



# Rhondda Cynon Taf County Borough Council



## Housing Allocation Scheme



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## **Section 1:**

This section of the document will explain

- 1.1 The purpose of the Housing Allocation Scheme
- 1.2 The legal context in which the Housing Allocation Scheme is framed
- 1.3 How the Housing Allocation Scheme allows applicants to exercise choice
- 1.4 How the Housing Allocation Scheme aims to offer fair and equal treatment to all types of applicant

### **1.1 The Purpose of the Allocation Scheme**

Rhondda Cynon Taf County Borough Council's Housing Allocation Scheme (the Scheme) sets out the criteria used by the Council and its partners to allocate social housing accommodation. The housing accommodation available to the Council, which is covered by the Scheme, consists of the following:

- Housing accommodation owned by the HomefinderRCT partner Housing Associations
- Housing Association accommodation for which the Council has an agreement which allows the Council to nominate an applicant for this accommodation

Rhondda Cynon Taf County Borough Council operates a common housing register known as 'HomefinderRCT' in partnership with:

- Cynon Taf Community Housing Group
- Hafod Housing Association
- Newydd Housing Association
- Rhondda Housing Association
- Trivallis.
- Wales and West Housing

The Scheme and the operation of HomefinderRCT make it easier for people to find housing in Rhondda Cynon Taf as applicants only have to apply to one Scheme to be considered for housing by all the Housing Association partners.

Although the Council transferred its housing stock to RCT Homes (now Trivallis) in 2007, it still retains its statutory housing duties to have a Housing Allocation Scheme and to discharge its homelessness duties. The Council's Scheme operates alongside the separate allocation policies of some Housing Associations that operate in Rhondda Cynon Taf but who are not a partner of HomefinderRCT.

This Scheme describes who is eligible to apply for housing. It also sets out the priority that is given to different applicants and how it is decided who is offered a social housing tenancy in Rhondda Cynon Taf. The Scheme ensures that those in greatest housing need (those who fall into a defined reasonable preference category (see Section 3)) are given overall priority for available social housing. The Scheme sets out how applicants can apply for social housing in Rhondda Cynon Taf and how eligible applicants are assessed through the use of a banding system.

The Housing Allocation Scheme will make a positive contribution towards the Council's Corporate Plan Vision of '*a County Borough that has high aspirations, is confident and promotes opportunity for all*'; as it will deliver against the specific priorities of '*People - Promoting independence and positive lives for everyone and Place - Creating neighbourhoods where people are proud to live and work*'. It will also help the Council to meet three of the seven wellbeing goals that The Well Being of Future Generations (Wales) Act 2015' puts in place as follows:

1. A healthier Wales
2. A more equal Wales
3. A Wales of cohesive communities

The proposed changes are also consistent with the sustainable approach promoted by the Well-being of Future Generations (Wales) Act through the five ways of working:

- Long-term – the Housing Allocation Scheme will assist residents of RCT to secure long term and sustainable housing.
- Prevention – effective implementation of the Scheme will help to prevent people from becoming homeless. Living in good quality housing that is suitable also helps to prevent ill health.
- Integration – the Housing Allocation Scheme ensures that the approach to allocating housing in RCT is integrated with other council priorities e.g helping people to live independently and safely.
- Collaboration – the Housing Allocation Scheme promotes collaboration between the Council and all Housing Associations with housing stock in the County Borough because it provides a common way of allocating all available social housing
- Involvement – The effective implementation of the Housing Allocation Scheme requires the involvement of the Council and its housing association partner and other third sector and statutory agencies.

The aim of this Scheme is to allocate homes in Rhondda Cynon Taf by:

- Treating people fairly and giving them choice
- Meeting the housing needs, wishes and aspirations of applicants
- Making the best use of the social housing stock
- Maintaining sustainable and safe communities
- Providing a route into permanent housing

The Council and its HomefinderRCT Housing Association partners share the use of the Abris (Civica) IT system to operate HomefinderRCT. The formal descriptions of the sharing of the system and roles and responsibilities are set out in Service Level Agreements and/or contracts between the Council and its partners.

## **1.2 The Legal Context in which the Scheme is Framed**

### **1.2.1 The Legal Framework**

This Scheme has been written to meet the duties set out in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 (the legislation).

Part six of the Housing Act 1996 covers:

- allocating local authority properties to new tenants
- transfers that are requested by local authority tenants
- allocating local authority properties to current tenants of registered social landlords
- nominations that the Council makes to housing associations

The legislation above requires each local housing authority to make all allocations and nominations in accordance with a Housing Allocation Scheme. The Council is required to publish its Scheme and provide a summary free of charge to anyone who requests a copy. A summary of the Scheme is available from:

- Rhondda Cynon Taf County Borough Council's offices
- Housing Association offices
- the Council's website at [www.rctcbc.gov.uk](http://www.rctcbc.gov.uk)

This document is the full version of the Scheme and is available for inspection at the Council's offices at Sardis House, Sardis Road, Pontypridd, CF37 1DU

The legislation states that existing tenants are treated on the same basis as other applicants applying for accommodation under the Scheme. The Scheme must ensure that reasonable preference is given to certain categories of people; consider all applications properly made; not allocate to persons ineligible because of their immigration status or who are from abroad and ineligible; ensure advice and information is available about the right to make an application; and to provide assistance to those who have difficulty making an application.

The legislation gives applicants rights under the Scheme to request certain information; to request to be informed of certain decisions and in some cases to request reviews of decisions. The Council will consult with its HomefinderRCT partners and other Housing Associations with whom it has

nomination agreements before making any changes to the Scheme. If making a major policy change, for example where amendments affect the relative priority of a large number of people being considered for social housing, the Council is required to notify all those likely to be affected by the change within a reasonable period.

The legislation also sets out the type of housing circumstances that the Council must take account of (the 'reasonable preference' categories) when deciding who will be offered a property.

The Scheme has also been written in accordance with Part 2 (Homelessness) of the Housing (Wales) Act 2014.

The Scheme takes into account the Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness 2016 issued by the Welsh Government, the Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 and also complies with the following:

- The 1996 Housing Act (as amended by the 2002 Homelessness Act)
- The Equalities Act 2010
- The Human Rights Act 1998
- The Data Protection Act 1998
- The Welsh Language Act 1993
- The Rehabilitation and Offenders Act 1974
- The Anti-Social Behaviour, Crime and Policing Act 2014

The Scheme has undergone an Equality Impact Assessment. The Scheme is operated in accordance with the Rehabilitation of Offenders Act 1974.

### **1.2.2 What is an Allocation?**

Housing Allocation Scheme is the term used to describe both the Council's policy for allocating accommodation and the Operational Manual that officers use to make sure the policy is implemented correctly. It covers all of the accommodation owned by the HomefinderRCT partners and other Housing Associations who the Council has nomination agreements with, and also includes everyone who applies to us for housing.

An allocation is a selection of a person to be offered a tenancy or a nomination by the Council to a Housing Association which is not part of HomefinderRCT.

### **1.2.3 Nominations Agreements**

The Council will nominate applicants to those Housing Associations who are not part of HomefinderRCT. These nominations will be made on the basis of formal Nomination Agreements. The following table indicates the agreed percentage of vacancies which will be offered for nominations by these Housing Associations:

<b>Registered Social Landlord</b>	<b>% of Vacancies</b>
Aelwyd	30
Elim	100
Gwalia	100

### **1.3 How the Scheme Allows Applicants to Exercise Choice**

The Council promotes choice and accessibility to social housing and applicants may be considered for homes suitable to their needs and in any of the areas they have specified on their application. The applicant can change these areas at any time. However, applicants must remember that in some areas availability may be limited due to high demand and the responsibilities the Council has to meet priority housing need and as a result the Council's ability to satisfy their choice can be limited.

To help applicants to make informed choices, they will be provided with in-depth information on the demand for accommodation in certain areas and the estimated length of time they are likely to wait.

### **1.4 How the Scheme Aims to Offer Fair and Equal Treatment to all Types of Applicant**

This Scheme has been designed to ensure fairness and consistency in allocating housing, through setting a fair and transparent framework for assessing housing need.

The Council aims to deliver services that recognise the needs of different groups within the County Borough. The Council and its HomefinderRCT partners will ensure that no applicant is treated less favourably on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation, caring responsibilities or Welsh language. The eligibility criteria, set out in Section 2, will be used to make decisions on allocations under this Scheme.

Applicants will be able to apply for housing in the County Borough using a range of methods. In addition to this interpretation services such as language line, availability of large print information or braille and printed information in minority languages will be available when requested.

The Scheme will be widely promoted to ensure that no individual or group is excluded from accessing services due to lack of information. To ensure that the services offer equality of opportunity, service provision and satisfaction they will be monitored by age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.



## **Section 2:**

This section of the document will explain

- 2.1 Who is eligible to apply under this Scheme
- 2.2 Who is not eligible to apply under this Scheme
- 2.3 Who will be considered as part of the household

### **2.1 Who Is Eligible to Apply Under the Scheme**

#### **2.1.1 Who is eligible to be part of the Council's Allocation Scheme**

It is the Council's policy to consider all applications from anyone who is eligible to HomefinderRCT. Eligible people include:

- existing tenants who have been a tenant for longer than 12 months
- British nationals habitually resident in the Common Travel Area
- European Economic Area Nationals
- people subject to immigration control prescribed as eligible (e.g. refugees, those with humanitarian protection or who are nationals of a country with whom special arrangements have been agreed)

#### **2.1.2 Allocations to 16 and 17 Year Olds**

Anyone who is 16 years or over can apply under this Scheme. However a Housing Association will not normally offer a tenancy to anyone under the age of 18 years unless they have a Trustee. For young people under the age of 18 years the Housing Association will grant permission to occupy the property by way of an approved agreement rather than a tenancy agreement.

#### **2.1.3 Allocations to Owner-occupiers**

Owner-occupiers can apply under this Scheme and will be assessed accordingly. Owner-occupiers assessed as having no housing need and/or with the financial resources to buy or rent privately will be placed in Band D (see Appendix 1).

#### **2.1.4 Capital, Savings, Assets and Income**

All applicants will be assessed in accordance with the banding system and whether or not they fall into a reasonable preference category. Applicants with savings over £50,000 will be able to join the register, but will be placed in Band D unless there are exceptional circumstances. Applicants requiring Sheltered Housing, older persons or specialist accommodation are exempt from this.

### 2.1.5 Eligible Applicants Taking into Account Nationality and Immigration Status

The following groups are the main categories of applicants to whom an allocation can be made taking account of nationality and immigration status:

- **Existing Tenants** – Section 160A(6)/[s.14(2)] of the Housing Act 1996 (as amended by the Homelessness Act 2002), provides that none of the provisions relating to the eligibility of tenants with regards to immigration status is to affect those already a secure or introductory tenant or an assured tenant of housing accommodation allocated by a housing authority. Therefore where such a tenant applies for an allocation the housing authority need not question eligibility and an allocation can be made regardless of immigration status or habitual residence tests
- **British Nationals Habitually Resident In The Common Travel Area (CTA)** – where a British National arrives from abroad, as with all nationals of an European Economic Area (EEA) country, he/she must establish habitual residence in order to be eligible for an allocation, even in case where he/she was born in the CTA (please see Appendix 4 for details of Habitual Residence Test)
- **European Economic Area (EEA) Nationals Habitually Resident in the CTA** – these are the Nationals of the European Union (EU) countries plus Iceland, Norway and Liechtenstein. They are eligible for an allocation if they are habitually resident in the CTA, are a worker, or have a right to reside (see Glossary for explanation) in the UK. All EEA nationals have an initial right to reside in the UK up to three months, and “qualifying persons” (jobseekers, workers, self-employed persons, students and people who are self-sufficient) have an extended right to stay
- The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)—
  - (a) a worker;
  - (b) a self-employed person;
  - (c) a person who is treated as a worker for the purpose of the definition of “qualified person” in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the Accession Regulations 2013 (right of residence of an accession State national subject to worker authorisation);
  - (d) a person who is the family member of a person specified in subparagraphs (a)-(c);
  - (e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations; and
  - (f) a person who is in the United Kingdom as a result of the person’s deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom
- **Persons Subject to Immigration Control who are eligible for an allocation of housing accommodation** – persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are generally not eligible for housing accommodation. A person subject to immigration control requires specific permission to stay in the UK and will

usually be subject to conditions attached to that permission. However, under s.160A(3)/[s.14(2)], and regulation 3 of 'The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 2014 Welsh Ministers have prescribed classes of person who are to be considered eligible. These are:

- **Class A** – a person who is recorded by the Secretary of States as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom
- **Class B** – a person—
  - (i) who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
  - (ii) whose leave to enter or remain is not subject to a condition requiring that person to maintain and accommodate themselves, and any person who is dependant on that person, without recourse to public funds
- (c) **Class C** – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person—
  - (i) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by the person’s sponsor;
  - (ii) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or on the date on which the undertaking was given in respect of the person, whichever date is the later; and
  - (iii) whose sponsor or, where there is more than one sponsor, at least one of whose sponsors is still alive;
- (d) **Class D** – a person who has humanitarian protection granted under the Immigration Rules; and
- (e) **Class E** – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to enter the United Kingdom as a relevant Afghan citizen under paragraph 276BA1 of the Immigration Rules.

## **2.2 Who is not Eligible to Apply under the Scheme**

### **2.2.1 Ineligible Categories**

The following categories of people are not eligible to apply:

- Young people under 16 years of age
- People from abroad who are ineligible for an allocation of housing accommodation as prescribed by Welsh Ministers under s.160A(3)/[s.14(2)] and regulation 4 of 'The Allocation of Housing and Homelessness (Eligibility) (Wales) Regulations 201. A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if—

- (a) subject to paragraph (2), the person is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;
- (b) the person's only right to reside in the United Kingdom—
  - (i) is derived from the person's status as a jobseeker or a family member of a jobseeker; or
  - (ii) is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations(1); or
  - (iii) is a derivative right to reside to which the person is entitled under regulation 15A(1) of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 15A(4A) of those Regulations(2); or
  - (iv) is derived from Article 20 of the Treaty on the Functioning of the European Union, in a case where the right to reside arises because a British citizen would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen; or
- (c) the person's only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland—
  - (i) is a right equivalent to one of those mentioned in subparagraph (b)(i), (ii) or (iii) which is derived from the Treaty on the Functioning of the European Union; or
  - (ii) is derived from Article 20 of the Treaty of the Functioning of the European Union in a case where the right to reside—
    - (aa) in the Republic of Ireland arises because an Irish citizen; or (bb) in the Channel Islands or the Isle of Man arises because a British citizen also entitled to reside there, would otherwise be deprived of the genuine enjoyment of the substance of their rights as a European Union citizen.

- Current tenants who have been a tenant for less than 12 months and do not fall into a Reasonable Preference Category
- Individuals, or any member of their households, who have been guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant. Unacceptable behaviour includes:
  - A breach of tenancy obligations such as rent arrears, recharges, criminal damage to a property or common parts, premium paid for assignment/mutual exchange, conflict with conditions of tied accommodation
  - Anti-social behaviour such as causing nuisance or annoyance, racial or other harassment, illegal or immoral behaviour, making threats or actual violence against neighbours, landlords, Council staff, managing agents or contractors
  - Specifically, any applicant who has been previously evicted by a social landlord under Section 84A of the Anti-Social Behaviour and Policing Act 2014
  - Obtaining a tenancy by deception for example by providing false information or excluding relevant information in support of an application

- Tenants wishing to transfer where their current property is in such poor condition that it cannot be re-let within a reasonable timescale

In assessing whether an applicant is ineligible due to unacceptable behaviour, the Council will consider:

- Where there is evidence of unacceptable behaviour, was it serious enough to have entitled an authority to obtain a possession order?
- Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?
- Is the behaviour still unacceptable at the time of application?

Access to housing by foreign nationals is governed by legislation. People from abroad can apply to join the Scheme but will require checks before their eligibility under the Scheme can be determined.

Applications are not assessed as completed and given a band until information confirming eligibility has been provided and checked.

An applicants' eligibility to join the Scheme will be kept under review during the application process. Although some applicants may initially be informed that they are eligible for the scheme, this decision could change if further information and checks are necessary. Applicants who have been classified ineligible due to unacceptable behaviour are permitted to make an application in the future if they can demonstrate a changed pattern of behaviour. The Council will determine if the changed behaviour makes the applicant eligible under the Scheme at the re-application stage.

Evidence that could be provided by an applicant in order to demonstrate a changed pattern of behaviour could include, for example:

- evidence that an applicant has reduced his or her rent arrears
- evidence that an applicant is receiving support or training to manage behaviour and engaging with this support

All applicants will be notified in writing of the decision on eligibility and the grounds for this decision. All applicants have the right to request a review of any decisions as to eligibility and a right to be informed of the decision of the review and the grounds on which that decision was made. All requests to review an application will be presented to the Eligibility Panel. In cases where the Eligibility Panel has determined an applicant is not eligible for an allocation, requests for a review of the application will be referred to the HomefinderRCT Steering Group for decision.

## **2.2.2 Applicants with Outstanding Housing Related Debts**

As outlined above (section 2.2.1) some applicants may be ineligible on the grounds of unacceptable behaviour, which can include housing related debts. Housing related debt includes current or former rent arrears (including temporary accommodation arrears), damage to a former social housing

property, clearance or storage costs, or the legal costs arising from court action in connection with a current or former tenancy.

HomefinderRCT will consider the following when assessing eligibility and unacceptable behaviour as a result of housing related debt:

- Whether the applicant still owes arrears/debt and if so what is the extent of the rent/debt
- Whether there are any exceptional circumstances for the applicant's debt
- Whether the applicant has demonstrated a commitment to repaying the debt and has a suitable arrangement in place to include the amount of arrears paid off, any outstanding debt and the regularity of the payments made

After the above considerations have been made HomefinderRCT may conclude that the applicant is ineligible.

### **2.2.3 Non Compliance to Tenancy Agreement**

Some applicants who have failed to adhere to any current or previous social housing or private rented housing tenancy agreement terms and conditions may be considered ineligible on the grounds of unacceptable behaviour as outlined in section 2.2.1. This will include failing to maintain their previous social rented or private rented property within the terms of their tenancy agreement, or cause nuisance or annoyance to neighbours or others within the locality of where they live or have previously lived.

When assessing eligibility and unacceptable behaviour as a result of non compliance to tenancy HomefinderRCT will consider whether the applicant can demonstrate that their circumstances have changed and the previous conduct is unlikely to happen in the future. This could include demonstrating co-operation with support agencies.

## **2.3 Who Can Be Considered As Part Of The Household**

When assessing an application the Council will consider the housing circumstances of everyone in the household. A household is considered to be:

- People who are part of the settled household at the date of registration, or in the case of existing tenants, were part of the household at the start of the tenancy and are still in occupation
- Partners who are living together in a settled relationship
- Children born since the registration date, or the start of the tenancy, or other dependent children joining the household where the applicant or tenant is the principal carer of the child. Birth certificates will need to be produced to verify dependent relationship(s). Applicants must inform the Housing Solutions Team of any change to their household
- An adult relative who has become a settled member of the household because they are in need of support and cannot live independently. Such

persons must have lived with the household for at least 12 consecutive months before being considered part of the household unless in exceptional circumstances

- Housing applications where an applicant and partner or their child/children are forced to live apart owing to lack of suitable accommodation

## Section 3:

This section of the document will explain how the assessment of need is carried out under the scheme

- 3.1 How the banding system works
- 3.2 The additional preference categories
- 3.3 The reasonable preference categories
- 3.4 Local Priorities
- 3.5 Discretionary allocations and local lettings plans
- 3.6 How the size and type of accommodation is assessed
- 3.7 Refusal of an Offer of Accommodation
- 3.8 Applicants with No Local Connection

### 3.1 How the Banding System Works

The Council is committed to working in partnership with organisations and individuals both statutory and voluntary to deliver this Scheme to ensure it meets the needs of both individual applicants and the community as a whole in an effective and sustainable way. Where the waiting list exceeds the supply of vacancies it is necessary to prioritise applicants so that properties are offered fairly.

All applicants for social housing in Rhondda Cynon Taf will be assessed using a banding system. The bands are arranged to reflect housing priority;

- Band A Urgent housing need,
- Band B High housing need
- Band C Low housing need
- Band D No housing need

The banding system is designed so that each band includes applicants who have a similar level of housing need and distinguishes between the different needs of applicants.

Applicants will be prioritised within their band based on the date that their application was received for housing. The Housing Association will advertise a property and once the bidding cycle has closed, the Housing Association will go to the highest band first and, in most cases, will select the applicant with the longest waiting time suitable for that property. Only applicants who have bid for a property, and who are eligible for that property will be shortlisted and the person with the longest waiting time within the band will be selected.

The Housing Act 1996 (amended by the Homelessness Act 2002) states that Housing Allocation schemes must be framed to ensure **reasonable preference** is given to applicants experiencing certain types of housing need. However while housing authorities will need to ensure that, overall, reasonable



preference for allocations is given to applicants in the relevant categories these should not be regarded as exclusive and an allocation scheme may allow for other factors such as **local priorities**, provided that they do not dominate the scheme and that overall the scheme gives adequate priority to applicants in the reasonable preference categories. As well as ensuring reasonable preference is given to applicants in greatest housing need, **additional preference** can be awarded to applicants who require urgent re-housing for various reasons.

Appendix 1 outlines the banding system and the circumstances and criteria used to assess the most appropriate band for the applicant's housing circumstances and need. The principle of this Scheme is that an applicant's priority for housing should reflect both their level of housing need and length of time spent in need. Therefore priority will increase with time and a new applicant should not normally overtake an existing applicant within the same band. The circumstances where an allocation can be made to an applicant who is not at the top of the band will be outlined in the Operational Manual and monitored by the Council.

## **3.2 The Additional Preference Categories**

The legislation gives housing authorities the ability to give additional preference to particular types of applicant. This means that the Council can give a priority to some applicants considered to have a particularly urgent housing need. Additional preference includes both Reasonable Preference categories and also local priorities. The Council will award additional preference to applicants with an urgent need to move and will be placed in Band A. Band A is time limited and cases are assessed every 3 months.

### **3.2.1 Additional Preference for Homeless Households**

Applicants who are awarded Reasonable Preference on Homeless grounds will be awarded Band A where they require an offer of accommodation within a short period of time as they have suddenly lost their existing home as a result of fire, flood or other disaster.

Applicants who are homeless and are owed a duty by the local housing authority under Section 75 of the Housing (Wales) Act 2014.

### **3.2.2 Additional Preference for People leaving the Armed Forces**

Band A will be awarded to applicants who have served in the regular or reserve armed forces of the Crown who have been homeless since leaving the armed forces

Band A will be awarded to bereaved spouses or civil partners of those serving in the regular or reserve forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service

### **3.2.3 Additional Preference for Applicants Living in Unsatisfactory Housing Conditions**

Band A is awarded to applicants who currently occupy a property where there is a statutory requirement to vacate due to a prohibition order / demolition order / compulsory purchase

### **3.2.4 Additional Preference for Emergency Medical, Welfare or Disability Related Need**

Applicants who are awarded Reasonable Preference on medical, welfare or disability grounds and have an urgent need to move will be awarded Band A. These would include applicants with an emergency need to move due to high risk or life threatening grounds which will not improve or stabilise until more suitable accommodation is offered as their current accommodation is wholly inappropriate.

Examples of cases where applicants would qualify for Band A as having a Reasonable Preference and an additional preference under this category are:

- The applicant's health condition is terminal and their current home is a barrier to receiving urgent medical care
- The applicant's health condition is life threatening and their existing accommodation is a significant contributory factor
- Disabled people whose current accommodation cannot be adapted and it completely restricts them from carrying out day-to-day activities both internally and outside the home and they require a fully adapted property
- Planned discharge from hospital is imminent and there is no accommodation available to them that it is reasonable for them to occupy
- Applicants (including those leaving Care) that are leaving supported housing and have been assessed and approved by the Move-On panel as ready for re-housing\*
- The applicant is currently under occupying social housing by one or more bedrooms and needs to transfer to a smaller property due to the current property being unaffordable

\* Not all those leaving care will be awarded reasonable preference. Applicants must be vulnerable with an urgent housing need that is best met by the provision of long-term independent housing. Applicants who do not qualify for reasonable preference will be assisted by Children's Services with support from HomefinderRCT to identify accommodation through alternative housing options.

The evidence to support this will be provided by the social worker via the Move On referral form and will consist of confirmation that:

- The relevant child or former relevant child is ready to move to independent settled housing and is genuinely prepared for a move to independent living
- The relevant child or former relevant child possesses the life skills to manage a tenancy including managing a rent account

- The relevant child or former relevant child has either long term or medium term tenancy support arranged, as required
- Ongoing support needs have been determined and, where appropriate, a support plan is in place

\* Not all applicants who occupy supported housing will be awarded reasonable preference. Applicants must be vulnerable with an urgent housing need that is only met by the provision of *long term independent* housing. Applicants who do not require *long term independent* housing will be assisted by the supported housing project and HomefinderRCT to identify alternative suitable accommodation through alternative housing options. The criteria for an award of reasonable preference will be:

- An applicant is ready to move into independent settled housing as confirmed by the Move On Panel
- The applicant is in need of medium to long term ongoing tenancy support rather than short term support
- A support package has been assessed and is in place
- An applicant's vulnerability is such that accommodation in the private rented sector would through its own short term have a detrimental effect on their vulnerability
- All tenants in supported accommodation will be expected to evidence that they have completed specific training around being tenancy ready, this may be completed as part of an arranged group session facilitated by a housing provider or dependent on circumstances on a one to one basis. The Move On referral from will need to have details that this has taken place, otherwise the referral may be deferred until it is completed

### **3.2.5 Additional Preference for Applicants Releasing an Adapted Property**

Band A will be awarded to applicants who occupy a property assessed as a Level 1 adapted property that they no longer require and there is a suitable applicant on the waiting list for the adapted property which will be released through the move.

### **3.2.6 Additional Preference for Child Protection**

Band A is awarded to applicants where there is a likelihood that their child will need to be accommodated by the local authority if re-housing is not made.

### **3.2.7 Additional Preference for Exceptional Circumstances**

Band A is awarded to applicants whose circumstances are not dealt with under any of the other circumstances in Band A, however their housing need has been assessed by the HomefinderRCT Steering Group as urgent and they require immediate re-housing.

### **3.3 The Reasonable Preference Categories**

The Housing Act 1996 requires local authorities to ensure that reasonable preference is given to all of the following categories of people:

- a) People who are homeless within the meaning of Part 2 of the Housing (Wales) Act 2014
- b) People who are owed any duty by a local housing authority under Section 66, 73 or 75 of the Housing (Wales) Act 2014
- c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) People who need to move on medical or welfare grounds, including grounds relating to disability
- e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others)

The following section details applicants who fall within the Reasonable Preference categories. Applicants with a Reasonable Preference will be banded according to their housing need.

#### **3.3.1 People who are homeless (within the meaning of Part 2 of the Housing (Wales) Act 2014**

##### **People who are owed any duty by a local housing authority under Section 66, 73 or 75 of the Housing (Wales) Act 2014**

This includes a person who has no accommodation for his / her occupation, which he / she is legally entitled to or it is not reasonable for a person to continue to occupy the accommodation if it is probable that this will lead to abuse against him / her, or against a person who normally resides with the occupant or any other person who might reasonably be expected to reside with him / her.

**Band A** will be awarded to applicants who are homeless under Section 75 of the Housing (Wales) Act 2014. These are households who are homeless, eligible and in priority need. The following have been classed as priority need categories under section 70 of the Housing (Wales) Act 2014.

- A pregnant woman or person with whom she resides or might reasonably be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of some special reason for example old age, mental illness or physical disability, or with whom such a person resides or might reasonably be expected to reside
- A person who is homeless or threatened with homelessness as a result of an emergency such as a flood, fire or other disaster or with whom such a person resides or might reasonably reside

- A care leaver or person at particular risk of sexual or financial exploitation, 18 years or over but under the age of 21
- A 16 or 17 year old or with whom such a person resides or might reasonably reside
- A person who is homeless or threatened with homelessness as a result of being subject to domestic abuse or with whom such a person resides or might reasonably reside
- A person who has a local connection to the area of the local housing authority and who is vulnerable as a result of –
  - having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000
  - having been remanded in or committed to custody by an order of a court
  - having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012
 or with whom such a person resides or might reasonably reside

**Band B** will be awarded to applicants who are threatened with homelessness, and eligible under Section 66 and Section 73 of the Housing (Wales) Act 2014.

### **3.3.2 Reasonable Preference category s167 (2) (c) – people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

**Band B** will be awarded to applicants who are occupying accommodation which is short by 2 or more bedrooms suitable to their needs

**Band B** will be awarded to applicants where overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is suffering from late stage or advanced HIV infection

**Band C** will be awarded to applicants living in accommodation which is not suitable to their needs because it is short by one bedroom which is suitable to their needs

**Band C** will also be awarded to applicants who have to share facilities with other households and where they do not have a tenancy agreement

### **3.3.3 Reasonable Preference category 167 (2) (d) – Medical, Disability and Welfare**

#### **3.3.3.1 Medical and Disability**

Applicants will be awarded Reasonable Preference where a move will improve a medical condition. Applicants who indicate that they or a member of their households have an illness or disability that is affected by their current accommodation or who may be vulnerable on physical or mental health grounds will need to have their application supported by a GP or Consultant.

The assessment is not of the applicant's health but how their accommodation affects their health or welfare.

**Band C** will be awarded to applicants who have a health condition which is being adversely affected by an aspect of their current home which can only be resolved by moving house.

### **3.3.3.2 Welfare**

Reasonable preference (d) will be awarded to applicants with a need to move on welfare grounds.

**Band B** will be awarded to applicants who have an urgent need to move on welfare grounds due to any of the following:

- The applicant has been referred because they are at risk of being admitted to residential care or hospital if re-housing is not made
- The applicant needs to move due to relationship breakdown and there is a need identified to safeguard and promote the welfare of any children associated

### **3.3.4 Reasonable Preference category s167 (2) (e) – People who need to move to a particular locality within the local authority's district where failure to meet need would cause hardship to themselves or to others**

Reasonable preference (e) will be awarded where the applicant needs to move to a particular locality within the local authority's district where failure to meet the need would cause hardship to themselves or to others.

**Band B** will be awarded to applicants who meet any of the following:

- The applicant is giving or receiving essential support which can only be delivered if they live in a specific locality within the area
- The applicant has an offer of or has permanent or part time employment or a long term training or education placement cannot continue unless they live in a specific locality within the area and are otherwise adequately housed

**Band C** will be awarded to applicants who meet any of the following:

- The applicant needs to move to be nearer to:
  - A child's school where the child's need to move to a school has been recommended by the Director of Education and Lifelong Learning
  - A place of worship where there is no suitable place of worship where the applicant currently resides

### **3.4 Local Priorities**

Whilst the Council is required by law to give overall priority to applicants who fall within the Reasonable Preference categories the Scheme allows for flexibility to ensure that the strategic aims of the Local Authority are also taken account of.

The following local priorities have therefore been adopted:

#### **3.4.1 Fostering and Adopting**

**Band B** will be awarded to applicants who have been recommended by the Council to foster or adopt children and whose current accommodation is not large enough.

#### **3.4.2 Separated Households**

**Band B** will be awarded to applicants whose households are forced to live apart because their current accommodation is unsuitable

This does not apply to those who are legally separated or are living apart due to relationship breakdown or family dispute.

### **3.5 Discretionary Allocations and Local Lettings Plans**

The aim of this policy is to ensure that overall priority for allocations is given to applicants in the relevant categories described above and to those that have waited the longest to be housed. However, some flexibility is required in order to meet urgent housing need, create sustainable communities and provide for the efficient use of the social housing stock. There are often circumstances where the only way these issues can be resolved is to give Housing Associations discretion to make the most appropriate allocation under the circumstances. The HomefinderRCT Steering Group will be responsible for approving allocations in such cases.

#### **3.5.1 Local Lettings Policies**

The legislation enables housing authorities to allocate accommodation to people of a particular description who may not be at the top of their Band. For example, to ensure sustainability some accommodation may be restricted to persons over the age of 50.

Local Lettings Plans can also be implemented to help to improve the sustainability of some communities. Local lettings plans are developed and approved in accordance with an agreed procedure which considers the specific aims and justification of the plans. The plans are reviewed on an annual basis to determine whether they are still required. All local lettings Plans are evidence based with an aim to achieving community sustainability and ensure that they fit with and inform strategic priorities. The evidence that can be taken into

account can include information provided by the Council; the housing association; statutory agencies and the community itself. We will ensure local lettings plans do not discriminate on the grounds of any protected characteristic and that they are monitored and evaluated to assess their impact. A Local lettings Plan should only be ended with the agreement of the Council.

From time to time a sensitive lettings approach may be also be agreed with a housing association, to deal with specific local issues at an individual property or street level. These do not require the same approval process as they are only implemented in relation to the next letting of a property, rather than a longer term plan. However, the Housing Association must provide evidence to the Council as to why they are undertaking a sensitive let of a property.

### **3.6 How the Size and Type of Accommodation is Assessed**

Applicants can apply for any area and type of property that is suitable to their needs. However the size of accommodation that can be allocated to an applicant will be calculated according to the standard set out in the following sub section. There may be circumstances where a larger size property may be allocated than what is needed. In such cases applicants will be made fully aware of the financial implications of having a property which is larger than their household size and will receive a financial assessment to determine that they are able to afford a larger property. However applicants will only be offered a larger property where there have been no other bids from an applicant who requires that size property in the same area. If an applicant who requires that size property in the area that the property is being advertised bids for the property then priority will be given to applicant with a need for the size of the property that becomes available.

In addition some types of accommodation will only be allocated to certain groups of applicants. Further details of this are set out in sub section 3.6.2.

#### **3.6.1 Size of Accommodation**

The assessment for the type and size of accommodation is done in accordance with the Department of Works and Pensions' rules. Under these rules applicants are entitled to one bedroom for each of the following:

- every adult couple
- a person who is not a child (aged 16 and over)
- any two children of the same sex aged under 16
- any two children who are aged under 10
- any other child (other than a foster child or child whose main home is elsewhere)
- a carer (or group of carers) providing overnight care



The following table provides an example of the above criteria

Household Size	Accommodation Size
<b>Single Person</b>	1 bedroom
<b>Couple</b>	1 bedroom
<b>Co-tenant</b>	2 bedroom
<b>Single parent or couple with one child</b>	2 bedroom
<b>Single parent or couple with two children of the same sex</b>	
- both aged under 16	2 bedroom
- one or both aged over 16	3 bedroom
<b>Single parent or couple with two children of opposite sex</b>	
- both aged under 10	2 bedroom
- one or both aged 10 or over	3 bedroom
<b>Single parent or couple with three children</b>	
- two are able to share a room (under 16 same sex / under 10 opposite sex)	3 bedroom
- none able to share a room	4 bedroom
<b>Single parent or couple with four children</b>	
- if all children are able to share rooms	3 bedroom
- if two children are able to share a room	4 bedroom
- all other	4 bedroom

\* please note that housing benefit does not pay up to two bedrooms for same sex couples only one bedroom

Household members who are temporarily living away from home, for example in further education or the armed forces, will be included as part of the household. The individual currently living away will need to confirm in writing that they wish to be considered as part of the household and until the letter is provided the application will be considered as the individual not being part of the household.

Each application is assessed on the individual needs of the applicant in recognition that individual needs vary. There may be circumstances where a larger house size than which an applicant is entitled to may be awarded as outlined below:

- **Where the applicant has a disability and a non-resident carer, the applicant will be entitled to funding for an extra bedroom (WG Changes to Housing Benefit)**
- **Where there is a medical reason for requiring a separate or additional bedroom** – this will be considered on an individual basis
- **Where the applicant is pregnant** – applicants who are pregnant and have no other children will be accepted on to the waiting list for a 2 bedroom property. However applicants who already have children living with them will

not automatically be awarded an extra bedroom because the sex of the baby is unlikely to be known at the point of application and therefore it is not possible to determine whether an additional bedroom is required. In these cases applications will be amended once the baby is born.

- **Where a separated spouse has access right to a child/children** – in some circumstances where the applicant can evidence that they provide essential support to the primary carer, then we may allow the applicant one additional bedroom, however the applicant will receive a financial assessment to determine affordability for a larger property. However applicants will only be offered a larger property where there have been no other bids from an applicant who requires that size property in the same area. If an applicant who requires that size property in the area that the property is being advertised bids for the property then priority will be given to applicant with a need for the size of the property that becomes available.
- **Where there is no stock of a suitable size** – in some areas, where landlords do not own properties of a smaller size, smaller households may be entitled to be considered for larger properties however applicants will receive a financial assessment to determine that they can afford a larger property and where their income is over the Benefit Cap they may be entitled to have a larger property. However applicants will only be offered a larger property where there have been no other bids from an applicant who requires that size property in the same area. If an applicant who requires that size property in the area that the property is being advertised bids for the property then priority will be given to applicant with a need for the size of the property that becomes available.

### **3.6.2 Type of Accommodation**

Applicants can usually apply for any type or size of accommodation that is suitable to their needs. However some types of properties may only be designated to certain client groups, for example sheltered or older persons' accommodation will usually be offered to people over 55 or 60, depending on the landlord of the sheltered scheme.

Certain types of properties and areas are available more readily than other areas and applicants will receive detailed information on areas of choice when they apply to HomefinderRCT.

### **3.6.3 Areas of Preference**

Applicants may request housing in an area where there is currently no social housing provided as it will help the future planning of new developments. In these circumstances, applicants will be made aware that if they only choose these areas they are likely to have to wait a very long time to be re-housed.

### **3.6.4 Areas with greater availability of housing**

In some areas of Rhondda Cynon Taf there are areas of housing that have a very short waiting lists or even no waiting list at all. In these circumstances the Council may agree with the landlord a local lettings plan that does not rely on

the Housing Allocation Scheme but allows instant access without the need for any assessment beyond eligibility. The aim of such local lettings schemes will be to establish a viable community in the location. If demand increases subsequently then lettings may be brought back within the Scheme.

### **3.6.5 Access to Children**

The primary carer will be classified as the parent who receives Child Benefit, Child Tax Credit or Working Family Tax Credit in respect of the child / children, and accommodation will be allocated in accordance with the criteria set out above (Section 3.6.1).

Applicants who are separated or divorced, have joint custody, and can evidence via a court order or legal agreement that they provide essential support to the primary carer may be considered for a property based on the family size. Applicants who do qualify for this reason for a larger size property will be awarded reasonable preference category s167(2)(d) and placed in Band B. Applicants will need to provide evidence, such as a birth certificate, to support their application and each application will be assessed individually.

Access cases, where there is no essential support being provided, will be assessed according to the applicant's housing need and may be entitled to a property with one bedroom more than the permanent family's needs depending on the outcome of a financial assessment.

Applicants will be made aware of the cost implications of having a larger property as Housing Benefit for a larger property will only be paid to the primary carer.

### **3.7 Refusal of an Offer of Accommodation**

The Scheme allows applicants to specify any areas at estate or community level where they do not want to be offered housing. The scheme also allows them to be considered only for property types that would suit the size of the family. The intention therefore is to make offers of accommodation that meet the preferences of applicants and provide suitable accommodation. As a result, when applicants refuse two offers of accommodation that they have bid for, without offering a valid reason, their application will be cancelled.

A reasonable offer of accommodation is one that meets the housing need, size and location as specified in the applicant's application.

Homeless applicants who have refused an offer of accommodation made by the Council to discharge its legal duty will lose their priority band status and will be reassessed. Applicants can reapply to HomefinderRCT and will be assessed and awarded a band in accordance with their current housing need.

### **3.8 Applicants with No Local Connection**

Following an assessment of eligibility, applications can be accepted from people living anywhere in the United Kingdom. However applicants will have less priority within the scheme than those with a local connection to Rhondda Cynon Taf. A local connection is defined in s.199 of the 1996 Act as a connection which the applicant has with an area because:

- He or she is, or was in the past, normally resident there, and that resident was of his or her own choice, or
- He or she is employed there (i.e. the applicant actually works in the area rather than that the area is the site of his or her employers' head office), or
- Of family associations; or
- Of any special circumstance (e.g. the need to be near special medical or support services which are available only in a particular area)

In assessing whether the applicant's household has a local connection with their area, the Scheme will consider whether any person who is reasonably expected to live with the applicant has such a connection.

Applicants with no local connection will have their priority adjusted and will be awarded the next band down to the original band that they would have been awarded based on their housing need.

Applicants whose priority is adjusted will be provided with written notification of the decision which will include the following:

- The reason for the decision
- The band that they would have been awarded and the new band as a result of reduced priority
- The applicant's right to appeal and that this has to be done within 21 days of the written notification of the decision
- Any actions they need to take before they can be considered for a higher band
- Any appeal will be dealt with by an officer who was not involved in the original decision. All appeals will be dealt with within 8 weeks

Circumstances may arise where it is not appropriate to apply the local connection policy and managers' discretion will evaluate each case on its own merit:

- MAPPA cases will not be subject to local connection
- Armed Forces Personnel will be deemed to have established a local connection with Rhondda Cynon Taf by virtues of serving, or having served in the County Borough whilst in the Forces.
- Applicants who have been placed outside of RCT whilst being looked after by Children's Services

- Applicants who are currently living in institutional arrangements where they have a connection with the area and a known date for discharge which is not unreasonably distant e.g prisoners, hospital patients.
- Homeless applicants

MAPPA stands for Multi-Agency Public Protection Arrangements – a set of arrangements established by police, probation and the prison services (known as the responsible authorities) to assess and manage the risk posed by sexual and violent offenders. A number of agencies are under a duty to co-operate with the responsible authority. These include: Local Authority social services, Primary Care Trusts and strategic health authorities, Youth Offending Teams, local housing authorities, registered social landlords, local education authorities, Jobcentre Plus, and electronic monitoring providers.

The purposes of MAPPA are:

- to ensure more comprehensive risk assessments, taking advantage of co-ordinated information sharing across the agencies, and
- to direct the available resources to best protect the public.

## **Section 4:**

This section of the document will explain the process for making an application

- 4.1 How to make an application
- 4.2 The provision of advice and information
- 4.3 Making a bid and the allocation of properties
- 4.4 Homeless right to review

### **4.1 How to Make an Application**

Anyone can make an application to join HomefinderRCT. However, the supply of vacant social housing for letting varies greatly across the County Borough and in some areas, or for some types of property, the waiting times are long. For this reason all applicants will be contacted by HomefinderRCT to discuss their application and areas of choice.

#### **4.1.1 Making an Application**

Applications to join HomefinderRCT can be made face-to-face at the Housing Advice Centre in Sardis House, Sardis Road, Pontypridd CF37 1DU or by telephoning 01443 425678. Applicants can also apply online at [www.homefinderrct.org.uk](http://www.homefinderrct.org.uk). Upon receipt of the application, a member of staff will contact the applicant in order to verify their application and discuss their areas of choice. Some applicants may require an officer to visit them at home. This can be arranged by telephoning HomefinderRCT on 01443 425678. Applicants can also contact HomefinderRCT by emailing [Homefinder@rctcbc.gov.uk](mailto:Homefinder@rctcbc.gov.uk)

Applicants with a criminal conviction will be referred to the Eligibility Panel. The Eligibility Panel is responsible for confirming eligibility based on the following test of unacceptable behaviour:

- Has the applicant been evicted for neighbour nuisance / and or anti social behaviour; or
- Has the applicant been convicted of specified conduct or in view of the panel have been guilty of such conduct; or
- Has the applicant made a clear attempt to obtain accommodation by deception

Where the Eligibility Panel assesses the applicant or member of their household as having unacceptable behaviour, where the behaviour is serious enough to make them (the applicant) unsuitable to be a tenant and where the behaviour is still deemed to be unacceptable at the point of application, the applicant will be determined as being ineligible to join the Scheme.

Where the Eligibility Panel has assessed the application as ineligible, the HomefinderRCT Manager will write to the applicant and advise them of this, providing full reasons for the decision and advising of their right to appeal.

Where an applicant is deemed eligible HomefinderRCT will continue the application process and inform the applicant of this decision. Applicants who are required to provide any supporting evidence are advised of this in writing once their application has been assessed and need to present this evidence to HomefinderRCT. Upon receipt of all supporting evidence the application is completed and a band is awarded. The decision is confirmed in writing to the applicant and includes information on the applicant's right to appeal.

All completed applications, regardless of whether supporting evidence is required, are verified by HomefinderRCT. The band is then confirmed in writing along with advising the applicant on their right to appeal.

Where supporting evidence is required, applicants are advised of this and asked to present the evidence to HomefinderRCT and the band is not confirmed until the evidence has been assessed.

#### **4.1.2 Registering an Application Online**

Applicants can register to HomefinderRCT online at [www.homefinderrct.org.uk](http://www.homefinderrct.org.uk). Internet access for completing a registration is available at a number of venues throughout Rhondda Cynon Taf including the Housing Advice Centre, One 4 All Centres and local libraries. Upon receipt of the application, a member of staff will contact the applicant in order to verify the application and discuss areas of choice. Applicants can also contact HomefinderRCT by emailing [Homefinder@rctcbc.gov.uk](mailto:Homefinder@rctcbc.gov.uk)

Where supporting evidence is required applicants are advised of this and asked to present the evidence to HomefinderRCT and the band is not confirmed until the evidence has been assessed.

#### **4.1.3 Home Visits**

Some applicants require a home visit and therefore at the point of contact to HomefinderRCT, the Team will:

- Arrange an appropriate time to visit the applicant and undertake a brief telephone assessment to assess eligibility and identify any supporting evidence that may be required, this can then be presented at the home visit
- Once eligibility has been confirmed undertake the home visit and verify supporting evidence
- Complete the application process and verbally confirm the band
- Confirm the band in writing and advise of the applicant's right to appeal

## **4.2 The Provision of Advice and Information**

All applicants must provide the information that is requested so that HomefinderRCT can confirm their details and award the appropriate band. If supporting evidence is not provided then this will delay the application process and therefore hold up any potential allocation.

The Council aims to provide advice and assistance to enable applicants to make informed choices about the most suitable housing option for them and to ensure that no applicant is disadvantaged.

Applicants will be provided with information regarding their own applications as follows:

- What band they have been awarded
- What information they need to supply for verification purposes
- If the applicant has been awarded reduced priority or are found to be ineligible what actions, if any, need to be undertaken to resolve this

### **4.2.1 Housing Options Advice**

The Council aims to provide applicants with detailed information regarding, not only the availability of social housing but also information on alternative housing options available in Rhondda Cynon Taf. All potential applicants will be provided with sufficient information to enable them to make an informed choice about whether to apply to the Scheme.

The HomefinderRCT website, [www.homefinderrct.org.uk](http://www.homefinderrct.org.uk) provides all types of housing advice. The website includes information on average waiting times and also includes information on selected properties which are immediately available for offer regardless of banding. There is also a wide range of information regarding other housing options and housing support/assistance as follows:

- Buying a house
- The Homestep Low Cost Homeownership Scheme
- Renting from a Private Landlord
- Local Area Information
- Supported Housing
- Adapted Housing
- Sheltered Housing
- Homelessness
- Housing Grants

Applicants who are unable to access the internet will be provided with printed copies of the information that is available.



#### **4.2.2 Financial Assessments**

The Council and its Housing Association partners are committed to ensuring that applicants can afford and sustain a tenancy they are offered. For this reason, at the point of application the HomefinderRCT Team will ask applicants some key questions regarding their finances to identify any potential affordability issues. This will ensure that applicants consider affordability when they are making housing choices and also will provide an opportunity to signpost applicants who are already experiencing financial difficulty to appropriate advice and support. A more detailed financial assessment will be undertaken by Housing Associations at the point at which they make an offer of accommodation. All Housing Associations will use a common Financial Assessment toolkit. Housing Associations will not use the findings of a financial assessment to exclude an applicant from housing or withdraw an offer of accommodation.

#### **4.2.3 Advice on Decisions and Reviews of Applications**

The Council will inform applicants of their rights regarding decisions made on their applications:

- The right to be notified in writing of any decision not to give an applicant any preference under the scheme because of unacceptable behaviour serious enough to make him/her (or a member of the household) unsuitable to be a tenant;
- the right, on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to him/her; and
- the right, on request, to review a decision mentioned in paragraph (i) or (ii) above or in respect of s.160A(9) regarding those who are ineligible or who may be treated as such on the grounds of unacceptable behaviour. The applicant also has the right to be informed of the decision on the review and the grounds for it.

#### **4.3 Making a Bid and the Allocation of Properties**

Properties are advertised on the HomefinderRCT website and applicants can bid for properties in their areas of choice and according to the type of property that they require. For all advertised properties, the eligibility of bids are checked against the labelling of the property used in the advertisement. Ineligible bids will not be considered. The allocation of advertised properties will be based on the priority of bids received, which means that Band A applicants will be given highest priority and Band D the lowest priority. Within each band applicants will be prioritised according to their waiting time, with those with the longest waiting time given highest priority. Therefore if there are multiple bids for a property from one band, the applicant with the longest waiting time in that Band will be offered the property by the relevant Housing Association.

#### 4.4 Homeless Right to Review

Homeless applicants have the right, within 21 days, to request a review of suitability of an offer whether or not they have accepted the offer. If the applicant has been accepted as being owed a statutory duty by the Council, this duty, subject to a right of review, will have ceased if a final offer is refused.

The Council will cease to owe a duty if the applicant, having been informed of the possible consequence of a refusal and of their right to request a review of accommodation, refuses a final offer of accommodation. An offer of accommodation is considered a final offer if it has been made in writing and states that it is a final offer as the Council ceases to owe a duty as the applicant is no longer eligible for assistance.

The Homeless Review Panel will consider any requests to review the suitability of an offer of accommodation and will carry out the following:

- **If the offer is found to be unreasonable** reinstate their priority need status, or
- **If the offer is found to be reasonable** advise the applicant of the reason for this decision and of the effect that the decision has on their priority need status

Homeless applicants also have the right to appeal to the County Court on a point of law, arising from the decision on the review. A homeless applicant must bring an appeal to the County Court within 21 days of the date on which they are notified of the decision on review.

Where the Council ceases to owe a duty due to the above, the applicant will remain on the housing register as a general needs applicant and be considered for further offers based on their housing need and within their chosen areas.

## **Section 5:**

This section of the document will explain how lettings to specific groups are made under the scheme

- 5.1 How lettings to Councillors and Council Staff and Housing Association Board Members and Staff are made
- 5.2 How lettings to applicants requiring adapted properties are made
- 5.3 How lettings to applicants requiring older persons or sheltered accommodation are made
- 5.4 How lettings to the Council's Gypsy Traveller Caravan Site are made
- 5.5 How lettings to 16 and 17 years olds are made

### **5.1 How Lettings To Councillors and Council Staff and Housing Association Board Members and Staff are made**

Rhondda Cynon Taf County Borough Council and its partners are committed to providing a fair and equitable Housing Allocation scheme to all its applicants. We do not exclude any employee, Council Member, Board Member, close relatives of employees or Board Members, or former staff from applying for a tenancy.

All persons eligible are entitled to apply to the Scheme and all applicants will undergo the same assessment procedure.

Staff, Board Members and Council Members and their relatives will be treated the same as any other applicant and will not receive any preferential treatment.

However the following steps will be followed when a member of staff, Board Member or Council Member submits an application:

- The applicant will have no involvement in any decisions or the inputting of their application
- The applicant will have no involvement in the awarding of priority or band
- Applications should be clearly marked that the application is that of a staff member, Board Member, Council Member or a relative
- At the point of offer the relevant form must be completed and signed off before the offer is complete

Guidance on permitted payments and benefits to staff and board members of Housing Associations in Wales states that when an offer is made there is an exemption to permit the grant of a tenancy or the disposal of a house to an

officer or to a close relative of an officer provided that the written consent of the Welsh Government has been obtained.

## **5.2 How Lettings To Applicants Requiring Adapted Properties are made**

Applicants requiring adapted properties will apply for housing in the same way as applicants requiring general needs properties. Applications will be awarded priority in accordance with the banding system as set out in Section 3, Applicants will be advised on the level of adapted housing that they have been assessed as needing based on the type and extent of adaptations they require.

When an adapted property becomes available for allocation the housing officer will identify applicants requiring an adapted property at the top of the relevant band. The Housing Association in most cases will follow the process used for selecting an applicant for a general needs property i.e. identifying an applicant from Band A first and if there is no suitable applicant in this band, moving to Band B and so on. However, the adapted property might not always be allocated to the person who has waited the longest in the band as in order to make the best use of the housing stock, the Housing Association is permitted to offer the property to the applicant who best matches the property type in terms of the adaptations they require and what is already provided at the property.

When a general needs property becomes available for allocation this will be allocated to the person at the top of the relevant band in accordance with Section 3.1. Some applicants requiring adaptations may not necessarily need a bungalow, level access or a fully adapted property and a general needs property, which can be adapted, may be suitable. If the applicant at the top of the band requires an adapted property, the housing officer will assess the suitability of the property to identify if the property can be adapted to meet the needs of the disabled applicant who is at the top of the list. Where the Housing Officer assesses the property as being suitable, an Occupational Therapist will be required to undertake a verification visit.

The Housing Officer and the Occupational Therapist must consider the, suitability, practicality and the cost effectiveness of adapting the available property.

## **5.3 How Lettings To Applicants Requiring Older Persons and Sheltered Housing Accommodation are made**

Sheltered housing offers accommodation, often within complexes, especially designed with the needs of older people in mind.

It aims to provide a safe environment where people can make friends and enjoy a range of social activities while living independently. In some cases, a warden service is supplied for greater reassurance and better security.

To be eligible for Sheltered Housing applicants must be:

- aged 55 or 60 and over, depending on the accommodation
- eligible for housing as detailed in the Scheme and appear in an appropriate band as set out in the Scheme
- be made aware of the cost of moving into a Scheme before a letting is carried out

Applicants wishing to apply for older persons' accommodation which is not sheltered accommodation can find details of this in Appendix 2.

#### **5.4 How Lettings to the Council's Gypsy Traveller Caravan Site are made**

Letting to the Council's Gypsy Traveller Caravan Site will be made in accordance with the Beddau Caravan Site Allocation Policy.

#### **5.5 How Lettings to 16 And 17 Year Olds are made**

Any United Kingdom resident 16 years or over can apply to the Scheme. However a Housing Association will not normally grant a tenancy to anyone under the age of 18 without a Trustee. For young people under the age of 18 the Registered Social Landlord may grant permission to allow for the occupation of the property by way of an approved agreement.

## **Section 6:**

This section of the document will explain the service standards of the scheme and how it will be monitored

- 6.1 The service standard for administering the scheme
- 6.2 Monitoring
- 6.3 The annual review of the HomefinderRCT
- 6.4 The procedure for dealing with changes in circumstances
- 6.5 Cancelling Applications

### **6.1 The Service Standard For Administering The Scheme**

The Council is no longer a social landlord and does not own any council houses, flats or sheltered housing complexes. In December 2007, the Council transferred all of its housing stock to RCT Homes (now Trivallis.) which has been set up to specifically manage all of the Council's transferred housing stock.

If you were a Council tenant in Rhondda Cynon Taf at the time of transfer, you automatically became a Trivallis tenant.

The Council still has responsibility to ensure the needs of residents are met through housing services provided locally and has a duty to help people who are homeless or threatened with homelessness.

The Council will consider every application received and will:

- Provide free advice and information about the right to apply for accommodation
- Provide detailed advice on eligibility to join HomefinderRCT
- Ensure that all information is easy to understand and is readily accessible
- Outline how choice is offered and the ability of applicants to indicate their preferences
- Provide detailed advice on the types of accommodation that is available throughout the County Borough
- Provide detailed information on the length of time applicants are likely to have to wait to be re-housed in their area of choice, and also information on the length of waiting time for any other area
- Provide a full copy or summary of this Scheme to all households that request them and always provide a summary of the Scheme to people accepted as being owed a full duty as statutorily homeless
- Treat applicants equally in accordance with their housing need and where possible their choices, regardless of race, religion or creed, ethnic or

national origin, disability, gender, gender reassignment, sexual orientation, or marital status or age

- Regularly undertake equality monitoring
- Ensure that all information provided by applicants will be treated with strict confidentiality
- Applicants who have difficulty reading and understanding the Scheme will be offered the following services:
  - An interpretation service if their first language is not English
  - Provision of documents in large print
  - An interview to explain the Scheme and information where independent advice can be obtained regarding the Scheme

## **6.2 Monitoring**

The Housing Act 1996 requires housing authorities to determine and publish a Housing Allocation Scheme setting out how it prioritises applicants for social housing. Monitoring reports are published quarterly and presented to the HomefinderRCT Steering Group. The monitoring reports are devised to ensure that the Local Authority meets its statutory obligations and to ensure that Reasonable Preference is provided to specific groups.

If monitoring shows that priority is not being given to the higher bands, the Council reserves the right to implement a quota system to ensure its statutory obligations are being met.

## **6.3 The Annual Review of HomefinderRCT**

Each HomefinderRCT application will be reviewed annually by writing to applicants and asking them to complete a short questionnaire to confirm that the information held on HomefinderRCT is up to date and accurate. Applicants in Band A will have their applications reviewed every 3 months to ensure that they are actively bidding and also that their housing circumstances have not changed i.e they are still in urgent housing need.

Applicants will be sent a reminder after 14 working days where failure to respond to this will result in their application being cancelled. All cancelled applicants will be notified in writing. If the applicant can provide a good reason, such as being on holiday or in hospital for not responding to the review request in time then the application may be reinstated with their original application date.

## **6.4 The Procedure for Dealing with Changes in Circumstances**

Applicants must immediately notify HomefinderRCT of any changes in their circumstances, for example a change of address, obtaining a job, and provide evidence to support these changes as a change in circumstances could alter an applicant's position on HomefinderRCT.

Any applicants that do not respond within the timescale for providing additional information may be removed from the Scheme. Applicants will not be considered for an offer of accommodation whilst HomefinderRCT is awaiting the required information. Applicants who have been removed from the register have the right to a review of the decision within 21 days.

If a household deliberately worsens their circumstances following a voluntary change of address, the application may, for a period of not more than 12 months, be assessed as though the applicant were still living at the previous address. For example this could arise if a tenancy is ended or a home abandoned for no good reason. Anyone forced to leave their home through violence or a genuine fear of violence will not be considered to have deliberately worsened their circumstances.

## **6.5 Cancelling Applications**

Applications will be cancelled for the following reasons:

- At the applicant's own request
- Upon changes in circumstances that result in them being ineligible for the Scheme
- Following failure to respond, without good reason, to an annual review
- An applicant has been housed in a secure or assured tenancy by another Local Authority or other Housing Association not part of HomefinderRCT
- Where an applicant leaves temporary accommodation without a forwarding address
- When the applicant moves to a new address and does not complete a new application form
- When the applicant fails to respond to an offer of accommodation
- When the applicant refuses two reasonable offers of accommodation



## **Section 7:**

This section of the document provides information regarding additional legal duties

- 7.1 How personal information and confidentiality is dealt with under the scheme
- 7.2 The consequences of providing false information
- 7.3 The applicant's right to review of a decision
- 7.4 How to make a complaint

### **7.1 How Personal Information and Confidentiality is Dealt With Under the Scheme**

All applicants have a right to view and confirm the accuracy of information about them, which is held on computer. Personal information obtained from or about an applicant will only be used to process an application.

Privacy and confidentiality is respected and will normally only be used to verify the information to determine eligibility and priority. In some cases we may contact other agencies to confirm this information. Where information is to be shared with third party agencies, this will not be done without the applicant's agreement, unless they have a legal right to obtain it, and information will be transferred in a secure way.

In some cases the law may require or permit, and disclosure may be necessary, information about an applicant to be shared without consent and this will not breach data protection, human rights or the common law obligation of confidence. In terms of obligation of confidentiality/privacy, this may be set aside where disclosure of information is necessary to ensure one or more of the following:

- National security
- Public security
- The detection or prevention of crime or disorder
- Protection of health or morals
- The protection of the rights of freedom of others

### **7.2 The Consequences of Providing False Information**

It is a criminal offence for an applicant to knowingly or recklessly give false information or knowingly withhold reasonably requested information relevant to their application. This includes information requested for the application and information relating to any review of the application.

Where there is suspicion that a person has provided or withheld false information, the application will be recorded as 'application pending' until

investigations are complete. If the outcome of the investigation is that the information was not false and was not withheld, then the application will be reinstated to the Scheme.

Where applicants have obtained a tenancy by withholding information or providing false information, under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, s.146) the landlord can seek possession of the property.

If the Council determines that an applicant directly, or through a person acting on their behalf, has given false information or withheld required information it will result in them being ineligible for the Scheme.

### **7.3 The Applicant's Right To Review of a Decision**

In accordance with Section 167 (4A) of the Housing Act 1996 this Scheme is framed to ensure that an applicant:

- (a) Has the right to general information to enable them to assess:
  - How the application is likely to be treated under the scheme (including whether the applicant is to be considered to be awarded reasonable preference)
  - Whether housing accommodation appropriate to their needs is likely to become available and how long such accommodation is likely to become available for allocation
- (b) Is notified in writing of any decision that determines:
  - the applicant, or a member of their household has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant
  - in the circumstances at the time the case is being considered, the applicant deserves by reason of that behaviour not be awarded reasonable preference
- (c) has the right to request any information of the decision about the facts of the case which is likely to be, or has been, taken into account when making the decision whether or not to make an allocation
- (d) has the right to be informed of the decision on the review and grounds for it

Every applicant has the right to appeal against the decision that the Local Authority makes about their applications.

Applicants can appeal against:

- the band they have been awarded
- the size of the property that they have been identified as needing
- how their application has been administered
- Exclusion from HomefinderRCT
- Restriction of the areas to be housed within

The applicant must request a review of any of the above within 21 days of the date of the decision letter. The request can be made orally by telephoning HomefinderRCT on 01443 425678 or in writing to HomefinderRCT, Ty Elai, Dinas Isaf East, Williamstown, Tonypany, CF40 1NY

Upon receipt of a review request the HomefinderRCT Manager will prepare a report for the HomefinderRCT Steering Group. The Steering Group will consider the appeal within 28 days of the request. The applicant will be notified in writing of the appeal request within 7 days of the decision.

## **7.4 How to Make a Complaint**

The Council aims to provide high quality service for its customers and values any feedback and comments. The Council promises to treat customers with respect, be fair and honest and admit and learn from its mistakes.

The HomefinderRCT Manager will deal and respond to all complaints and feedback regarding the Scheme and HomefinderRCT procedures and processes.

### **STAGE 1:**

**The Council will aim to resolve the complaint or put things right swiftly and as far as possible at this point, to avert the need for Stage 2.**

- Stage 1 complaints can be made by an applicant or someone acting on their behalf, with their consent, by telephone, in writing, face to face, via e-mail or the Council's website.
- Complaints will be referred to the HomefinderRCT Manager to deal with.
- The HomefinderRCT Manager will arrange for the matter to be resolved and will acknowledge the complaint within 3 working days and provide a full response within 15 working days.

Where possible, complaints should be registered with the Council as soon as possible (and within 12 months of the problem occurring).

### **STAGE 2:**

**If an applicant is dissatisfied with the outcome of their complaint at Stage 1, they may refer it to Stage 2 for formal investigation.**

- Upon receipt of a Stage 2 complaint, a Senior Officer will undertake a formal investigation of the case. All relevant documents/policies will be examined and, if appropriate, the applicant and staff member(s) involved will be interviewed.
- A formal, detailed letter of response will be sent to the applicant, in a bid to resolve the matter to his/her satisfaction.

- Should an applicant be dissatisfied with the outcome of a Stage 2 complaint, he/she may write to request a review of their complaint under Stage 3 of the complaints procedure.

### **STAGE 3:**

**If an applicant is dissatisfied with the outcome of their complaint at Stage 2, he/she may write to the Chief Executive and request a review of their case.**

If after stage 3 an applicant is still unhappy with how their complaint has been dealt with, the applicant can refer the matter to the Public Services Ombudsman, who may decide to independently investigate the case on your behalf.

The Ombudsman's contact details are:

The Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 01656 641 150

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

## Section 8

### Operational Manual

The Council will use an Operational Manual that describes, for the purpose of the staff of the Council and its Housing Association Partners an explanation of how the Scheme will be operated and implemented. It will describe what officers should do, how decisions are made and will include procedures and processes. Its purpose is to guide the operation and implementation of the policy as described in the main body of the Scheme. The Operational Manual may be updated from time to time to take into account any administrative or ICT improvements and changes. The Operational Manual will be available at [www.rhondda-cynon-taff.gov.uk](http://www.rhondda-cynon-taff.gov.uk)

## Appendix 1

### Rhondda Cynon Taf Banding System

<b>Criteria for Band A Urgent Housing Need Applications awarded Band A will be reviewed every 3 months Local connection criteria will apply except for MAPPA and Homelessness Cases</b>
<b>Reasonable Preference Categories s167(2)(a), (b), (c), and (d)</b>
<ol style="list-style-type: none"><li>1. Applicants who have suddenly lost their existing home as a result of disaster and require accommodation in a short period of time.</li><li>2. Applicants who are homeless under Section 75 of the Housing (Wales) Act 2014. These are applicants who are homeless, eligible and in priority need.</li><li>3. Applicants who have served in the regular or reserve Armed Forces of the Crown who have been made homeless since leaving the armed forces.</li><li>4. Bereaved spouses or civil partners of those serving in the regular or reserve forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service.</li><li>5. Applicants who currently occupy a property where a prohibition order, demolition order or compulsory purchase order has been served.</li><li>6. Applicants who have a health condition that is terminal and their current home is a barrier to receiving urgent medical care.</li></ol>

7. Applicants who have a health condition that is life threatening and their existing accommodation is a significant contributory factor.
8. Applicants who are disabled and their current accommodation cannot be adapted and which completely restricts them from carrying out day to day activities both internally and outside the home and they require a fully adapted property.
9. Applicants who are in hospital and a planned discharge is imminent but there is no accommodation available for them to reasonably occupy.
10. Applicants (including those leaving Care) that are leaving supported housing and have been assessed and approved by the Move On Panel as ready for re-housing.
11. Applicants who are currently under occupying social housing by one or more bedrooms and need to transfer to a smaller property due to the current property being unaffordable

#### **Local Priorities**

12. Applicants who currently occupy a Level 1 adapted property that they no longer require and there is a suitable applicant on the waiting list for the property.
13. There is a likelihood of a child being accommodated by the local authority if re-housing is not made
14. Applicants whose circumstances are not dealt with under any of the other circumstances in Band A, however their housing need has been assessed by the Eligibility Panel as urgent and they require immediate re-housing

## **Criteria for Band B**

### **High Housing Need**

**Applicants awarded Band A but with no local connection**

**All Homeless Regardless of Local Connection**

#### **Reasonable Preference Categories s167(2) (a), (b), (c), (d) and (e)**

15. Applicants who are homeless within the meaning of Part 7 of the Housing Act 1996 or Part 2 of the Housing (Wales) Act 2014
16. Applicants who are owed a duty under sections 66 or 73 of the Housing (Wales) Act 2014
17. People who are owed a duty by a local authority under Section 190(2), 193 (2) or 195 (2) of Part VII of the Housing Act 1996 or who are occupying accommodation secured by any local authority under Section 192(3)
18. Applicants who live in an overcrowded property which leaves them at risk of infection, for example, where an applicant is suffering from advanced HIV infection
19. Applicants who are currently occupying accommodation which has two bedrooms less than required based on the needs of the household.
20. Applicants who have an urgent need to move on welfare grounds and an application has been made because they are at risk of being admitted to residential care or hospital if they are not re-housed.
21. Applicants who need to move due to relationship breakdown and there is a need identified to safeguard and promote the welfare of a child.
22. Applicants who are giving or receiving essential support, which can only be delivered if they live in a specific locality within the area



23. Applicants who have permanent employment which cannot continue unless they live in a specific locality within the area and are otherwise adequately housed

**Local Priorities**

24. Applicants who have been recommended by the Director of Community and Children's Services to foster or adopt children and whose current accommodation is not large enough

25. Applicants who are forced to live apart from their partner or children because their current accommodation is unsuitable\*

*\* This does not apply to those who are legally separated or are living apart due to relationship breakdown or family dispute*

**Band C**

**Low Housing Need**

**Applicants awarded Band B but with no local connection**

**Reasonable Preference Categories s167 (2) (a), (b), (c) and (d)**

26. Applicants who have a health condition which is being adversely affected by an aspect of their current home which can only be resolved by moving house.

27. Applicants who are currently occupying accommodation which has one bedroom less than required based on the needs of the household.

28. Applicants who need to move to be nearer to:

- a. A child's school (where the need to move to a school has been recommended by the Director of Education)
- b. A place of worship as there is no suitable place of worship where the applicant currently resides

**Band D**

**No Housing Need**

**Applicants awarded Band C but with no local connection**

**(except Homelessness)**

**Reasonable Preference Category s167 (2) (e)**

29. Applicants who are assessed as having no housing needs.

30. Applicants who are current tenants of a Housing Association who wish to transfer and have no housing needs \*

*\*Applicants must have been a tenant with their current landlord for 12 months or more*

## **Appendix 2**

### **Habitual Residence Test**

There is no legal definition “habitual residence” therefore each case must be considered individually. The most important factors for the habitual residence are period of residence, continuity and nature of actual residence.

The term ‘habitual residence’ is intended to refer to the permanence of the person’s residence in the Common Travel Area (the UK, the Channel Islands, the Isle of Man and the Republic of Ireland). When deciding whether an applicant is habitually resident, housing authorities should take account of the applicant’s period of residence and its continuity, the applicant’s employment prospects, the applicant’s reason for coming to the UK, the applicant’s future intentions, the applicant’s centre of interest and any other fact or circumstance which might be relevant.

A person who is in stable employment is more likely to be able to establish habitual residence than a person whose employment is, for whatever reason, transitory (for example, an au pair or someone on a fixed or short-term contract). Equally, a person, one of whose apparent aims is coming to the UK is to claim benefits, is less likely to be able to establish habitual residence.

A person who intends to take up permanent work is more likely to be able to establish habitual residence, as is a person who has immediate family or other ties to the UK.

While the majority of the categories eligible for housing require the applicant to be habitually resident in the CTA, most applicants for social housing will not be persons from abroad and there will be no reason to apply the test. It is also likely that persons who have been resident in the CTA continuously during the two years prior to their housing application will be habitually resident in the CTA. In such cases, therefore, housing authorities may consider it unnecessary to make further enquiries to establish habitual residence, unless there are other circumstances that need to be taken into account. A period of continuous residence in the CTA might include visits abroad e.g. holidays or to visit relatives. Where two years continuous residency in the UK is not established, housing authorities may need to conduct further enquiries to determine whether the applicant is habitually resident in the CTA.

Whilst habitual residence requires an appreciable period of residence, there is no minimum time limit set for an appreciable period. Case law suggests that in some circumstances ‘a month can be an appreciable period of time’.

A person cannot claim to be habitually resident in any country unless the person has taken up residence and lived there for a period. There will be cases where the person concerned is not coming to the UK for the first time, but is resuming a habitual residence previously held.