where the applicant has died
* Where the applicant has not supplied information requested within 28 days at the application stage or the annual review stage.

Where the information known is that an applicant is vulnerable, the assessing officer may contact the applicant, or any agency supporting them, to check their current circumstances before cancelling the application.

If an applicant has moved into private rented accommodation rather than social housing the application will not be cancelled but if the result of a reassessment at this stage is that as a result of their changed housing circumstances they no longer qualify for an award of Band A or B, then they will be allocated Band C.

Any applicant whose application has been cancelled has the right to ask for a review of that decision.

**Deliberate worsening of circumstances**

Where there is evidence that an applicant has knowingly and deliberately made their housing situation worse in order to gain a higher priority on the register, the assessment of their needs will be based on the circumstances before their situation changed through their actions to deliberately worsen their circumstances.

Examples are:

* Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
* Applicants who have moved from previously suitable or more suitable accommodation which it were reasonable for them to continue to occupy, into a less suitable property.
* Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
* Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
* Requesting or colluding with a landlord or family member to issue them with a Notice to Quit

These are examples only. There may be other circumstances where the CCP decide that an applicant has deliberately worsened their circumstances

**The Review Procedure**

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

Under the housing legislation that applies to Allocation Policies there is a legal right to request a review of a decision in the following circumstances:

1. A decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
2. A decision regarding which band an applicant has been awarded.
3. The priority date granted for the band awarded.
4. To remove an applicant from the Housing Register.
5. Any decision about the facts of the case that has been used to assess their application.
6. Where an applicant considers that a decision has been reached based on incorrect information.

The procedure for how a request for a review will be administered is set out in appendix 1.6