HOUSING ALLOCATIONS POLICY

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SECTION A

Policy overview

1 Overview

1.1 This policy explains how people can register for an allocation of social rented housing in Sandwell and how Sandwell Council will allocate social rented housing. To do this the Council is obliged to meet various statutory requirements as outlined below. The Council will only allocate it's housing in accordance with this policy. This Policy applies to all new and existing applicants.

1. The Allocations Policy is set out in line with all relevant legislation as required by Part 6 of the Housing Act 1996. In developing the policy, the Council has had regard to the law and regulatory requirements, including:

    1. Housing Act 1996
    2. Homelessness Reduction Act 2017
    3. Localism Act 2011
    4. Armed Forces Act 2006
    5. Asylum and Immigration Act 1996
    6. Immigration and Asylum Act 1999
    7. Children Act 2004
    8. Equality Act 2010
    9. Domestic Abuse Act 2021
    10. European Union (Withdrawal Agreement) Act 2020
    11. Statutory guidance including:
        a. Allocation of accommodation: guidance for local authorities, June 2012, updated, September 2021
        b. Improving access to social housing for victims of domestic abuse, November 2018
        c. Improving access to social housing for members of the Armed Forces, June 2020

    In framing the allocations scheme regard has also been given to the Council's Homelessness and Rough Sleeping Strategy and relevant caselaw.

1.3 Section 150 (1) to (8) of the Localism Act 2011 sets out the issues and administration procedures to be followed by local authorities with regard to their Tenancy Strategy. Section 150 (1) of the Act states that a local authority must publish a Tenancy Strategy that sets out the matters that registered providers of social housing operating in their district must 'have regard' to when formulating policies relating to:

a) the kinds of tenancies that they grant;

b) the circumstances in which they will grant a tenancy of a particular kind;

c) where they grant tenancies for a certain term, the lengths of the terms; and,

d) the circumstances in which they will grant a further tenancy at the end of an existing tenancy.

Section 150 (3) also states that local authorities must have regard to their tenancy strategy when delivering their housing management function.

1.4 The Localism Act 2011 introduced provision for a flexible secure tenancy for registered providers of social housing referred to as a Fixed Term Tenancy (FTT). As the term suggests, these tenancies can be issued for fixed terms and, based on a set of fixed circumstances, can either be renewed or terminated at the close of the term.

1.5 The Homelessness Reduction Act 2017 places duties on local authorities to intervene at earlier stages to prevent homelessness in their areas. It also requires housing authorities to provide homelessness services to all those affected, not just those who have 'priority need.'

1.6 In the context of housing allocations policies, the accompanying statutory code states that allocations schemes must provide reasonable preference to people who are homeless or are owed specific homelessness duties as set out in section 166A(3) of the 1996 Act. This will include providing reasonable preference to people who are owed the prevention (section 195(2)) or relief (section 189B) duty.

2 Statement on choice

2.1 The Council believes that any applicant considered to be eligible under this scheme should be able to express a preference over the property and the area in which they would like to live. However, this must be set against the need for the Council in some instances to resolve a person's housing situation urgently e.g. homeless households to whom there is a statutory duty to house; households at risk of violence etc. Therefore, in certain circumstances choice may be limited. It should also be noted that local housing pressures may limit the degree of choice that the Council is able to offer.

2.2 To enable applicants to express preferences about the accommodation to be allocated to them, the Council operates a Choice Based Lettings (CBL) scheme for allocating both its own housing stock and some stock managed by its partner housing associations.

2.3 The considerable housing pressures in Sandwell limits the degree of choice that can be offered, along with the responsibility the Council has to offer housing to applicants in urgent housing need. This includes the need to reduce the financial impact on the Council for households placed into temporary accommodation under a homelessness duty.

2.4 The housing pressures faced in Sandwell will limit the degree of choice that can be offered, along with the responsibility the Council has to offer housing to applicants in urgent housing need. This includes the need to reduce the financial impact on the Council for households placed into temporary accommodation under a homelessness duty.

In certain circumstances of urgent housing need (including offers of suitable accommodation under the Homelessness Duty) expressing a preference over where an applicant would prefer to live does not mean that preference can be met, or that an applicant won't be offered suitable accommodation outside of their preferred area.

In certain circumstances the Council will or may make a direct offer and not use the 'choice based letting' scheme to let a property. Examples of these circumstances are set out in the policy.

In selecting properties to allocate the council will normally take into account the following factors:

- the number of bedrooms required
- any essential requirement concerning the type or location of rehousing
- the housing band into which the applicant's case falls; and
- the date registered within that band (except for when a property may be allocated outside of band or outside of date order within a band

The council will not normally take into account:

- non-essential preferences concerning the location or type of rehousing requested by the applicant. This would include preference for a house, garden, driveway and other such requests.

An applicant will be asked at time of registration to state any area where they believe they cannot live due to fear of violence, harassment or domestic abuse. The assessment of their application will then consider the facts and decide whether the applicant is allowed to restrict areas. The Council in assessing the risk of violence, harassment or domestic abuse may deem areas to be unsuitable despite an applicant wishing to live in an area assessed as unsuitable.

3. Policy Aims and objectives

3.1 Through this policy the Council aims to:

- provide a transparent and understandable housing allocations scheme that gives people as much choice as possible over where they live
- ensure that Council properties and partner organisation properties are let fairly to fulfil the Council's legal and equality obligations
- help fulfil the Council's responsibilities to people in housing need
- facilitate the delivery of the Council's strategic housing priorities

- contribute to community sustainability, neighbourhood regeneration and social inclusion

4. Equality, accessibility and monitoring

4.1 Sandwell Council is committed to ensuring that its policy and procedures in the letting of property are non-discriminatory and that all customers are able to access the service especially taking account of any vulnerability or other specific needs. This commitment also extends to the needs of the groups protected by the Equality Act 2010.

4.2 Under the Equality Act 2010 and in particular section 149 of the Public Sector Equality Duty, local authorities are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not when carrying out their public functions.

The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Council will ensure that its policy complies with the current equality legislation and with the relevant statutory codes and guidance. This policy has been subject to an Equality Audit and this will be regularly reviewed.

4.3 To identify the needs of our customers the application form will have specific questions relating to vulnerability, ethnic origin, sexual orientation, disabilities and other relevant criteria. This information will be used to monitor the impact of the policy on minority and specific needs groups and to make such amendments, as may be required, to ensure no group is disadvantaged by the policy.

4.4 The Council will ensure that the system is as accessible as possible to any applicant. The ICT system will be used to monitor who is applying for housing and who is receiving any offer of housing. The outcomes for applicants identified as having specific needs or who meet the definition of a protected characteristic under the Equality Act will be monitored regarding the outcomes for applications to join the register and offers of social housing.

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

1. Those in the ‘reasonable preference’ categories are given priority for housing
2. The Council is complying with its Equality Act duties
3. There is overall customer satisfaction with the scheme

4.6 The Director of Place and the Cabinet Member for Housing shall retain delegated powers to make minor alterations to the policy. Any changes

made will need the consent of both parties and will require to demonstrable need to make the changes. Housing Associations operating across the borough will be given twelve week's notice of any change prior to the changes taking effect.

4.7 **Reasonable Adjustments**

Sandwell Council is committed to removing barriers that may prevent applicants from accessing or engaging with the Housing Allocations process. In line with the Equality Act 2010, the Council will make reasonable adjustments where required.

There is no fixed list of adjustments; each case will be considered individually to ensure that any measures put in place are appropriate, practical, and proportionate to the applicant's needs.

Reasonable adjustments may include, but are not limited to:

- Providing application forms, correspondence, and decision letters in alternative formats (e.g. large print, easy-read, audio or accessible digital formats);
- Offering additional support to help applicants understand the allocations process, including access to advocacy services;
- Allowing flexibility in how applicants engage with the service (e.g. extended time to respond, alternative communication methods, or tailored support through the bidding process);
- Providing translation or interpreter services where required.

Applicants may request reasonable adjustments at any stage of their application by:

- Speaking to a member of staff in person;
- Contacting the Council by telephone;
- Submitting a request in writing (including email or text message);
- Acting through an authorised representative; or
- Accepting support identified and offered by Council officers.

All requests will be considered sensitively and handled confidentially. Where it is not possible to make a requested adjustment, the Council will provide a clear explanation. Any agreed adjustments will be implemented without unnecessary delay.

Further guidance is available within Sandwell Council's Reasonable Adjustments Policy.

4.8 **Strengths-Based, Trauma-Informed and Relationship-Based Approach (ST*R Model)**

In delivering this Housing Allocations Policy, Sandwell Council applies a strengths-based, trauma-informed and relationship-based approach (ST*R Model) to ensure services are delivered in a supportive and person-centred way.

This approach is underpinned by the following principles:

- **Strengths-Based Approach** – Officers will recognise applicants' individual strengths, resilience, and engagement, using this information to support fair and informed decision-making.
- **Trauma-Informed Approach** – The Council acknowledges that many applicants may have experienced trauma, crisis, or instability. Staff will respond with sensitivity, avoiding re-traumatisation and ensuring that interactions are respectful and supportive.
- **Relationship-Based Approach** – Positive, professional relationships are central to the delivery of the service. Officers will communicate clearly, provide accessible information, and work constructively with applicants to support their housing needs.

5. Information sharing, confidentiality and data protection

5.1 Information received in relation to an application will be treated in confidence in accordance with the General Data Protection Regulation. Confidential Information held about applicants will not be disclosed to third parties apart from:

- Where the individual has consented to the disclosure
- Where the Council is required by law to make such a disclosure.
- Where disclosure is made in accordance with a recognised Information Sharing Protocol or for reasons of public protection.

5.2 Where nominations are being made to vacant properties owned by registered social housing providers, all relevant data will be collected, stored and used in accordance with the General Data Protection Regulation.

5.3 The Council has certain duties under the Freedom of Information (FOI) Act with which it will comply. The FOI duty does not apply to registered social housing providers.

6 Complaints

6.1 Complaints should first be made using the Council's complaints procedure. The complaints process will respond to any complaints regarding how the process has been implemented including quality of service. You can contact the Council in the following ways:
Online: Contact us online via MySandwell
Email: customer_services@sandwell.gov.uk
Phone: 0121 569 7867
Write in: Customer Feedback Team, Sandwell Council, Roway Lane, Oldbury, B69 3ES.

However, if the issue raised is relating to a decision around eligibility or banding, this will be treated as a request for review of a statutory decision and will follow the process as set out in law.

6.2 A customer still has the right to continue with their complaint to the Ombudsman service. The Local Government Ombudsman is an independent service run by central government to make sure that Local Authorities provide the required standard of service to their customers.

6.3 The Ombudsman can investigate complaints about how the Council has done something but they cannot question what has been done simply because someone does not agree with it. The Ombudsman will normally deal with a complaint if a customer feels they have been treated unfairly as a result of maladministration. For example, if the Council has:

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

6.5 The Ombudsman will not normally investigate:

- Until after the Council has had the opportunity to review its decision (normally by going through the complaints process)
- Matters which have been, are, or could be dealt with by the courts or the internal review procedure
- Matters which the customer was aware of more than twelve months before making the complaint
- The aim of the Ombudsman is to have the Council put right any wrongs which may have been done to the complainant and to ensure that things are done right in the future.

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

Online Portal: www.lgo.org.uk
Phone: 0300 061 0614
Write in: Customer Feedback Team, Sandwell Council, Roway Lane, Oldbury, B69 3ES.

SECTION B

Who can apply to the Housing Register?

1. Who can apply?

1.1 Anyone over the age of 16 can apply to join the Council's Housing Register if their current address is their only home or residence and they are not already registered on the Housing Register because they form part of someone else's housing application. However, only the following groups will qualify to be included on the register:

1) Any person aged 18 years or older who meets the eligibility and qualification rules.

2) Any person aged 16 or 17 who meets both the eligibility rules and is:

- statutorily homeless
- have one or more children
- would have their welfare seriously jeopardised if accommodation was not made available
- a looked after child who is fully supported by the Council's Children's Services

In law, a minor cannot hold a legal estate in land. Therefore, if the applicant is aged between 16 and 17 years, they may be required by their prospective landlord to provide details of a trustee and/or a guarantor before they can actively be considered for housing. The trustee/guarantor can be a appropriate adult or a social worker. The Council will be able to provide advice to 16 and 17 year olds on trustees and guarantors.

1.2 Joint applications will be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need. See also Section D/5.4 regarding prospective foster carers, adoptive parents and legal guardians.

1.3 Only the applicant's own children, where the applicant is the sole legal guardian, will be accepted as part of the household. Where there is another legal guardian, a decision will be made on a case-by-case basis to agree whether it is reasonable to accept the child as part of the household on the application. Proof of Child Benefit may also be required to confirm the residency of dependent children.

1.4 Persons deemed to be ineligible due to the application of the Government's rules for allocating housing accommodation to people from abroad or people subject to immigration control will not be able to join the register. Anyone who is impacted or believes they may be impacted by the rules can approach the Council for advice on the rules.

2. Qualifying Persons

2.1 Local housing authorities may only allocate accommodation to people who are defined as 'qualifying persons' (s.160ZA (6)(a) Housing Act 1996). With the exception of persons described in Section 1.4 above, under section 160ZA(7) the Council has been granted the power by the Government to decide the classes of people who are, or are not, qualifying persons.

2.2 To qualify to join the Council's housing register, applicants must have, or must be, at least one of the following priority qualification rules:

Qualification rule 1: The requirement to have an assessed housing need as defined by the criteria set out in Bands 1-3

Applicants who do not meet the housing need criteria for an award of a band 1-3 will not be admitted to the Housing Register. This is because the level of housing demand means that any applicant who is not assessed as being in a statutory housing need will almost certainly not be able to receive an offer of accommodation. Prior to this change the council was receiving an average of 6200 new applications per year peaking at 22,000 applicants with only 1500 properties becoming available.

Applicants with no assessed housing need are still able to apply directly to any of the Housing Associations with social housing stock in Sandwell that are not offered through Sandwell's Choice Based Letting process. Many operate their own housing registers as not all properties that become vacant are provided under a nomination agreement to the Council to let under this policy.

Qualification rule 2: The need to demonstrate a local connection to Sandwell

To qualify for the Housing Register an applicant (or, alternatively a member of the applicant's household) must meet one of the following rules. They must have:

a. Lived in the area continuously for the last 5 years and that residence was of their choice, or
b. Are employed in permanent employment in the area and to travel to work by public transport would take them in excess of one hour each way. Permanent employment is defined as paid employment for 16 hours or more per week for period of at least 1 year and is not work that is considered to be temporary, casual or seasonal. Where there is a zero hour permanent contract the assessment will consider if, on average over a 3-month period, the person is working for 16 hours a week or more and that zero hours contract is not a temporary contract.

Where an applicant or partner is self-employed they must demonstrate that the self-employed work they perform is:

- Consistently within the Councils area and
- Is on average 16 hours a week or more

- Cannot be performed from home, and
- They have been self-employed for a continual period of at least 6 months and
- Their self-employment is not work that is considered to be temporary or seasonal.
- In addition the applicant or partner must be working self -employed at the point an offer of a tenancy is made.

Note: Employment must be their actual place of work in area and not employment based on a head office or regional office situated in the area but from which the applicant does not work. Where working hours fluctuate an average will be taken over the last 3 months.

c. Have close family (normally considered to be a mother, father, brother, sister, or adult son or daughter) that have lived in the district for a minimum of the last 5 years. In addition, the circumstances must be that the applicant needs to be in Sandwell to give or receive essential support from close family. It is for the Council to assess and decide on whether the support is essential.

Once registered an applicant must continue to meet one of the 3 local connection qualification rules. If the applicant no longer meets this rule they will be removed from the register as they will no longer qualify for inclusion under this rule.

For the purposes of determining a local connection for residence, the Council will accept the following circumstances as demonstrating 'normal residence': Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch.

Qualification rule 3: Financial resources

With regard to finances, single and joint applicants will not qualify to join the register if they:

1) Are assessed through the approved (and verified) housing application Income and Expenditure analysis test and could reasonably be expected to afford private rented sector accommodation. This will be based on the average market rental rate for the relevant property size within Sandwell; or

2) Have resources of over £16,000 from investments or savings.

These financial limits and market rate rents will be reviewed every two years in line with the financial market.

Dependent children or non-dependent adult children's income will not be considered as part of the household's total income assessment.

'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant.

In applying this qualification rule the Council will disregard any lump sum received by a member of the armed forces when leaving the armed forces or received as compensation for an injury or disability on active service.

Although this rule will mean applicants assessed as having sufficient financial resources cannot join the Housing Register, it does not prevent them being considered for any low-cost part ownership, or full ownership schemes. On request, information can be given as to which Housing Associations or developers are currently operating such schemes in the Sandwell area and how applications can be made.

Exemptions to the financial resources and homeownership qualification rules

Applicants who do not qualify under the homeownership or financial resources rules may be considered as an exception if:

a. If as a result of a divorce settlement a Court has ordered that an applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years.

b. Where someone is a homeowner and is statutory homeless due to domestic abuse and whose property has not yet been sold. A decision will be made as to whether to treat this as an exemption based on the facts and circumstances of the case.

c. The applicant has a substantial disability, and their current home is not suitable for their specific needs.

Exemption c) is intended to cover situations where a person owns their own home but where it is agreed that they are no longer able to manage in it due to their advancing years, or due to a substantial disability that makes living in their home impracticable and where selling is unlikely to provide sufficient funds to purchase alternative accommodation that would be suitable for their needs. This would include circumstances of hoarding etc where interventions have not worked and the property is not fit for habitation.

Additional qualification rules:

a) a person serving in the regular forces or have done so in the five years preceding their application.

b) a person qualifying under the Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 as set out in Section D/5.4.

c) a bereaved, divorced or separated spouse or civil partner of Service personnel who are required to move out of accommodation provided by the Ministry of Defence

d) a person who qualifies for one of the Statutory Reasonable Preference Groups (as per section D/2) - including those who live outside of the borough and who can demonstrate a need to move to Sandwell (any need connected or related to a neighbouring local authority area does not qualify as a need to move to Sandwell).

e) a person classed as a Care Leaver as per Section D/5.5

f) a person moving from supported or refuge accommodation and who meets the requirements as set out in Section D/5.5.

g) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

2.3 A person can apply to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

3. Non-qualifying persons

Persons who fall into the classes of persons prescribed above are not qualifying persons. In addition, an applicant is deemed not to be a 'qualifying person' to join the Housing Register in any of the following circumstances.

3.1 Non-qualification rules for those who own a residential property

Applicants who own a residential property and whose housing needs do not meet the criteria for one of the Statutory Reasonable Preference Groups will be deemed not to qualify for the register.

Applicants who own a residential property (or whose household member(s) own a property) and are assessed as meeting the criteria for one of the Statutory Reasonable Preference Groups will be assessed to determine if they have the equitable resources to meet their own housing needs. If the outcome of the assessment is that they do not they will qualify to join the housing register and will be placed in the relevant priority band.

The Council may choose not to apply the above criteria where the applicant or a member of their prospective household despite having the equity means to resolve their housing situation cannot resolve the situation in a reasonable period of time. For example, if the owner-occupier is elderly, disabled or has a mental or physical health problem and their property is likely to give rise to an imminent serious risk of harm and/or result in hospital admission.

3.2 Non-qualification rules for serious unacceptable behaviour

This form of non-qualification may apply where an applicant, or any member of their current or prospective household, has a history of serious unacceptable behaviour including criminal convictions, benefit fraud and/or former rent arrears which in the view of the Council makes them unsuitable to be a tenant. This includes, but is not limited to where:

- They, or any member of the household, have assaulted a member of staff and an injunction is being sought or has already been obtained
- They, or any member of the household have previous convictions for benefit fraud including the Prevention of Social Housing Fraud Act 2013
- They, or any member of the household have previous criminal convictions or serious behaviour including non-compliance with a current or former tenancy agreement. (See section 3.4 below for how these rules will be applied).

Where the Council has reason to believe that an applicant's unacceptable behaviour is due to a physical, mental or learning disability, in considering the case the Council will consult with relevant agencies. The Council may also choose not to apply these rules to persons seeking housing in order to receive care and support from a Council approved scheme or Government programme or where the Council is required to meet a statutory housing requirement.

3.3 Non-qualification due to current or former rent arrears or any recoverable housing related debt.

This will include current or former rent arrears regardless of tenure (including temporary accommodation arrears), a financial claim due to damage to a former social housing property or legal costs arising from court action in connection with a current or former tenancy. Property related debts apply to both the applicant and members of their household.

Any recoverable arrears/debts exceeding eight weeks of rent relevant to the size of the household concerned will normally disqualify the applicant. However, this decision will be based on:

- Whether there are exceptional circumstances and only if there are, the Council may decide not to disqualify the applicant but to allow qualification and reduce the applicant's priority.
- Whether the claimant has taken debt advice and acted on it, and/or entered into and begun to implement a repayment plan to clear the arrears. Normally proof will be required that the applicant has adhered to the repayment plan for at least a thirteen week period.

In any event, this procedure will not apply to households who qualify for Priority Band One. The Council may also not apply these rules to persons seeking housing in order to receive care and support from a Council approved scheme or Government programme.

The Council normally only consider rent arrears from an applicant's last private rented tenancy in the circumstances where the council has obtained information that confirms on the balance of probabilities that a debt is owed.

If there is a debt owed it will be for the assessing officer to decide on the facts gathered, the level of debt and the reasons for it, whether the applicant

should be classified as a non-qualifying or should be allowed to qualify and if so whether they should be suspended from being considered for an offer until the debt is resolved. Where it is established that a debt is owed the same rules will apply as per a social housing debt above.

Where an applicant or their partner has held a private rented tenancy in the last 5 years the Council will write to their last landlord or lettings agency to enquire as to the reasons why the tenancy was terminated and whether there were any rent arrears at the point the applicant left the property.

Applicants should not be penalised in the circumstances where a landlord or lettings agency fails to respond within 28 days and an applicant will be allowed onto the register unless there is other evidence obtained which indicates that the applicant, or partner, may have accrued substantial rent arrears from their last tenancy.

The Council will only contact the landlord or agent for the last rented property. However, where it comes to the attention of the Council that there were significant rent arrears relating to a previous private rented tenancy in the last 5 years that was not the applicant's last tenancy, a decision will be taken on the facts of the case whether to suspend the applicant from being considered for an offer until the debt is resolved.

3.4 **Non-qualification due to serious unacceptable behaviour including non-compliance with a current or former tenancy agreement*:***

This form of non-qualification applies where the Council is satisfied having considered all available evidence, that an applicant or a member of their current or prospective household has committed such serious behaviour or conduct, including criminal convictions, that warrants disqualification to join the housing register. This will include where the said serious behaviour has:

1) Lead to the failure to adhere to the terms of any current or previous social housing or private rented sector tenancy agreement. This includes committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the locality of where they live or where they have previously lived.
2) Been likely to have led to the failure to adhere to the terms of any current or previous social housing or private rented sector tenancy. For example, where an applicant or a member of their current or prospective household is the subject of actions being taken by the Council (or some other competent body) on grounds of alleged Anti-Social Behaviour (ASB).

Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, that circumstances have changed such that the previous conduct is unlikely

to reoccur. In many cases this could include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.

Any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

The Council may consider not to apply these rules to persons seeking housing in order to receive care and support from a Council approved scheme or Government programme.

3.5 Disqualification for providing false information or withholding information

Under section 171 of the 1996 Housing Act it is a criminal offence for anyone applying for housing from a housing authority to knowingly give false information or to withhold information relevant to their application. An offence is also committed if a person allows a third party to provide false information on their behalf. The Council may prosecute under these circumstances.

Applicants who fail to provide information that they would have been reasonably expected to provide (or where the Council obtains information that would affect their housing application) or who provide false information may be removed from the Housing Register for a period of 12 months. Examples of this would include failure to disclose criminal convictions, serious or persistent rent arrears or previous or on-going anti-social behaviour. Upon expiry of the twelve-month exclusion, applicants can re-register. The date of receipt of the new application will be used in any short-listing process.

All applications are subject to verification checks and these may be applied:

- At the point of initial application
- Following any change of circumstance notified to the Council by the applicant
- Following any routine validation audits
- Following any annual review of the application
- At the point of an offer of accommodation
- At the point of letting

The Council will, in all cases, consider prosecution if there is evidence that the applicant (or a person acting on the applicants' request) has knowingly or recklessly made a false statement, or withheld information in connection with their housing application which has been reasonably requested.

3.6 **Disqualification for applicants who have deliberately worsened their housing circumstances**

Where the Housing Solutions Service is satisfied that a housing applicant has acted unreasonably or deliberately to worsen their housing circumstances in the last 12 months in order to qualify for a higher banding qualification, then the applicant will not qualify to join the housing register for a period of 12 months. Examples of this include:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property becoming overcrowded.
- Applicants who have moved from previously suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.
- Homeowners who have transferred their property to another family member within the last 5 years from the date they make their application to the Register.
- Applicants giving up affordable and suitable accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household;
- Applicants requesting or colluding with a landlord or family member to issue them with a Notice to Quit or section 21/8.

SECTION C

The Housing Register

1. Joining the Housing Register

1.1 In order to join the housing register a registration form must be completed through the council's website using MySandwell. Help in completing the registration form will be available in either the One Stop Shop at Oldbury Council House or within one of the local area offices.

1.2 Eligible applicants will be required to provide proof of identity. Applicants will have the choice of producing at least one of the following; Drivers Licence, Passport, Birth Certificate, Home Office documentation (where applicable). Proof of Child Benefit will also be required to confirm the residency of dependent children.

1.3 All eligible applicants will be required to complete and income and expenditure assessment form based on their housing need. For all income and spend recorded, the applicant will be required to provide suitable proofs. Suitable examples are as follows:

Income – payslips covering previous 3 months; Universal Credit Account Statement covering previous 3 months; annual statement of accounts if self-employed or self-assessment tax submission for the previous financial year; and associated bank statements reflecting this

Expenditure – evidence of debt repayments, evidence of utility bills; supporting evidence of current rent/ mortgage payments; evidence of childcare costs; evidence of car running costs; and associated bank statements

1.3 Applicants who are tenants of either a Housing Association, another Council, or are privately renting will be required to produce a landlord's reference. If the landlord is unwilling to provide a reference at the request of the prospective applicant, the Council will undertake themselves to request such a reference. In any event, under normal circumstances, a reference must be obtained before an offer of a tenancy can be made. Failure to provide a landlord's reference may result in the application or an offer of accommodation being cancelled.

1.4 If not already registered, applicants living in Sandwell will be encouraged to register on the Electoral Register. Applicants can contact the Council to request an Electoral Registration Form or visit the www.gov.uk website.

1.5 Once registration is complete, households will be sent notification of their registration date (usually the date of receipt of their completed housing application) and their registration number together with advice on how to bid for a property. They will also be informed as to which housing band they have been placed into. In any event the Council will undertake to

inform in writing within 30 days on any decision regarding the eligibility of a household to join the Housing Register and also of the right to request a review of the said decision (see Section G/5).

1.6 Expectant mothers in receipt of a Maternity Certificate Form MAT B1 will be classed as having a dependant. Throughout this policy the term 'child' or 'children' refers to any person aged 16 or below.

1.7 In order to ensure that the Council fulfils both its statutory duties and strategic commitments, this policy is structured so as to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a banding system based on the level of urgency and respective housing need. All households on joining the Housing Register are placed into one of five bands (See Section D/8). Those households placed into Band One have the most urgent housing need. Those in Band Two have a higher need than those in Band Three, and so forth. Households with no specific housing need (General Needs) will be placed into Band Five.

2. The requirement to inform the Council of a change in housing circumstances

2.1 It is the responsibility of the applicant to inform the Council of a change of circumstances and, where requested, provide proof of the change. Notification of a change in circumstances should be done without undue delay and within 2 weeks of the change. Examples of a change in circumstances include but are not limited to:

- A change in financial circumstances
- Any confirmed pregnancy
- Any member of the family or any other person on the application form who has left the accommodation currently in occupation
- Any changes of name or address, for either themselves or members of their respective household
- Any additions to the household (proof of residence and identification will be required)
- Any significant change in income which is likely to have a material effect on the application
- A change in status of accommodation (e.g. Notice to Quit)
- A change in an applicant's medical situation
- A change in immigration status

2.2 If an applicant has changed address a Change of Circumstance Form should be completed immediately. The date of application will be that of the first application (when it was accepted by the Council). The level of housing need and corresponding banding placement may be adjusted to reflect the details outlined in the new application (See also Section C/4).

2.3 Where a Housing Register entry is amended following receipt of a notification of change, the Council will inform the applicant in writing of any changes in banding placement etc.

3. Removal from the Housing Register

3.1 An application may be removed from the housing register in the following circumstances:

1) At the applicant's request.
2) If the applicant becomes ineligible under one of the non-qualification grounds set out in Section B.
3) Where the applicant fails to reply to a review letter or fails to reply for requests of further information within a given time period
4) Where an applicant has successfully bid for and subsequently received three offers of accommodation and has refused all three reasonable offers.
5) When the applicant has been re-housed (See Section C/3.3 below)

3.2 In circumstances 2 to 5 above the applicant will be notified in writing and informed of the reason why their registration has been cancelled and of their right to request a review of that decision

3.3 Where a bid is successful and the corresponding tenancy is secured, the household concerned will have its registration details and registration number removed from the Housing Register. Once removed from the register, applicants may not register for 24 months commencing the date of offer of accommodation unless their housing circumstances change and they qualify for any of the housing priorities set out in Priority Bands One, Two or Three.

3.4 All housing applicants have a right to request a formal review of any decision relating to their removal from the Housing Register (see Section G/5).

3.5 See also Section 4.2 below

4. Adjustments to housing need priority

4.1 Where an applicant's circumstances change or where it is proven that the applicant has not complied with any statutory requirements that forms part of their housing registration, the Council will review the degree of housing priority given to the applicant. On occasions where an applicant's housing priority changes resulting in their application moving up or down the priority bandings, the following will apply:

a) *Moving up a band*: The date the higher priority band was awarded will act as the date used in the short-listing process

b) *Moving down a band*: The date on the original application will be the date used in the short-listing process

4.2 Under Section 167(2A) of the Housing Act 1996, the Council reserves the right to reduce or remove any housing priority awarded within this policy:

1) where any behaviour of the applicant (or a member of their household) affects his suitability to be a tenant. Bad behaviour would include unacceptable behaviour which was not serious enough to justify a decision to remove the applicant from the register, but which could be taken into account in assessing the level of priority to be awarded. An example of such behaviour could be rent arrears or low level anti-social behaviour.

2) where an applicant or a member of their household has failed to notify the Council of a change in their circumstance that would affect their level of housing need or application in general.

3) where there is evidence that an applicant has acted either unreasonably or has deliberately made worse their housing circumstances in order to gain a higher priority within the register.

4.3 The Council reserves the right to review an applicant's priority banding and assess the current relevance of that priority to their housing need and circumstances. The Council also reserves the right to undertake periodic assessments of individual bidding activity and from this assessment to review and amend the level of priority. This could result in a priority being removed.

4.4 Households involved in the above process have a right to a Review (See Section G/5)

SECTION D

Priority Banding System

1 Overview

1.1 In order to ensure that the Council fulfils both it's statutory duties and strategic commitments, this policy is structured so as to ensure that households in certain specific types of housing need have a degree of priority over others. This is achieved by operating a banding system based on the level of urgency and respective housing need. All households on the Housing Register are placed into one of three bands (See Section D/8). Those households placed into Band One have the most urgent housing need. Those in Band Two have a higher need than those in Band Three.

1.2 Whilst all applicants are encouraged to seek accommodation via the choice based lettings process where a statutory housing duty is owed, the Council reserves the right to offer suitable accommodation to discharge any such duty at any time.

1.3 Where an applicant's circumstances change the Council will review the degree of housing need priority given to the applicant (See also Section C/2 and C/4)

1.4 All housing applicants have a right to request a formal review of any decision relating to the above (see Section G/5).

2. Reasonable Preference categories

2.1 The law requires Local Authorities to give reasonable preference for housing to certain categories of households. The statutory reasonable preference categories are set out in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) and are:

(a) people who are homeless within the meaning of Part 7 of the 1996 Act

(b) people who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s.192(3)

(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 a disability, and

(e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)

2.2 In framing this allocation policy and to ensure that those in greatest need are given preference for an allocation of accommodation, the Council has taken into account the categories of people that must be given **Reasonable Preference**. Households who qualify for Reasonable Preference will be placed into one of Priority Bands Two, or Three as set out in Section 8 below.

2.3 If there is an exceptionally urgent need to be housed then applicants will be given **Additional Preference**. Households awarded Additional Preference will be placed into Priority Band One. In some circumstances, it may be appropriate for households in the Additional Preference category not to participate in the Choice Based Lettings process and to be made a direct offer of accommodation.

2.4 It is recognised that housing need is wider than the categories of person(s) as set out in 2.1 above, in particular with regard to making the best possible use of available housing stock. Accordingly, some other households will also qualify for the priority bands. These groups are outlined in Section D/7. The full assessment criteria for the priority bands is set out below.

3. Reasonable preference category S166 (3)(a) and (3) (b):

- **people who are homeless within the meaning of Part VII of the Housing Act 1996; and**
- **people who are owed a homelessness duty by the local authority under Part VII of the Housing Act 1996**

3.1 **Circumstances when *additional preference* will be awarded**

There are no additional preference criteria for this category. However, where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time, or where the Council needs to move applicants out of temporary accommodation to manage the budgetary impact on the Council as a whole the Council may decide to make an immediate offer of suitable accommodation.

3.2 **Circumstances when *reasonable preference* will be awarded**. Applicants assessed, as meeting the criteria for this reasonable preference category will be:

a) Homeless persons who are Eligible, Unintentionally Homeless and in Priority Need – also classed as owed a Main Duty. These households will be placed into Priority Band One.

b) Households identified by the Housing Solutions Team that need urgent re-housing to prevent or relieve homelessness and where there is a strong likelihood of a full homelessness duty (as per Section 193 of the 1996 Housing Act) being accepted in the near future. Applicants will be placed in either Band 2 or Band 3 as set out below:

    a. A person will only be allocated band 2 for Relief Duty where they are not in suitable self- contained accommodation (including temporary accommodation) – for the purpose of the Allocations Policy, suitable accommodation is deemed as:
        i. Existing or alternative accommodation that remains suitable for occupation (previously known as “homeless at home”);
        ii. self-contained temporary accommodation and have sufficient space including a separate bedroom, a minimum of one reception/lounge room and its own bathroom and kitchen;
        iii. affordable to the household; and
        iv. Meeting the suitability test of temporary accommodation relating to location and meeting any medical or mobility needs

    Band 2 will be awarded at the Relief Duty stage where the above criteria are not met. This includes people who stay with family/ friends and are as a result overcrowded and those in non-self-contained temporary accommodation (such as bed and breakfast accommodation).

    b. Households who are eligible for assistance and homeless under Section 189B of the Housing Act 1996 (Relief Duty) and are in self-contained temporary accommodation (subject to the suitability criteria above). These households will qualify for Priority Band Three.

    c. Households who are eligible for assistance and homeless under Section 195(2) of the Housing Act 1996 (Prevention Duty). These households will qualify for Priority Band Three.

    d. Households who have been placed in longer term private rented sector accommodation under the councils Secure and Sustain scheme and previously had their homelessness duty ended with this offer of accommodation. There are a range of conditions set out to be awarded Band Three in these circumstances:

        i. That the main applicant and any other non-dependents in the household have engaged with the support offered as part of the scheme (employment support, debt management advice, budgeting etc)
        ii. That the support agencies have confirmed that the household has reasonably and effectively engaged

iii. That through confirmed engagement, the property will not be affordable from month 13 when any financial support/ contribution to rent ceases

Eligibility in these circumstances will be first assessed at the six-month anniversary of the tenancy start date. If eligible, applicants will be awarded Band Three from the date of assessment, with a review every two months until month 12. Should circumstances change in this time then priority will be reviewed which could result in a household either being allocated priority or have it removed.

4. Reasonable preference category 166A(3) (c) - people occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions

4.1 Circumstances when *additional preference* will be awarded

Customers will be awarded additional preference in the following circumstances:

a) Households living in conditions which give rise to an imminent risk of serious harm and where the Council has served a Prohibition Order under Part 1 of the Housing Act 2004.

b) Where an officer from the Council has determined that a private sector property (tenanted) contains one or more serious Category 1 hazards as defined by the Housing Health & Safety Rating System that are having a severe impact on the household. The household will be expected to return to the property (where reasonable) where the disrepair is addressed by the landlord within the timescales set out by the Private Rented Sector Housing Standards Service.

c) Where there is a significant risk to the health and well-being of the occupant(s), and where there is no prospect of the issues being remedied in a period of time that the Council considers reasonable

d) Demolition or Compulsory Purchase Order (CPO). Where the applicant's property is subject to demolition or subject to a CPO for redevelopment *and* where the said household is particularly vulnerable, e.g. being surrounded by voids and therefore isolated.

e) Applicants without access <u>at all</u> to any of the following facilities:

   a. A bathroom or kitchen
   b. An inside WC
   c. Hot or cold water supplies, electricity, gas or adequate heating.

Applicants who have access to shared facilities in shared accommodation will not qualify under the criteria set out in Section 4.1(e) above.

4.2 For tenants of a Housing Association (HA) property in Sandwell or beyond or of another local authority (LA) the imminent risk of harm will be

assessed taking into account the responsibility on that landlord to resolve the problem or to transfer the tenant immediately. Therefore, only in exceptional cases, e.g. where it would be unreasonable or impossible for the HA or LA landlord to resolve the risk of imminent harm, will additional preference be awarded. In these circumstances the household may be made a direct offer of accommodation. Where a direct offer is made and the property is deemed as suitable and affordable (including location, access to support network, school and workplace accessibility), only one offer will be made. Where the offer is refused, any reasonable or additional preference will be forfeited.

4.3 **Circumstances when *reasonable preference* will be awarded**

Applicants will be awarded reasonable preference in the following circumstances:

a) Demolition or Compulsory Purchase Order (CPO) where the applicant's property is subject to demolition or subject to a CPO for redevelopment. These households will qualify for Priority Band Two.

b) Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being two bedrooms short of what they need – see Appendix Three for further detail. These households will qualify for Priority Band Two

c) Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being one bedroom short of what they need – see Appendix Three for further detail. These households will qualify for Priority Band Three.

5. Reasonable preference category S 166A (3) (d) – people who need to move on medical or welfare grounds including grounds relating to a disability

5.1 Applicants awarded priority who need to move on medical or welfare grounds include people who need to move because of their disability or access needs, and includes people with a mental disability as well as those with a physical disability. It may apply to the applicant or a member of their household. The assessment for this priority will not be of the customer's health but how their accommodation affects their health. The assessment will consider whether minor adaptations or equipment can be provided in the existing property to meet the needs identified, and where this is feasible and implemented, medical priority will not apply.

5.2 **Circumstances when *additional preference* will be awarded - Medical or Disability grounds**

An applicant who has an *extremely urgent and immediate need* to move for medical reasons or due to a disability, which is being exacerbated by their current housing situation, will be awarded additional preference. An officer (who may be an Occupational Therapist if required) from the Council will

make the assessment according to clear criteria. For more serious cases evidence may be required from a Doctor or Consultant.

The following are examples of cases that may qualify for additional preference priority:

1) Where there is an immediate life-threatening condition which is seriously affected by the current housing and where re-housing would make it significantly easier to manage
2) Where the applicant or household member has a terminal illness, and requires rehousing to facilitate the on-going provision of care;
3) Where the applicant or household member has a life limiting condition where the current accommodation is affecting the occupant's ability to retain independence or enable adequate care;
4) Where the applicant or household member has a new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities and are unable to access facilities inside and outside of their accommodation and requires rehousing into accommodation suitable for their use;
5) Where their current property leaves a person at risk of infection, e.g. where an applicant is suffering from late-stage or advanced HIV infection
6) Where the applicant or household member has a Care Plan Approach but cannot be discharged from hospital, a rehabilitation unit or residential care until a suitable adapted property is provided.
7) Where the applicant or household member, due to long term limited mobility is unable to access essential parts of the property (e.g. bathroom/toilet) and where no alternative measures can be put in place to address the situation and therefore the applicant or household requires re-housing into accommodation suitable for their use.
8) Where the applicant or household member has a severe mental health or learning disability which significantly affects their ability to lead a normal life and which puts them at risk of admission to hospital or residential care.
9) Where the applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.
10) Where the applicant or household member is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.

In these circumstances the household may be made a direct offer of accommodation. Where a direct offer is made and the property is deemed as suitable and affordable (including location, access to support network, school and workplace accessibility), only one offer will be made. Where

the offer is refused, any reasonable or additional preference will be forfeited.

5.3 Circumstances when *reasonable preference* will be awarded on medical or disability grounds

Applicants whose housing is unsuitable for severe medical reasons, or due to a disability, but who are not housebound, or whose health, or safety is not at such a risk level to require immediate urgent re-housing will be awarded reasonable preference and placed into Priority Band Two if they meet the criteria.

The assessment will not be of the customer's health but how their accommodation affects their health. For some cases evidence may be required from a Doctor or Consultant. The following are examples that may qualify for the reasonable preference priority:

1. Children with severe conditions such as autism, or cerebral palsy where their long-term needs cannot be met without settled accommodation.
2. A person whose disability means that re-housing would enable them to overcome physical barriers created by their current accommodation e.g. stairs and steps.
3. A person with a long term medical debilitating condition whose current accommodation is having a significant impact on their condition and where their quality of life would be improved by moving to alternative settled accommodation which may or may not be closer to support.

5.4 Circumstances when *additional preference* will be awarded on welfare grounds.

1 - Domestic abuse, extreme violence or extreme harassment.

Applicants who need to move immediately due to domestic abuse, extreme violence or extreme harassment will be awarded additional preference. This includes hate crime, disability, racial, homophobic or transgender harassment and will be awarded for circumstances where there is a high risk to the tenant or their family's safety if they remain in the property/area and they therefore require an immediate move. Persons who are a witness giving evidence and where the police have recommended that the person be urgently re-housed will also be awarded additional preference.

The assessment will be made by a senior officer within the Council and will be based on evidence provided by the household and other appropriate

statutory and voluntary agencies. This would include the Police, Social Services, referrals by MARAC, domestic violence organisations and lesbian and gay support groups.

2 - Foster carers and those approved by the Council to adopt

Additional preference will be given to children and their families/carers where the children are the subject of care proceedings and where the local authority has requested assistance with the provision of appropriate housing in the exercise of their functions under Sec (27) Children Act 1989 and the Council's corporate parenting responsibilities.

Additional preference will be given to potential foster carers who need to move to a home with more bedrooms and who have completed the Skills to Foster test and have been recommended by the Council for full foster carer assessment.

Additional preference will be given to households holding a special guardianship order (SGO), holders of a Child Arrangement Order, or family and friend's carers who are not foster carers but who have taken on the care of a child because the parents are unable to provide care and the child/children concerned is/are waiting to be placed pending the provision of appropriate housing.

Additional preference will also be considered for existing foster carers who are willing to expand the number of children placed with them or if they experience an increase in household number brought about by a change in family circumstances, e.g. an elderly relative joins the household for care and support reasons.

3 - Armed forces personnel in <u>urgent</u> housing need

The Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012, **as subsequently amended and supported by statutory guidance, including provisions linked to the Armed Forces Covenant**, require that local housing authorities frame their allocation scheme to give **additional preference and appropriate access to the housing register** to the following persons, where they fall within one or more of the statutory reasonable preference categories and are in urgent housing need:

a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service

b) former members of the regular forces

c) bereaved spouses or civil partners of those serving in the regular 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

d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

In addition, in accordance with current statutory guidance, housing authorities must not apply a local connection test in a way that would disadvantage:

- serving or former members of the armed forces who are required to move to take up or continue employment, including those returning to civilian life
- bereaved spouses or civil partners of members of the armed forces leaving Ministry of Defence accommodation following the service-related death of their partner
- serving or former reserve personnel who need to move following serious injury, illness or disability sustained as a result of service

Authorities must also ensure that service personnel and veterans are not unfairly excluded from the housing register due to residency or local connection requirements where their circumstances are a direct result of their service.

For the purposes above, the terms 'regular forces' and 'reserve forces' are defined by section 374 of the Armed Forces Act 2006.

5.5 Circumstances when reasonable preference will be awarded on welfare grounds

1 – Persons moving from supported or refuge accommodation

Residents of listed supported or refuge accommodation schemes will be placed into Priority Band Two. Households can register when they move into the supported or refuge accommodation but under this priority will only be considered for a tenancy when the following conditions have been met:

a) They are in supported or refuge housing having had an appropriate assessment of housing need undertaken

b) They have engaged with the supported or refuge housing project to acquire the skills needed to live independently

c) The supported or refuge housing project provides evidence by way of a move-on report outlining the applicant's readiness for move-on, i.e. clarifying that they are 'tenant ready'.

d) The applicant's readiness for move-on is verified by an officer of the Council

In all instances, persons moving on under this priority from non-contracted schemes (to the Council) must:

- Have been referred into the scheme by the Council and/or its partner organisations in its statutory roll in the prevention of homelessness; and,
- Have been resident in the said scheme for 6 months.

2 – Care Leavers

Young people in care, ready to move out of care and referred by Sandwell's Children's Trust (SCT) will be placed into Priority Band One on condition that the following criteria as assessed by their Personal Advisor in the SCT are met:

a) They are ready to move to independent settled housing.
b) They possess the life skills for independent living and to manage a tenancy including managing a rent account.
c) A support package has been assessed and is in place if necessary.

Sandwell Council recognises its corporate parenting responsibilities and is committed to supporting care leavers to secure and sustain suitable accommodation as they transition to independent adulthood. The Council will ensure that care leavers' housing needs are assessed and responded to in a timely, fair, and consistent manner, and that appropriate priority is awarded in accordance with this policy.

In applying this policy, the Council will work in partnership with Children's Services and relevant agencies to ensure early planning and coordinated transitions from care into suitable accommodation, and support the provision of safe, stable and appropriate housing options, recognising the importance of accommodation in promoting independence and wellbeing.

The Council will take a preventative approach to reduce the risk of homelessness, including ensuring care leavers are not disadvantaged in accessing housing services, including not applying local connection or residency requirements in a manner that disadvantages care leavers where their circumstances arise from their time in care, and will have regard to the Council's local offer for care leavers, ensuring clear information, advice, and support is available in relation to housing options and entitlements.

The Council will also support arrangements that promote stability and continuity, enabling care leavers to maintain suitable living arrangements where appropriate and ensuring that housing decisions contribute to sustaining positive support networks.

In accordance with the Children's Wellbeing and Schools Act 2026, care leavers under the age of 25 will not be deemed intentionally homeless and will not be excluded from access to housing assistance on this basis.

Care leavers aged 18, 19 and 20 will be treated as having a priority need for accommodation. Care leavers aged 21 to 24 will be assessed to determine whether they are vulnerable and therefore in priority need, taking into account their individual circumstances.

The Council will assess the need for, and where appropriate provide, "Staying Close" support to eligible care leavers up to the age of 25 to assist in securing and maintaining suitable accommodation.

The Council's Local Offer for Care Leavers will include information on housing access, homelessness prevention, financial assistance and tenancy sustainment support.

All Care Leavers as defined in Section 1 of the Care Leavers Housing Protocol and outside of the above cohort will also qualify for Band One subject to the wider conditions set out in this policy.

Qualification will also apply to Care Leavers who meet the definition and who were placed into Sandwell by another local authority. These persons will qualify for Band Two.

6. Reasonable preference category s166 A (3) (e) – people who need to move to a particular locality within the local authority's district, where failure to meet that need would cause hardship to themselves or others.

6.1 Circumstances when *additional preference* will be awarded

There are no additional preference criteria for this category

6.2 Circumstances when *reasonable preference* will be awarded

All households who qualify under 'hardship grounds' will be placed into Priority Band Three. The categories of people who will be awarded reasonable preference on the grounds of hardship are:

a) applicants who need to move for employment purposes (see ***Note A*** below)
b) applicants who need to move to be near relatives to give or receive support (see ***Note B*** below)
c) applicants who need to move to access medical treatment/social service facilities (see ***Note C*** below)
d) applicants who have a right to move under the Government's Right to Move (England Regulations 2015). (see ***Note D*** below).

A) Employment Hardship - Applicants will need to show that they need to move to take up or continue an employment opportunity not available elsewhere. They will only be considered where they do not live within a reasonable commuting distance and will be required to provide confirmation of employment details from the employer. The factors considered to determine a need to move on the grounds of employment hardship will be those set out in Note D below.

B) Support Hardship - Applicants will need to show that they require substantial and on-going support from relatives or friends or it is essential that they give substantial and on-going support to relatives or friends. This

will only be considered where there is a severe mental health, medical or welfare issue and there are reasons why this support cannot be achieved or maintained through reliance on public transport or the applicant's own transport.

Examples of the information required in order to assess this priority include:

- Confirmation of name and address of the person who is to provide the care and the person who is to receive care
- Evidence of their care requirements (Doctor, Social Services)
- Evidence of links to care groups
- Other forms of support or care available to the applicant or the person to whom it is claimed support is required.
- Benefits relating to any disability or care, e.g. Disability Living Allowance information

C) Need to move to access medical treatment/social service facilities

Applicants will need to show that they have a need to access medical care and/or social services facilities that cannot realistically be met through reliance on public transport, the customer's own transport, or through provision put in place by health or social services. The Council will consider the following test:

- Confirmation of name and address of the medical or social provision to which they need access
- Evidence of their care requirements (e.g. doctor, Social Services)
- Evidence that no other provision is available and no assistance can be provided to enable them to access the service
- A determination by the Council that the need to access the medical treatment/social services facilities is essential

D) Right To Move – hardship cases - To meet the Allocation of Housing Qualification Criteria for the Right to Move (England Regulations 2015), a local connection criteria may not be applied to existing social tenants seeking to transfer from another local authority district in England who:

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

Applicants must need to move, not simply want to move. Factors to consider in determining 'need' are:

- The distance and/or time taken to travel between home and work.

- Availability and affordability of transport as against earnings.
- Nature of the work and whether similar opportunities are available nearer home.
- Other personal factors, for instance medical conditions, child care
- Length of work contract.
- Testing as to whether failure to move mean a lost opportunity to improve employment circumstances or prospects?

For the purposes of this section of the policy, the term 'work' will only apply to long-term employment and not short term. In this context the Council will consider:

- the level of earnings
- whether the work is regular or intermittent (particularly relevant for the self-employed).
- the period of employment – a contract of less than 12 months will be considered short-term.
- Whether the work is marginal - less than 16 hours per week will be considered marginal

The tenant must be able demonstrate that he/she has a genuine job offer and that he/she has a genuine intention to take it up. Appropriate evidence could include: -

- A formal offer letter.
- A contract of employment.
- Wage/salary slips covering a certain period, or bank statements (zero hour contracts).
- Tax and benefits information, for example proof of receipt of working tax credit.

7. Additional classes of persons who qualify for priority within this policy

7.1 It is recognised that housing need is wider than the categories of person(s) set out in Section 2.1 of this section, in particular with regard to making the best possible use of available social housing stock. Accordingly, some other households will also qualify for one of the four priority bands. These groups are detailed below.

7.2 **Households under-occupying their property.**

It is known that a significant number of social housing properties in the borough, in particular houses, are under-occupied and the Council has therefore introduced a number of incentives to enable those affected to move to accommodation that is better suited to their needs. To support this objective this policy provides 'under-occupying' households with varying degrees of priority to make 'downsize' moves in the following circumstances:

a) Council or Housing Association tenants currently under-occupying a property by at least two bedrooms and who wish to transfer to a property to which they are eligible with fewer bedrooms. These households will qualify for Priority Band One.

b) Council or Housing Association tenants currently under-occupying a house and who wish to transfer to a Council or Housing Association property to which they are eligible with fewer bedrooms. These households will qualify for Priority Band One.

   Note: This priority will also apply to households downsizing from a four-bedroom house to a three bedroom house where the said household does not contain any children aged 16 or below.

c) Council and Housing Association tenants currently resident in a flat or maisonette under-occupying by one bedroom, and who wish to transfer to a property to which they are eligible with fewer bedrooms. These households will qualify for Priority Band Three.

Housing Association properties vacated in this instance will be advertised for let through the Council's Choice Based Lettings Scheme. Households within Priority Band One will be permitted to bid for three or two-bedroom non-parlour houses so long as the move involves a reduction in the number of bedrooms.

7.3 **Households occupying Sanctuary Scheme properties**

Households moving to more suitable accommodation from intermediate or advanced level sanctuary scheme properties will qualify Priority Band Two

7.4 **Households directly affected by the Spare Room Subsidy.**

Council and Housing Association tenants directly affected by the Spare Room Subsidy and who are under-occupying by one bedroom will qualify for Band Two priority to assist them to move to accommodation where benefit entitlement will meet the full rental charge. This priority will only apply to properties let prior to 17.04.13.

7.5 **Households occupying adapted properties where the adaptations are no longer in use**

As part of its strategic approach to meeting housing need, the Council has a strong commitment to ensure that the best use is made of properties adapted to meet the needs of people with disabilities. As part of this commitment, households who are living in an adapted property where the adaptations are no longer in use will qualify for Priority Band Two where

the adaptations are in good working order and where there is a demonstrable need for the property and adaptations in situ

7.6 **Households in Service Tenancies**

Households in a Service Tenancy with the Council that is due to terminate within six months will be awarded Priority Band Three where the following applies:

- the site on which the accommodation is situated is to be redeveloped and there will be no future provision as part of that new development for the applicant; or
- the applicant's terms or conditions of employment are changing and he/she is no longer required to live on-site in accommodation tied to the job role; or
- the accommodation is due to be demolished due to structural defects and there will be no future provision of on-site accommodation tied to the applicant's employment

This priority cannot be used in conjunction with either homelessness or clearance priorities where the homelessness or clearance arises from the service tenant losing his/her service accommodation.

7.8 **Non-successor households and joint tenancy termination households**

Non-successor households and joint tenancy termination households moving under the guidance outlined in Section F will be placed into Priority Band Two.

7.9 **Council or Housing Association tenants who wish to release a ground floor flat**

Council or Housing Association tenants who wish to release a ground floor flat and transfer to a property to which they are eligible with the same number or fewer bedrooms will qualify for Priority Band Three. This priority cannot be used to move to another ground floor flat.

8 Priority Banding system

8.1 Applicants will be placed into the following bands strictly in compliance with the rules and regulations contained in this policy

BAND ONE HOUSING NEED CIRCUMSTANCES:

A. All households who qualify for Additional Preference within this policy.

B. Any person who is a looked after child and is fully supported by the Council's Children's Services. This includes persons who qualify for Band One as per Section D/5.5(2).

C. Council or Housing Association tenants currently under-occupying a property by at least two bedrooms as per Section D/7.2a

D. Council or Housing Association tenants currently under-occupying a house and who wish to transfer to a Council or Housing Association property with fewer bedrooms as per Section D/7.2b.

E. Homeless persons who are Eligible, Unintentionally Homeless and in Priority Need – also classed as owed a Main Duty.

BAND TWO HOUSING NEED CIRCUMSTANCES:

A. Council or Housing Association tenants directly affected by the Spare Room Subsidy, currently under-occupying a property by one bedroom that was let prior to 17.04.13, and who wish to transfer to a property to which they are eligible with fewer bedrooms as per Section D/7.4.

B. Households resident in public or private sector properties directly affected by clearance and CPO clearance programmes as per Section D/4.3a

C. Non-successor households and joint tenancy termination households moving under the guidance outlined in Section F/3 and as per Section D/7.8

D. Council or Housing Association tenants who currently occupy an adapted property where the said adaptations are no longer in use by any of the household members as per Section D/7.6.

E. Council or Housing Association tenants who currently occupy an Intermediate or Advanced Level Sanctuary Scheme property who wish to vacate the property as per Section D/7.3

F. Households who qualify for medical or disability priority as per Section D/5.3

G. Homeless households identified by the Housing Solutions Team that need urgent re-housing to prevent or relieve homelessness and where there is a strong likelihood of a full homelessness duty (as per Section 193 of the 1996 Housing Act) being accepted in the near future. A person will be allocated band 2 for Relief Duty where they are not in suitable self-contained accommodation (including temporary accommodation).

H. Persons in supported housing seeking a move-on to settled accommodation under the Council's Move-On requirements as set out in Section D/5.5.

I. Applicant's living in overcrowded conditions and whose housing circumstances have been assessed as being two bedrooms short of what they need – see Appendix Three for further detail.

J. Care Leavers placed into Sandwell by another local authority as set out in Section D/5.5 (2).

BAND THREE HOUSING NEED CIRCUMSTANCES:

A. Households in a Service Tenancy with Sandwell MBC which is due to terminate within six months as per Section D/7.7

B. Council and Housing Association tenants currently resident in a flat or maisonette under-occupying by one bedroom, and who wish to transfer to a property to which they are eligible with fewer bedrooms as per Section D/7.2c

C. Households who are over-crowded and require one further bedroom as per the DWP Bedroom Standard as per Section D/4.3b.

D. Households identified by the Housing Solutions Team that need urgent re-housing to prevent or relieve homelessness and where there is a strong likelihood of a full homelessness duty (as per Section 193 of the 1996 Housing Act) being accepted in the near future as per Section D/3.2b

E. Previous homeless households who have been placed in longer term private rented sector accommodation under the councils Secure and Sustain scheme and previously had their homelessness duty ended with this offer of accommodation and meet the criteria set out in section 3.2d

F. Households who qualify under Hardship Grounds as per Section D6

SECTION E

Housing Allocation process

1. Property advertisements

1.1 All available properties will be advertised in the Sandwell Locals and on the Council's website. In exceptional circumstances and where the client has no access to on-line services, weekly mail-shots detailing all of the available properties will be despatched to applicants who are unable to access the Choice Based Lettings scheme either through health, disability or mobility reasons.

1.2 Each advertisement will contain information on:

a) how to bid for the property

b) the closing date for bids

c) details of the property, outlining as a minimum its weekly rent and any other costs, number of bedrooms, special features/adaptations, other restrictions, and location.

d) the preferred household composition that is best suited to the property (referred to as the Property Household Criteria – See Appendix Two)

2. Expressing an Interest (bidding) for a property

2.1 Home seekers can express an interest in a property (often referred to as 'bidding') via the Council website, in person, by telephone to any of the Sandwell Local Service Centres, or via the touch-phone bidding system. Applicants are limited to a maximum of three bids per advertising cycle.

2.2 To make the best use of the available housing stock, each property has a household criteria that best matches it with a particular household composition. This match is referred to as the *Property Household Criteria*, the details of which are set out in Appendix Two. Other than in instances referred to in Section E/7, applicants can only bid for properties for which their household qualifies under the Property Household Criteria.

2.3 Persons in Band Five (General Needs) will not be permitted to bid for houses during the first 26 weeks from the date of their registration

2.4 In most areas across the borough, it is likely that competition for properties, particularly houses, will be high. Each week, a full list of information relating to properties let in the previous week will be made available for public information. This information will consist at a minimum the number of bids received per property and the date the successful bidder registered.

2.5 In addition to 2.4 above, where an applicant has made a bid and has not been offered the property, upon request the household concerned will be informed of their individual ranked bidding position for the said property.

3. Short-listing procedure

3.1 With the exception of properties allocated under Section E/5 below, all other properties advertised through the Choice Based Lettings scheme will be subject to the short-listing procedure set out below:

1) Within the pool of applicants who have bid for the property, the household in the highest ranked Priority Need Band is considered first

2) Where the highest Priority Need Band is represented more than once, the applicant with the oldest priority date will be offered the property.

4. Notification of bidding outcome and offers of accommodation

4.1 Where a bid has been successful for a Council property the household concerned will be invited to attend a offer interview. Unsuccessful applicants will not be notified.

4.2 At the offer interview stage, checks will be undertaken to ensure that the household's details held by the Council are still accurate and up to date. The details to be checked will include current address, household make-up and any other relevant details specific to their housing application. Proof of Child Benefit may also be required to confirm the residency of dependent children. In instances where the property is owned by a housing association, the said association will carry out the necessary checks.

4.3 At least one form of photographic identification for each tenant will need to be produced at the pre-offer interview stage. Photographs will also be taken of each tenant at the time of the tenancy signing.

4.4 Normally, only persons aged eighteen years or over will be offered a Council property to let. However, consideration will be given to circumstances where the applicant is either sixteen or seventeen years of age and the said household:

- is statutorily homeless
- has children
- would have their welfare seriously jeopardised if accommodation was not made available
- is a looked after child who is fully supported by the Council's Children's Services

It will normally be necessary to secure a rent guarantor in the above circumstances.

4.5 Each property type has a 'household criteria' that best matches it with a particular household composition(s) based on the size and type of property. This standard is set out in Appendix Two. In some instances, this enables properties to be let whereby the household's benefit entitlement will not match the rental value of the said property. Where this is the case, at the point of sign-up, the said household will be made fully aware of this and will sign a written declaration confirming that they are aware that their benefit entitlement will not match the rental value of the said property. See also Section 5.5 below.

4.6 Consideration will be given to extend both the notice period given to accept or reject an offer of accommodation and/or the tenancy commencement date in circumstances where a disabled person(s) require additional time on account of their personal circumstances. This includes any extra time needed for a Occupational Therapist to make an assessment as to the property's suitability to be adapted to meet the applicant's needs.

5 Direct Offers of accommodation

5.1 In some circumstances, it may be appropriate for households not to participate in the choice based lettings(CBL) process and to be made a direct offer of accommodation. At all times households should be encouraged to seek accommodation through the CBL process with a view to keeping the number of direct offers down to a minimum. At all times the Council's decision will be final as to whether an applicant is entitled to be made a direct offer of accommodation.

5.2 Where a statutory duty to provide accommodation is owed, the Council reserves the right to offer suitable accommodation to discharge any such duty at any time during the household's housing registration. In addition, those households who are subject to enforcement action, a General Vesting Declaration and Home Improvement Schemes are entitled to receive direct offers as per the statutory duty owed to them under the Housing Act 1985.

5.3 Direct offers are also appropriate to those tenants of the Council who require the offer of temporary accommodation during major works, which require the occupants to be decanted for reasons of safety or whose home is not fit for occupation for reasons of flood, fire, tempest or other unavoidable incident.

5.5 In addition to Sections 5.3 and 5.4 above, other circumstances where a direct offer of accommodation could be made would include:

A. Households who may not be able to partake in the CBL bidding process due to vulnerability and urgency
B. Where an applicant is homeless and in temporary accommodation that would not be suitable for more than a short period of time, or where the Council needs to move applicants out of temporary accommodation
C. To prevent children from otherwise going into care
D. Multi Agency Public Protection Arrangement cases – where there is a need to control of where a person is placed
E. Households left in occupation, as per Section F
F. Persons entitled to a priority under Hardship Grounds (see Section D/6)
G. Council and Housing Association tenants currently under-occupying a house and who wish to transfer to a Council or Housing Association property with fewer bedrooms to enable the Council to meet it's strategic priorities (housing association properties vacated in this instance will be advertised for let through the Council's Choice Based Lettings Scheme).
H. Households who wish to move and who would otherwise need their existing home adapting. In this instance, any offer will need to be sanctioned by the Adaptations Panel
I. Households with Band One priority where this policy states a single suitable direct offer can be made to meet a reasonable or additional preference

5.6 In order to manage expectation, where possible the household will be made aware of the likely availability of properties by both type and location

5.7 Households involved in the above process have a right to a Review (See Section G/5)

6 Allocation of Houses

6.1 Research has shown that demand for larger accommodation suitable to accommodate families with children is likely to remain high across the borough. Houses will only be allocated to households in receipt of Child Benefit and where at least one household member is aged 16 or below (with the exception of applicants moving from a house under Priority Band One as per Section D/7.2(b)).

6.2 To ensure that applicants across all bandings have a genuine chance to acquire a house, 30% of houses that become available for rent via the choice based lettings scheme will be advertised using the date order of registration as the sole short-listing process. From this pool:

- 70% of properties will be allocated to Council tenants currently residing in either a flat or maisonette who are in receipt of Child Benefit with at least one household member who is aged 16 or below

- the remaining 30% of properties will be allocated to households in receipt of Child Benefit with at least one household member who is aged 16 or below

7. Allocation of Adapted Properties

7.1 All vacant adapted properties that have been designed or adapted to meet the needs of people with disabilities will be advertised through the Choice Based Lettings scheme. The short-listing process in this instance will be:

a) in the first instance and based on priority order, to make offers to those households whose needs are matched with the adaptations attached to the property and whose household make-up matches the Property Household Criteria. If there are two or more such applicants, the oldest priority date may be used as a determinant factor.

b) in the second instance and based on priority order, to make offers to those households whose needs are matched with the adaptations attached to the property but whose household make-up does not match the Property Household Criteria. If there are two or more such applicants, the oldest priority date may be used as a

determinant factor. In this instance consideration will also be given to any rental loss or affordability implications.

7.2 An assessment maybe made by an occupational therapist to ascertain the extent to which a household's needs match the adaptations attached to the property. The assessment will be based on existing and future predictable need.

7.3 The short-listing process identified in 7.1 above will be clearly stated in any advertisements relating to adapted properties.

7.4 All adverts advertising adapted properties will provide sufficient information about the level of adaptations and/or accessibility features in order for disabled persons to make an informed decision on whether or not to bid for the property. When properties of this nature are advertised every opportunity will be taken to market their availability, this will include informing suitable applicants on the Housing Register.

7.5 In accordance with a recommendation made by a Occupational Therapist (OT), households with a disabled member(s) can bid and be shortlisted for properties that are either:

- not currently adapted to meet their needs
- not matched with the Property Household Criteria

Under these circumstances the Council will assess in accordance with its duties under the 2010 Equality Act and the Housing Grants, Construction and Regeneration Act 1996 if it is reasonable or practicable for the property to be adapted or whether the property in general would be suitable for their needs. This decision will be made jointly by an Occupational Therapist and a Feasibility Officer or senior member from the Major Adaptations Team.

7.6 For the purposes of this policy, the definition of an 'Adapted Property' outlined in Appendix Four will apply at all times.

8 Circumstances where a successful bid can be refused

8.1 The Council and its partner organisations reserve the right to refuse a successful bid made for one of its properties, for example:

- on risk or management grounds, where a perpetrator of domestic violence, hate crime or other offences would be re-housed close to previous victims
- on affordability grounds, where it is clear that the sustainability of the tenancy would be at risk based on the household's income
- where an applicant's housing details differ from those held by the Council

- where the applicant has gained an advantage by providing false information or by withholding false information. See also Section E/11.
- Where the applicant exhibits behaviours that would disqualify him/her from becoming a tenant as set out in Section B/3 – Non-qualifying persons.
- Where the applicant is considered by the Council not to be tenant ready and therefore unable to maintain or sustain a tenancy

9 Local Lettings Plans

9.1 Where necessary and where they can be clearly justified, the Council will use Local Lettings Plans (LLPs). LLP's may be used to address a wide range of issues, including housing management and wider policy concerns. LLP's must not dominate a housing allocations scheme at the expense of the statutory reasonable preference categories and if used their nature and scope must be published alongside the relevant allocations policy

9.2 All proposals for new LLP's must outline the following:

a) A clear description of the issue/problem which will be evidenced

b) An explanation as to how the existing allocations policy is failing or contributing to the issue/problem identified

c) An explanation as to how the proposed LLP will differ from the mainstream allocations policy, and the intended outcome of the LLP

d) The effect that the introduction of the LLP will have on neighbouring communities

e) The estimated length of time for which the LLP will operate

f) The method(s) of community consultation to be used

g) Time scales as to when the LLP will be reviewed

9.3 A template has been developed for making an application for a Local Lettings Plan and must be used in all instances. All LLP's should be written in accordance with the above and be reviewed on a regular basis. All Local Lettings Plans must be formerly authorised.

9.4 Subject to an assessment and subsequent recommendation by an occupational therapist (and in any event with the exception of purpose built sheltered schemes), disabled persons who need single level ground floor accommodation to meet their housing need will be exempt from any age restrictions or any other restrictions placed on such accommodation.

10 Sensitive Lettings

10.1 While all allocations need to be managed with sensitivity, it is anticipated that some allocations will be extremely sensitive due to the behaviour of previous residents or the specific circumstances of the immediate neighbours. This will ensure that future tenancies are sustainable and where this applies that the local area has an opportunity to recover from previous difficulties.

10.2 When a property is identified as in need of a sensitive let the reasons for this will be identified and assessed. The following criteria will be used to identify applicants who would NOT be appropriate for a sensitive letting:

- Applicants who have been perpetrators/evicted for ASB or who have been subject to an ASBO within the last 3 years.
- Applicants who are known to other agencies, for example law enforcement agencies.
- Applicants who have been subject to unsatisfactory tenancy references for tenancies they have held in the last three years, particularly relating to previous social conduct.
- Applicants who have previously been issued with warnings while residing in temporary or other accommodation.
- Any other criteria where the Council can evidence that the applicant is not suitable for the offer.

11. Type of Tenancy Issued

11.1 New tenants of the Council will normally be granted an Introductory Tenancy that will last for a period of twelve months (in some circumstances this period can be extended to eighteen months). Upon satisfactory compliance with the terms of the Introductory Tenancy, the term of the tenancy will be extended in compliance with legislation in place at the time the tenancy is granted.

11.2 Households who become tenants of a property owned by a housing association will normally be granted an Assured Tenancy

11.3 Households who take up a property via the Private Rented Sector Leasing scheme will be granted a non-secure tenancy.

12. Giving false information or withholding information

12.1 Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their housing application. Where evidence is obtained that an applicant has gained a tenancy through providing false information or by withholding relevant information the Council will in all cases, consider prosecuting the tenant and taking possession proceedings

SECTION F

Assignments and Non-Successors (including joint tenancy terminations)

1. Non-successors and joint tenancy terminations

1.1 Non-statutory succession does not apply to introductory or demoted tenancies.

1.2 The procedure set out below will apply when a tenant dies, serves notice to quit, terminates the tenancy in the case of a joint tenancy, or abandons the property and where the remaining occupants**:**

i. do not have succession rights to the tenancy,
ii. have not engaged in unacceptable behaviour to make them unsuitable to be tenants of the Council; and,
iii. have occupied the property as their only or principal residence for the year prior to the tenant's death, notice to quit or property abandonment **or** had been providing care for the tenant

1.3 If the property is not under-occupied by two bedrooms or more (or is not under-occupied in the case of a two-bedroom house), the household concerned will remain in the property and a new Introductory Tenancy will be issued.

1.4 If the property is under-occupied by two bedrooms or more (or is under-occupied in the case of a two-bedroom house), the household left in occupation will be found more suitable alternative accommodation. Households in these circumstances who are required or who wish to move will be placed into Housing Need Priority Band Two.

1.5 Where Section 1.4 applies, the Council may use discretion to permit the household member(s) to remain in the said property under a new Introductory Tenancy if the following circumstances are applicable:

a) A member of the household has a terminal illness or very serious illness that would be made worse by moving

b) A household member suffers from a diagnosed mental illness that would be made worse by the person moving. In these circumstances consideration will need to be given as to whether the person has the capacity to enter into a contract and take on a tenancy and abide by the conditions.

c) A member of the household has a learning disability (having at some time been assessed as so by a recognised agency) and where a move to another property would involve the loss of support (e.g. through the loss of local community contacts) and

would inhibit an independent lifestyle. In these circumstances consideration will need to be given as to whether the person has the capacity to enter into a contract and take on a tenancy and abide by the conditions.

d) Where the property is adapted and at least one of the remaining household members has a need for the continued use of the adaptations contained within property

e) Any other exceptional reason why a household member would need to remain in occupation of the property (e.g. strong local support contacts that will allow the person to lead an independent lifestyle). It should be noted that the length of time spent in residence in the property should not contribute towards any exceptional reasons

1.6 Persons (provided they or their family members have not engaged in unacceptable behaviour serious enough to make them unsuitable to be tenants of the Council) who have accepted responsibility for the tenant's dependents and who need to live with them in order to do so will be awarded a new Introductory Tenancy in circumstances where the remaining household wishing to remain in the property is not under-occupying the property by two bedrooms or more.

In this instance, the person concerned does not have to have previously occupied the property as their only or principal residence.

SECTION G

Miscellaneous

1 Conflicts of interest

1.1 Where an officer of the Council is directly or indirectly involved with an application or allocation of accommodation to an applicant who is known to them in a personal or social context (i.e. relative, friendship or other associate), the officer will be expected to disclose to their line manager that a conflict of interest may exist. The manager will then make appropriate arrangements for the officer to be excluded from any decision-making process associated with the allocation covered either by this policy or associated procedures.

1.2 Officers who knowingly fail to disclose a conflict of interest outlined above may be subject to disciplinary action.

1.3 The Allocation of Housing (Procedure) Regulations 1997 (SI 1997 No.483) prevents an elected member from being part of a decision making-body (i.e. the housing authority or any committee) at the time an allocation decision is made, when either:

- the accommodation concerned is situated in their division or electoral ward; or,
- the person subject to the decision has their sole or main residence there

2 Low cost home ownership and Extra Care Schemes

2.1 The Council and its partners encourage Low Cost Home Ownership properties to be advertised through the Choice Based Lettings Scheme.

2.2 Extra Care scheme properties will be allocated in the first instance via the respective Extra Care Housing Allocations Protocol. In the event that properties are not matched with a household through the protocol, the said property will be advertised through the CBL Scheme in accordance with this policy.

3 Mutual Exchanges

3.1 Applications from council tenants for permission to exchange tenancies will be considered in accordance with the provisions contained in Section 92 and Schedule 3 of the Housing Act 1985.

3.2 Assured shorthold tenants of housing associations do not have a statutory right to exchange with council tenants. However, mutual exchange applications involving an assured tenant of a housing

association will be considered with regard to the criteria contained in Section 92 and Schedule 3 of the Housing Act 1985.

3.3 The following conditions (which apply to all properties involved) must be met for a mutual exchange to take place:

- the property must be in a satisfactory condition
- the tenant must have a clear rent account before the exchange takes place
- there must be no overcrowding at either of the properties on account of the exchange
- the Property Household Criteria outlined in Appendix Two will be used to determine whether a property is suitable for the assignee and their household's need

4 Terminating a Tenancy

4.1 The conditions placed on a tenant(s) when terminating a tenancy are described in the Tenancy Agreement. See also Section F of this policy (Joint Tenancy Termination).

5 Reviews and Appeals

5.1 Reviews and Appeals are dealt with in the *'Your Right To A Review'* document, available from all outlets.

5.2 Section 166 and 167 of the Housing Act 1996 contain provisions relating to the rights of applicants to request reviews of decisions made in respect of their application. The Council will at all times ensure that these obligations are met.

5.3 Applicants have a right to request a review of the following decisions made in respect of their request for housing:

a) to remove preference under the scheme because of unacceptable behaviour serious enough to make him/her unsuitable to be a Council tenant

b) that a person is ineligible for housing because of his/her immigration status

c) any decision about the facts of his/her case which is likely to be, or has been taken into account in considering whether to allocate housing accommodation to him/her.

6. Delegated powers to make minor alterations to this policy

6.1 The Director of Housing and Communities and the Cabinet Member for Housing have delegated authority to make minor alterations to this policy.

7. Gypsy, Roma and Travellers Pitch Allocations Policy

7.1 The Gypsy, Roma and Travellers (GRT) Pitch Allocations Policy specific to the site located at Hillside View, Brierley Lane, Bilston, WV14 8TW is added as an addendum to this Housing Allocations Policy. The policy is available on the Council's website and will be reviewed as and when required and as part of any wider Housing Allocations Policy review.

7.2 Vacant pitches at the Hillside View site will be allocated strictly in accordance with GRT Pitch Allocations Policy. The policy aims to ensure that the allocation of pitches is fair and transparent and that pitches are let on a basis of need by placing applicants in a banding system that matches the housing need priority bands as per the current Housing Allocations Policy.

APPENDICES

Appendix One

Local connection residency test

1.1 As per Section B/2.2, eligible applicants will be required to provide satisfactory proof of five years uninterrupted residency in Sandwell by choice at the point of their housing registration date on the housing register, by either:

- demonstrating five years uninterrupted Sandwell residency by choice immediately prior to the point of registration and at any subsequent offer of accommodation;
- proving a close family connection to someone living in the borough who has five years uninterrupted Sandwell residency by choice immediately prior to the point of registration and at any subsequent offer of accommodation (unless there are exceptional circumstances, close relatives will refer to parents, adult children or brothers and sisters).

The onus will be on the applicant to prove their continuous residence through official documentation as prescribed in a list published from time to time by the Council, demonstrating at least five years residency in Sandwell.

1.2 Changes were made to the local connection test on 1 March 2024. This may affect whether a person/ household meets the local connection residency test. The changes made were as follows:

1. If you are a single person who presented as at risk of, or already homeless to Sandwell Council – if Sandwell Council Housing Solutions Service placed you in shared accommodation or hostel type accommodation outside of Sandwell in order to discharge a homelessness prevention or relief duty, you will now maintain any existing local connection for as long as you remain in the accommodation secured for you. You will retain local connection for a period of 5 years from the date you moved into the accommodation secured for you. Should you move from the accommodation provided to you by the service and you do not move within Sandwell, the local connection will be broken. This does not affect any alternative local connection you may have as per section 1.1 point 2.
2. Sandwell Council has seen an increase in the number of households presenting with a local connection who were placed in temporary accommodation in Sandwell by other local authorities. These households are remaining in temporary accommodation for very long periods and then presenting with local connection to Sandwell, which is placing increased pressure on our housing capacity, despite a homelessness duty owed by another local authority. As of 1 March 2024, for any household that presents from temporary accommodation

placements within Sandwell that were made by other local authorities, the duration of their temporary accommodation placement will not count towards a local connection within the policy. This does not affect any alternative local connection you may have as per section 1.1 point 2.

1.3 At the point of tenancy offer, applicants will be given five working days to provide satisfactory evidence of their five years uninterrupted Sandwell residency immediately prior to date of offer. Failure to provide such information within the five working days will result in the offer being withdrawn.

1.4 Though not exhaustive, the following documentation may be used to form proof of residency:

- Housing Benefit records
- Council Tax Benefit and Council Tax Reduction records
- Council Tax records
- Housing Services system records
- Tenancy agreement
- Utility bills (gas, electric, water)
- Television license and telephone bills (landline only)
- Full bank statements showing name, address and date of issue
- Credit card statements
- Department for Work and Pensions benefit notification letters
- Educational establishment records
- Any Council records which can legally be used for this purpose

1.5 Medical cards, mobile telephone bills/statements, catalogue bills/statements and confirmation (both written and verbal) from Members will not be considered under any circumstances.

Appendix Two

Property Household Criteria

To make the best use of the available housing stock, each property type has a household criteria that best matches it with a particular household composition(s) based on the size and type of property. This is set out below. Each property advertisement will detail the preferred household composition that is best suited to each individual property. The property type/household match guidance below should apply in the majority of cases but may vary according to specific factors attached to a property or household composition.

Property Type/Size	Household Type/Size
Bedsit	Single Persons
One Bedroom Flat	Single Persons/Childless Couples
Two Bedroom Flat	Household with one to four persons
Two Bedroom Maisonette	Household with one to four persons
Three Bedroom Flat/Maisonette	Household with one to three dependent children or any combination of two or more persons
Two Bedroom House – Parlour & Non-Parlour Type	Household with one or two children
Three Bedroom Parlour House	Household with three or more children
Three Bedroom House (non-parlour)	Household with two to three children or a household with children aged 16+ who downsize from a four-bedroom house
Four Bedroom House	Household with four or more children
Bungalows	Persons over the age sixty or with a disability whose housing need is such that they require single level ground floor accommodation (subject to an Occupational Therapist recommendation
Sheltered Housing	Those with an assessed need for supported accommodation

Appendix Three

Overcrowded properties

For the purposes of this policy the Department for Work and Pensions Bedroom Standard (DWPBS) will be used to determine overcrowding. The DWPBS allows one bedroom for each person or couple living as part of the household, with the following exceptions:

- A child aged 15 or under would be expected to share with one other child of the same gender; and
- A child aged 9 or under would be expected to share with one child or under regardless of gender

Please note the following:

a) Applicants who deliberately worsen their circumstances (as set out in section C/4.2(3) may not be given reasonable preference

b) Children will only be included in the overcrowding calculation at their main place of residence

Subject to all the suitability requirements set out in this policy, all household members currently resident in properties to which qualification for priority under Sections D/4.3(b) and D/4.3(c) applies may bid for properties using this form of priority, i.e. a single person can move using this priority if it relieves the current household's overcrowding situation.

Following such a move the remaining household still in situ will have their overcrowding priority reassessed.

Appendix Four

Definition of Adapted Property

1.1 For the purposes of this policy, the following definition will apply to the term ‘Adapted Property’

1.2 An adapted property is one that contains one or more of the following key features-

- Stair Lift
- Ceiling track hoists
- Vertical Lift
- Step Lift
- Significant ramping to entrance
- Bathrooms – where significant adaptations have been made, for example walk-in shower, level access
- Kitchen – with significant adaptations, for example, lowering or raising of work surfaces, installation of variable height work surfaces, installation of sinks and other work surfaces with knee space beneath for use from a wheelchair
- Adaptations for people with sensory impairments (e.g. colour and texture contrasts, flashing door bells)
- Ground floor extensions (or internal alterations) for bathrooms, bedrooms, living rooms, kitchens and circulation spaces that are fully accessible to a wheelchair user with or without assistance.
- Any other substantial modification defined as meeting the needs of a disabled person by an Occupational Therapist of the local authority

1.3 If a property has any of the following features but none of the above it is not defined as an adapted property.

- Grab rails
- Handrails
- Stair rails
- Cubicle or Chiltern Shower
- Minor ramping to entrance
- Raised sockets
- Lowered light switches
- Level access

Appendix Five

Glossary of Terms

Applicant	This can refer to single or joint applicants and can be either a household applying to join the CBL Register or bidding for a property
Assignment	Legal right to pass on a tenancy to someone who would have been entitled to succeed to the tenancy if the tenant had died (See Succession)
Assured Tenancy	Tenancy granted to Housing Association tenants giving them the right to remain in the property unless the landlord can prove to the Court that there are grounds for possession.
Children	Any household member aged 16 or below (this excludes 'looked after children')
Closing Order	A local authority's legal power to stop anyone living in a property that is unfit for human habitation
Compulsory Purchase Order	A legal power used by local authorities and other public bodies to acquire property for specific purposes
Council Tenant	For the purposes of this policy, the term Council Tenant refers to a tenant of Sandwell Metropolitan Borough Council
Disabled Persons	Persons who have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to do normal daily activities as set out in the Equality Act 2010.
Extra Care Scheme	A group of self-contained dwellings designed for older people with sufficient care and support available to allow people to remain at home despite frailty
Housing Association Tenant	For the purposes of this policy, the term Housing Association Tenant refers to a housing association tenant livening in the borough of Sandwell
Housing Register	The list of people seeking to acquire accommodation through the CBL Scheme. By law, some people are excluded from joining the register.

Introductory Tenancy	Initial twelve-month tenancy granted to new Council tenants. The Introductory Tenancy is a trial period for the tenant to demonstrate to the Council that they can maintain their Tenancy Agreement (See Tenancy Agreement for more details).
Housing Association	A provider of affordable housing including supported accommodation.
Key Worker	A key worker is someone employed by the public sector in a frontline role delivering an essential public service in the areas of health, education and community safety and where there are serious recruitment and retention problems in the said line of employment.
Local Lettings Plan	A Local Lettings Plan is where a designated set of residential units (which can be defined by a geographical area) are allocated outside of the terms of the mainstream Housing Allocations Policy (i.e. this policy).
Looked after children	Children who are 'looked after' by a local authority (e.g. Sandwell MBC) under any one of a number of legal arrangements
Mutual Exchange	Council or housing association tenants who agree to swap properties with another tenant with the approval of both landlords
Notice to Quit	Legal notice served on a secure tenant who no longer occupies the property as his only or principal home or a non-secure tenant to bring the tenancy to an end
Property Household Criteria	To make the best use of the available housing stock, each vacant property has a ‘household criteria’ that best matches it with a particular household composition(s) based on the size and type of property. This is set out in Appendix Two.
Purpose Built Sheltered Schemes	A low-rise block of self-contained units built with the needs of older people in mind. The blocks contain communal facilities and a Community Alarm system. A Housing support service is provided by a warden, either residential or non - residential.
Possession Order	A court order requiring a household to move out of the property they occupy
Qualifying Persons	Persons who are eligible to join the Housing Register

Reasonable Preference Categories	Groups of people that through law local authorities must give priority to when allocating accommodation
Secure Tenancy	Long term local authority tenancy
Shared Ownership	A scheme that allows an applicant to buy part of a property and rent the remaining part from a local authority or housing association
Sheltered Housing	A group of self-contained dwellings for older people, who can live independently and are able to manage alone, but who prefer the added security of an alarm system and a resident or visiting warden
Succession	Legal right to pass on a tenancy by written agreement (deed) to certain family members on the death of the tenant provided there has not been a previous succession
Supported Housing	Housing provided for vulnerable people who need support to live independently