

## **Allocation Policy Procedure Guidelines**

### Introduction

It is essential to ensure there is consistency and fairness in the way applications are assessed in accordance with the Leicestershire CBL Allocations Policy. Where a host authority assesses an application, the banding applied is effective across all districts in the scheme. It is therefore important that we ensure all Assessors use these procedure guidelines to help them in determining whether an application should be accepted onto the register. Part I of these procedures relates specifically to circumstances that may lead to exclusion from the register, whilst Part II provides guidance on assessing 'Financial Hardship' (a new element of housing need being recognised in the 2013 Policy).

### **Part I**

#### **Exclusion for Criminal Behaviour**

The applicant has a duty to disclose on the application form whether they or a member of their household has any unspent criminal convictions, or court orders against them and need to disclose if they, or anyone who will live with them, has been the subject of an Anti-Social Behaviour Order, Behaviour Contract or other restrictions or had any other type of action taken against them to do with anti-social behaviour, criminal conviction or court orders. They are also asked to declare if they, or anyone who will live with them, has been convicted under the Sex Offenders Act 1997 or have their name on the Sex Offenders register. *Anyone making a false declaration can as a consequence have their tenancy reposessed on the grounds of having obtained the tenancy fraudulently.* Example of applicants we may exclude (this is not an exhaustive list) would be someone whose Landlord has been successful in obtaining a possession order on the grounds of Anti-Social Behaviour conviction for possession drugs with intent to supply etc). How we will assess the application?

- If an applicant fails to answer any of these questions on the application form they should be contacted by the host district and asked for the relevant answers before an application is input. Household information can be input into the register and a CRM note attached to indicate why the application cannot be processed.

- If an applicant answers 'no' to the relevant questions but a Housing Adviser knows the information is false, the applicant should be given the opportunity to provide the correct information before the application is processed further. This can be achieved by asking the applicant if they have declared all relevant information and reminding them of the declaration they have made by reading it to them or simply ask if there have been any changes in their circumstances they wish to update on their application. A note should be made on the CRM to record the conversation.
- If applicant answers 'yes' to any of these questions, the details of person, offence, sentence or court hearing (where relevant) should be checked with the host district's Housing Liaison Forum (Community Safety Partnership)
- Request a Risk Assessment form from Probation Service (if applicant is on bail for a serious offence – see advice from Service Manager if needed) and or MAPPA (as appropriate)
- In assessing whether to exclude take into account the type of conviction, when the conviction occurred, any risks or restrictions identified and availability of suitable properties
- A Housing Adviser will gather the relevant information to put forward a Recommendation for Exclusion to the Housing Services Manager for authorisation

If the exclusion is authorised a letter should be sent to the Applicant/s advising of the reason for exclusion and including a right of appeal.

The details of the Applicant/s should be placed on the scheme exclusion register.

If the Recommendation for Exclusion is not authorised but the Applicant/s pose a risk to staff or the community, a flag should be placed on the system including any areas of exclusion in the district/sub-region (do not place personal or confidential information on the alert flag)

### **Exclusion on Financial Means to Meet Own Housing Need**

**Applicants who have the financial means to meet their own housing needs will be excluded.**

This is assessed by determining whether the joint home seekers' income, joint savings or equity, exceed the threshold set for the relevant district (income and savings will be taken into account for all adult members of the household who are moving with the applicant). The assessment would include verifying income through the proof of evidence required relating to income and savings. In the case of owner occupiers this assessment would also include a valuation of their property and a mortgage statement in order to determine the amount of equity in the property. If it is

recommended to exclude from the register, the Housing Advisor will make the recommendation to the Service Manager for authorisation. A Household member will be input onto the system, a CRM note attached and a letter sent to the applicant giving reason for refusal and right of appeal.

Exceptions to exclusion would be where there is a need demonstrated for supported, sheltered or extra care housing which in the host district's view cannot be purchased/rented on the open market or where the applicant has a need for wheelchair adapted accommodation and they do not have the financial means available (through savings, Grants or Equity Loan) to adapt their existing property or the property is not suitable for adaptation and they do not have a need or meet the criteria for supported, sheltered or extra care housing. In determining whether the applicants have a housing need for supported, sheltered or extra care the applicants will be asked to complete a Supported/Sheltered and Extra Care Housing assessment form by a Housing Advisor. The Assessment Guidelines will be used to determine the level of support needs (if any) and whether the applicant is to be accepted onto the register and what type of supported accommodation the applicant will be eligible to bid for. Applicants accepted on this basis should then be assessed the appropriate housing need band and their applications set on the system to bid for only the type of accommodation they have been accepted onto the register for, in order to meet their housing need.

### **Applicants Excluded as Unsuitable to be a Tenant**

**Behaviour likely to result in the Landlord being successful in obtaining an outright possession order** – examples would include certain criminal offences, serious anti-social behaviour and in exceptional cases, non payment of rent. To assess these and **other reasons for excluding applicants** the following assessment processes should be used:

Where an applicant has declared or is known to **have a housing related debt greater than £300** checks should be made with the relevant Landlord as to whether there is a payment plan in place, whether the repayments are affordable and whether payments are being made on a regular basis to reduce/repay the debt. If the debt is static the applicant should be advised to reach an agreement to discharge the debt on a regular basis or in cases of multiple debt a referral should be made to CAB/Debt Counselling/Money Advice service. If there is no willingness on the part of the applicant to discharge the debt/s and it is decided to exclude the applicant/s the Housing Advisor must consider whether there is evidence of an overriding housing need before doing so (i.e. homeless and the council has a statutory duty to assist with re-housing, statutory overcrowding etc). If an overriding housing need exists the Service Manager should approve the housing need assessment and include on the housing register. A flag should be placed on the system indicating the arrears

situation as banding affects all districts. The confirmation letter sent to the applicant should include a paragraph explaining that although they have been accepted onto the register the Landlord of any property they match to may reject their bid if the arrears have not been reduced to an acceptable level and their application is not acceptable in accordance with their organisation's policy. A flag should be placed on the system to alert Landlords to the housing related debt (Landlords should not operate an automatic 'skip' system as the situation may have changed since the flag was put on).

In assessing whether an applicant should be excluded from the housing register due to a conviction of **violence toward a partner or members of family** the following factors should be taken into account in the assessment:

- Establish the type of conviction and sentence/conditions of bail (unspent conviction will normally lead to exclusion)
- Establish offending history – e.g. is there a history of violence or threats of violence

If conviction is spent (applicant eligible to join the register) a risk assessment should be completed to inform the assessment of housing need band.

If applicant is excluded Household details should be input into the register, a letter sent explaining reason for exclusion giving right of appeal. Place Flag on system indicating exercise caution applicant/s has history of violence. If applicant requests a review of decision to exclude put onus upon the applicant to demonstrate a change in behaviour.

In assessing whether an applicant should be excluded from the housing register due to **criminal offences in or near the home, for example drug dealing and/or posing a threat to neighbours, the community staff from the Council, the Council's contractors or Registered Providers and the staff of their contractors** the Housing Advisor would need to establish the nature of the offence, when the offence/s occurred and the course of action taken by the Landlord or the Council or Registered Provider and contractors.

- Has the applicant been convicted of the offence of drug dealing? Did the Landlord seek possession of the property and what was the order of the Court.
- In relation to threats to neighbours has the Landlord followed their ASB processes and engaged mediation service, taken enforcement action under the tenancy agreement, and if so what was the outcome
- Establish the nature and frequency of any threats to staff from the Council or Council's contractors or Registered Provider and their contractors. Establish whether the relevant staff member has logged an official Incident Report and whether the perpetrator has, as a consequence, been placed on the

Customer Caution Panel for that organisation. Establish the risks associated with engaging with the perpetrator and their suitability to be a tenant.

In reaching a decision to exclude, the offences and the recent behaviour of the perpetrator should be taken into account as there may be mitigating circumstances to consider. If the applicant is to be excluded from the housing register the Housing Advisor should make a recommendation to the Housing Services Manager. If the applicant is subsequently excluded they should be notified in writing of the reasons why and when they may reapply to join the housing register. The Household should be input into the system and a CRM attached including a copy of a letter which should be sent to the applicant including in it a right to request a review of the decision.

In assessing whether an applicant has the **mental capacity to understand the conditions of tenancy and have the capacity to sustain** a tenancy the following factors will be taken into account:

- Whether they are receiving support e.g. social worker/community psychiatric nurse etc
- If they have a care package (establishing what the plan covers and who delivers the care)
- What type of benefits they are in receipt of (eg. high rate DLA mobility/care)
- What type of accommodation they currently live in (for example Residential Care)
- Whether there is a history of numerous short term tenancies
- Whether they have previously been evicted and the reason for the eviction – check with previous landlord
- Their medical circumstances. Example – do they have a degenerative illness that affects their ability to sustain a tenancy or a long term disability that affects their ability to sustain a tenancy
- The medication the applicant has
- Does someone else hold a power of attorney or manage their money for them

When assessing this information, indicators may suggest that a multi-agency meeting would be needed to establish capability to sustain a tenancy. This may provide a suitable forum to gather exacting information for assessment purposes particularly in relation to mental capacity/safeguarding issues.

Final decision to exclude will rest with the Housing Services Manager of the host district.

In assessing whether to exclude an applicant from the register on the basis they have **obtained a tenancy by deception or have sublet without permission** of the Landlord reliance is placed on the relevant Landlord notifying the host district of the possession proceedings on grounds of fraud or breach of tenancy conditions.

## **Assessing Tenants who are Adequately Housed**

In assessing whether the housing they currently occupy is adequate for their needs, consideration should be given to:

- The size and condition of the property and when the tenancy began
- The household composition
- Whether the rent is affordable (advice should be given regarding applying for housing benefit where appropriate)
- Whether any medical or welfare need exists which would be eased or resolved by a move specifically into social rented property

Note, social tenants with Introductory or Starter tenancies will not normally be eligible to register for a transfer through the scheme until their tenancy becomes an assured tenancy

## **Part II**

### **Assessing Financial Hardship**

In assessing financial hardship the Housing Advisor should consider the following:

- The household's declared income and outgoings and whether the household has sufficient income to meet their priority housing debts e.g. Rent/Mortgage, Council Tax, Utilities, Food etc.
- Their spending on non priority items be reduced or removed
- Affordability of the property they are occupying
- Whether they have maximised their income through benefits or increased hours of work or sought a greater contribution from non dependents in the household
- Whether they have permanent employment in the district
- Could their financial hardship could be alleviated through debt counselling services – if so make a referral to CAB/Money Advisor and ask them to confirm their recommendations
- Would a one off grant from a charity or a Crisis Loan resolve or relieve their hardship relieving the need to move home
- Have they recently been made redundant/lost their job
- Have they recently found employment in another area and the cost of getting to their employment has had an adverse affect on their finances and there is a justified need to move closer to work (this would need to be verified)