

## **Appendix B - Summary of Proposed Changes**

### Reason for policy change

In 2009 the Gloucestershire homeseeker partnership was formed, since then there have been tweaks to the policy and in 2016 the partnership and policy had a major change to include West Oxfordshire and changed names to homeseekerplus. Other than minor tweaks to include new legislation such as the Homeless Reduction Act there has been no major rewrite and clarification of the policy undertaken.

This has led to the common allocation policy being interpreted differently across the partnership, therefore this new policy aims to remove ambiguity and add clarification.

### Introduction and policy statement

This section was the key change that forced the rewrite to include Blenheim Palace Estates as a private landlord. The previous policy only allowed for social housing landlords. The Council has also added in other private landlords to include the separate Private Rented Sector scheme.

### **Old policy**

#### I Introduction.

- I.1. Homeseeker Plus is a choice based lettings (CBL) scheme run by the seven local authorities in partnership with the majority of Social Housing Landlords operating within Gloucestershire and West Oxfordshire.
- I.2. It must be recognised that the demand for affordable social housing within the Homeseeker Plus area is very high and cannot be met from the available resources. Only those in the highest housing need, with a local connection to the area are likely to obtain housing through the scheme. Each district's Housing Advice Service will be able to discuss a range of housing options.
- I.3 The policy takes into account the Localism Act 2012, Welfare Reform Act 2012 and the Statutory Code of Guidance on the Allocation of Accommodation 2012. It also has regard to the Councils' Homelessness, Tenancy Strategies and Housing Policy.

### **Proposed change**

Homeseekerplus is a choice based lettings (CBL) scheme run by the seven local authorities in partnership with social housing landlords, Blenheim Palace Estates and accredited private rented properties operating within Gloucestershire and West Oxfordshire.

The seven local authorities are Tewkesbury Borough Council, Gloucester City Council, Cheltenham Borough Council, Stroud District Council, Forest of Dean District Council, Cotswold District Council and West Oxfordshire District Council.

Demand for affordable social housing within the Homeseekerplus area is very high and cannot be met from the available social housing resources. Only those in the highest housing need, with a local connection to the area are likely to obtain housing through the homeseekerplus scheme. Each district's Housing Advice Service will be able to advise on a range of housing options including the private rented sector.

The policy explains who is eligible and qualifying to apply on Homeseekerplus and sets out how applications will be assessed based on housing need.

Homeseekerplus aims to allocate social housing in their area in a fair and transparent way while complying with all legal requirements.

#### Overview of how the partnership functions

Homeseeker Plus enables social housing landlords, Blenheim Palace Estates and accredited private landlords to advertise their homes and applicants are able to express an interest in them. This is known as a “bid” for a property. Once a bid is placed the system will generate a shortlist placing applicants in order of band, band start date and whether they meet the criteria of the advert. Priority for properties goes to those who have a local connection with the local authority in which the property is located, then to those who have a local connection with any of the other Homeseekerplus districts and finally to anyone else.

Private landlords that advertise properties within homeseekerplus must be accredited by being part of the private sector access fund.

#### Legal section

This section has been expanded as there was no current legal section, this is a catch all section as previously certain sections were expanded to talk in detail of each act which needs to be complied with instead of just stating that we comply with them. We also added in data protection and definitions of what we offer.

#### **Old policy**

No current section

## **Proposed change**

The Homeseekerplus complies with the local authority's statutory duties under Part VI and VII of the Housing Act 1996 as amended and the Homelessness Reduction Act 2017, in addition to any other relevant legal duties and has regard to the following:

- Allocation of accommodation: guidance for local housing authorities in England 2012
- Equalities Act 2010
- Public Sector Equality Act 2010
- Data Protection Act 2018
- Localism Act 2011
- Immigration Act 2014
- Local letting plans
- S.106 agreements

## **Data retention**

As part of the application process, personal data is required to support any housing application. The Council will comply with all data protection legislation. This includes:

- For active applications, data is stored for as long as your application is active.
- For housed applications, data is stored for 3 years
- If you do not use Homeseekerplus for a period of 1 year, then your case will be set to removed and removed after 6 months.
- Homeless applications are kept for 3 years.

## **Definition of social housing providers for Homeseekerplus**

Affordable housing is social rented and affordable rented provided to eligible households who otherwise would be unable to secure alternative provisions and have been assessed under this policy. For this policy, housing providers who operate within the Homeseekerplus boundaries are registered providers, arm's length management organisations or Council owned stock, eligibility and qualifying criteria is set by this policy. All partners have a common goal to provide homes for local people in housing need with eligibility determined within this policy framework.

## **Types of tenancies**

Depending on the landlord and applicants circumstances, an applicant may be offered either an introductory; secure; starter; assured; fixed term; assured short hold; or flexible tenancy.

## Who does not qualify?

Added in clarification for the need of an affordability check and to recognise that we would look at adaptations if they owned a property.

### **Old policy**

An applicant will not be accepted for social housing if we are satisfied that: -

- a) They have sufficient financial resources to resolve their own housing need.
- b) Where they have unreasonably disposed of financial resources that could have enabled them to purchase/obtain their own accommodation.
- c) They own or part own a property which is suitable for their needs, or where those needs can be resolved through adaptation, sale or where, if they sold it, they could afford to buy another property. We may make exceptions to this rule in the case of proven social or medical needs.
- d) The applicant, or a member of their household, has been responsible for unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Authority or a Social Housing Landlord at the time of application. Each case would be considered upon its own merits and subject to the spirit of the Rehabilitation of Offenders Act 1974 according to individual circumstances.

### **Proposed change**

An applicant will be non-qualifying for social housing if the local authority has undertaken an affordability check which has shown that they have sufficient financial resources to adequately resolve their own particular housing need through outright purchase, lease or mortgage. This check will consider the type of accommodation needed to meet these needs to resolve their own housing need within their district.

Homeowners who own or part own a property which is suitable for their needs or where those needs can be resolved through adaptation and where it is safe to remain.

## Suspending and demoting

Re written to add in clarity to make it clearer as to at what stage we can suspend or reasonably demote.

### **Old policy**

If we become aware that a household has rent arrears or other housing debt accrued after an application has been registered the applicant will be given the opportunity to clear the debt before an offer proceeds. If the applicant is unable to do this, they may be suspended for a period as required to clear the debt before they can bid for other properties but each case will be considered upon its own merits. If a partner landlord becomes aware of such a debt they will advise the relevant local authority who may suspend or cancel the application as non-qualifying depending on the circumstances.

9.2 Applicants who have been awarded time limited bands are expected to bid on all suitable property types in a reasonably wide range of areas. Failure to do so may result in suspension or demotion for a period.

9.3 Whilst Homeseeker Plus aims to give applicants choice for good reason it also needs to help social landlords let their available homes in an efficient way. If an applicant refuses 3 properties that the local authority considers were suitable, the application may be demoted or suspended for a period.

9.4 An immediate review of an application will be undertaken if an applicant is found to have acted (or failed to act) in a way which deliberately worsened their housing situation. This could lead to the applicant being suspended, or being demoted to a lower band, for a minimum of 6 months.

9.5 Applicants will be advised as to what action/s will be necessary to lift the suspension or demotion.

### **Proposed change**

If an applicant has rent arrears or other housing debt with a social landlord or Blenheim Palace Estates, which accrued less than 6 years ago, the applicant will be given the opportunity to clear the debt before a decision to suspend is made. If the applicant is unable to do this, they may be suspended for a period as required to reduce the debt to below 8 weeks arrears and have a repayment plan in place and in payment before they can bid for other properties.

Each case will be considered on their own merits, for example if the rent arrears arose directly due to domestic abuse, an application would not be suspended.

Existing social housing tenants who may be suspended because of rent arrears will be considered as an exception on an individual basis if proved that they cannot afford to stay in their current tenancy as a result of Welfare Reform Act changes.

If a partner landlord becomes aware of such a debt they will advise the relevant local authority when arrears are reduced. The local authority may suspend the application or advise the applicant to undertake a change of circumstances for their application to be

reassessed.

Applicants who have been awarded time limited bands are expected to bid on all suitable property types across all areas if no suitable properties are available within their local connection area. Failure to do so may result in suspension or demotion for a period the local authority deem fit.

Whilst Homeseekerplus aims to give applicants choice, it also needs to help social landlords let their available homes in an efficient way. If an applicant refuses 3 properties that the local authority considers were suitable, the application will be demoted or suspended for a period of 6 months from the time of their last offer. This provision does not apply to final offers of accommodation made in order to discharge homeless duties under part VII of the housing act 1996 (as amended) or homelessness reduction act 2017.

Applicants who have unreasonably disposed of financial resources that could have enabled them to purchase/obtain their own accommodation.

### Local connection

This was the biggest section that we wanted to add clarity to, the wording in the old policy was confusing, such as family connections, who does that include and employment, does it include part time temping etc.

### **Old policy**

Local Connection is defined in Part VII of the Housing Act 1996 as:

- Those who are normally resident in the local authority area, and that residence is or was of their own choice. (Local Authority Agreement guidelines suggest this as having resided in the area for six of the last twelve months, or three of the last five years, where residence has been out of choice);
- Those who are employed in the local authority area. (Local Authority Agreement guidelines suggest this as employment other than of a casual nature);
- Those that have family connections in the local authority area. (Local Authority Agreement guidelines suggest this as immediate family members who have themselves lived in the area for five years).
- Members of the armed forces have a local connection to the district of their choice (Those currently serving, served within the immediate preceding 5 years; bereaved spouse or civil partner who has recently or will cease to be entitled to Ministry of Defence accommodation following the death of their service spouse and the death was wholly or partly attributable to their service; 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).
- Other special circumstances.

## **Proposed change**

### Local connection clarification

'Normal residence' is to be understood as meaning 'the place where at the relevant time the person in fact resides.' Residence in temporary accommodation provided by a housing authority will not constitute normal residence of choice and will not contribute towards a local connection. In the case of a person who is street homeless or insecurely accommodated ('sofa surfing') within their district, the housing authority will need to satisfy themselves that applicant has no settled accommodation elsewhere, and if from inquiries the authority is satisfied that they do in fact reside in the district, then they will be considered normally residence.

Where the applicant raises family associations, this may extend beyond partners, parents, adult children or siblings. They may include associations with other family members such as step-parents, grandparents, grandchildren, aunts or uncles provided there are sufficiently close links in the form of frequent contact, commitment or dependency. Family associations should be determined with regard to the fact-specific circumstances of the individual case.

For the purposes of employment, a member of the application should work in the district they are applying too: it would not be sufficient that their employer's head office was located there but their place of work was not. In the case of self-employment, local connection would be classified by the address their business is registered. For agency, casual or other types of employment, you must be able to prove that the employment contract is not less than 6 months casual or ancillary.

Special circumstances would include but are not limited to the need to be near special medical or support services which are available only in a particular district and where transport links would not suffice in the ability to meet those needs. Special circumstances will be assessed on their own individual merits.

In cases of care leavers who are owed a leaving care duty, they will have a local connection to all districts within the area of the children services authority. For care leavers who have been placed in accommodation in a different district to that of the children's services authority, and they have lived in the other district for at least 2 years, including some time before they turned 16, they will also have the same local connection until they are 21.

Local connection will not be awarded if your accommodation was not of your own choice, this includes but not limited to:

- Approved premises
- Rehabilitation units

Members of the armed forces will have a local connection to a district of their choice. This will be the same for those currently serving, served within the immediately preceding 5 years. Bereaved spouse or civil partner who has recently or will cease to be entitled to Ministry of Defence accommodation following the death of their service spouse and the death was wholly or partly attributable to their service. 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. Local connection will also be awarded for divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence will also be awarded. If an applicant has been subject to immigration control where they would not have been

deemed eligible and subsequently become eligible, the date of where a local connection would apply would be from the date they have lived in the area. Refugees would have a local connection outside of this criterion to the last area they were housed in by the Home Office under asylum support.

Decisions on local connection must be made based on the facts at the date of the decision and not the date of application.

## Verification

This section was vague, and each council verified in different ways and at different times, some RP's have been housing them unverified. To have a more comprehensive verification we have added in what documents are needed and what verification is. This also works in with the new style form so applications can upload these when they apply which they currently can't do.

## **Old policy**

Applicants will be able to bid for properties advertised, but no tenancy will be offered until verification has been completed.

## **Proposed change**

Applicants will be able to bid for properties advertised, but no tenancy will be offered until verification has been completed by the local authorities. The purpose of the verification is to establish the accuracy or validity of your application.

Documents requested for verification will depend on your individual circumstances. These documents must be provided to verify your medical needs, eligibility and qualifying status. As standard, verification of key documents will remain valid for 6 months or the validity of the document, whichever is longer.

Key standard documents are as follows, but not limited to:

- Identification of all members of the application
- 2 months bank statements of all members over the age of 18
- Child benefit or an appropriate court order
- Proof of residency to support right to rent checks

## Medical and welfare banding

This section is mostly the same, but we have split medical and welfare into two new bands instead of a joint band. The wording has stayed mostly the same. This will be the only change that will affect people as they will need to be rebanded into separate bands, this shouldn't change their bands unless their circumstance have changed.

### **Old policy**

See page 14

### **Proposed change**

See page 16-18

## Move on/care leavers

This section was expanded to include the new care leaver duty.

### **Old policy**

Move-on from supported accommodation where a planned move is agreed by the relevant local housing authority. When someone is placed in accommodation based supported housing and is not in their home/lead authority area there is a presumption that they will be reconnected back to their home area when ready to move-on from the supported accommodation. The support provider will also discuss other housing options before putting them forward for social housing.

There are 2 requirements for this priority:-

1. that the supported accommodation provider has confirmed that the resident is ready for independent living by completing the standard move- on form detailing the work they have completed with the resident and assessment of any remaining support needs.;
2. that the local authority has been involved in the move-on planning and accepts that they are the appropriate local authority to re-house this applicant by awarding this priority.

### **Proposed change**

A young person owed leaving care duties under section 23C of the Children Act 1989 and in a housing need (who is deemed ready for independent living as assessed by the local authority) will be awarded gold banding to the area of the children services authority that owes them the duties. Homeseekerplus comprises of Gloucestershire and West Oxfordshire which has different children services authorities, therefore gold will only be awarded to housing authority districts falling within the area of the children services authority.

Move-on from supported accommodation where a local connection was agreed at point of referral by the relevant local housing authority.

When someone is placed in accommodation based supported housing and is not in their home/lead authority area they will be reconnected back to their home area when ready to move-on from the supported accommodation in line with the reconnection policy.

There are 2 requirements for this priority:

- that the supported accommodation provider has confirmed that the resident is ready for independent living by completing the standard move-on form detailing the work they have completed with the resident and assessment of any remaining support needs.;
- that the local authority has been involved in the move-on planning and accepts that they are the appropriate local authority to re-house this applicant by awarding this priority.

### Bedroom need criteria

This section was tweaked to include equality of transgender and clarification of shared custody.

#### **Old policy**

The bedroom need for a household is assessed to match Housing Benefit rules because from April 2013 the same rules apply to all renting households including social housing.

One bedroom is required for:-

- An adult couple,
- A person aged 16 or over.
- 2 children aged up to 16 years of age of the same sex.
- 2 children aged up to 10 years of age of different sexes.

19.2 When a child is born, the applicant must provide evidence of the birth as soon as possible and the bedroom need will then be re-assessed to ensure it is still correct.

19.3 An extra bedroom will be considered where the following applies:

- A carer who provides the applicant or their partner with regular overnight care, who is not normally living with you. Evidence will be required to substantiate any claim which may include the care component of DLA (Disability Living Allowance), PIP (Personal Independent Payment) or attendance allowance, or details of a care package from a care providing agency funded by Social Services.
- An independent medical adviser has confirmed the need for an extra bedroom.

In all cases an assessment of affordability will be undertaken, with discretion for the final decision being with the relevant local authority and social housing landlord.

19.4 Potential children of foster or adoptive carers will be considered in the bedroom need assessment on an individual basis once they have been accepted by the appropriate Social Care Panel.

19.5. No visiting children should be included on the application and they will not be included in the bed room need assessment.

## **Proposed change**

Households will also be assessed to consider the need for one additional bedroom for each of the following if they are assessed as being included as part of the household:

- A tenant requiring a non-resident overnight carer
- Disabled child who cannot share a bedroom with their sibling due to their disability
- An adult child who is serving away with the armed forces
- A room for a foster child or children

You can include someone on your application if they need to live with you in order to give or receive care or support and no one in your immediate household is able to care for you. You will need to evidence on your application the reason why an additional person or a carer needs to live with you and demonstrate:

- they or you need to be supported or cared for and are dependent upon this
- that other satisfactory arrangements cannot be made
- that the arrangement is 'permanent'

The Council will also require you to provide evidence such as that the person requires your support or care; for example, proof that you/they are providing care, are in receipt of care allowances and are able to meet any costs associated with the additional bedroom either through benefits, income or savings.

The Council will not include family members currently living abroad on your application and therefore they cannot be re-housed with you until such a time that they return to the UK and the Council is satisfied that they are reasonably expected to reside with you.

In cases where two parents or guardians have joint access to children, bedroom eligibility will be awarded to the main care provider. You will need to demonstrate:

- you are the main care provider (children live with you for more than half the week -four nights or more) and you are in receipt of child benefit and if applicable child tax credits
- that the arrangement is 'permanent'

The protections afforded by the Equality Act 2010 are intended to be available to all, including children and adolescents. Any required additional bedroom need will be awarded on a case by case basis in line with housing benefit rules and affordability.

## **Demotion**

New section not previously clarified. It was only written in general terms.

## **Old policy**

No current defined section

## **Proposed change**

The Lead Authority may however decide to demote an applicant to the band below at the end of the time-limited period if it is obvious that the applicant is choosing to wait for a particular type of property or immediate location and not treating their circumstance as urgent.

Applicants are encouraged to make full use of their bids and seek all housing options available to them. Applicants will be assessed by a senior officer if they have unreasonably

refused a property or to bid in a reasonable time if the following criteria have been met:

- they deliberately do or fail to do anything in consequence of which they missed out on suitable properties
- it would have been reasonable for them to do so and there is no other good reason why they have not

The demotion period will be what the local authority deems reasonable up to 12 months and will be considered on a case by case basis.

## Global banding criteria

This section has always been missing from the policy even though we have always had a global band.

### Old policy

No current section

### Proposed change

Global banding will be awarded to those on bandings where it would be unduly burdening another authority where the duty to house the household should remain with the lead authority.

Applications will be awarded a global band equal to that of their local banding in all but the below cases:

- Where the lead authority has accepted a full statutory homeless duty to secure accommodation for the applicant. Your global banding in this circumstance will be silver.
- Where the lead authority has a gold move on agreement from support accommodation, your global banding will be bronze.
- Where the lead authority has assessed your property as having a prohibition notice then your global band will be bronze.
- **Where the lead authority has awarded you a downsizing band, your global band will be bronze.**