

# **Wokingham Borough Council**

## **Housing Allocations Policy**

## Contents

<b>Introduction</b>	<b>4</b>
Reasonable Preference	4
Choice	4
<b>Eligibility and Qualification</b>	<b>6</b>
Eligibility for an allocation	6
Qualifying for an allocation	6
<b>Applications</b>	<b>8</b>
Outline of the process	8
16 and 17 year olds	9
Households	9
Bedroom Standard	10
Checks into any court cases or unspent criminal convictions	11
Fraud or false information	11
Updating, renewing and withdrawing an application	11
Reviews	12
<b>Banding</b>	<b>13</b>
Priority between bands	13
Priority within bands	13
Banding Scheme	14
Priority Groups	17
• <i>Reducing the use of temporary accommodation</i>	17
• <i>Key workers</i>	17
• <i>Medical Priority</i>	17
• <i>Social Priority</i>	18
• <i>Move on</i>	18
• <i>Working households</i>	19
• <i>Right to Move</i>	19
Reduced Preference Groups	20
• <i>Sufficient financial resources</i>	20
• <i>Owner occupiers</i>	21
• <i>Unacceptable behaviour</i>	21
• <i>Rent arrears and housing related debt</i>	22
• <i>Deliberate worsening of circumstances</i>	24
<b>Offers of Accommodation</b>	<b>25</b>
Offers	25
Withdrawals	25
Refusals	26
<b>Exceptional circumstances</b>	<b>27</b>

**How to contact us**

**28**

**Appendices**

**29**

Appendix One – Assessing Medical Priority

29

**Contact us:**

If you have any queries or require any help, please contact us.

Call: 0118 974 6000

Visit our Housing Online website:

<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/register-for-council-housing/>

General enquiries email:

[housing.needs@wokingham.gov.uk](mailto:housing.needs@wokingham.gov.uk).

Housing Online/housing applications email:

[housingonline@wokingham.gov.uk](mailto:housingonline@wokingham.gov.uk).

## Introduction

Wokingham Borough Council (“the Council”) is required by law to have an allocation scheme. This document (“the Policy”) is the Council’s allocations scheme. It sets out how the Council determines the priorities and procedures to be followed in allocating social housing accommodation in the borough. It applies to both new applicants for housing and existing tenants who are seeking a transfer.

This policy covers the selection of any applicant under the scheme to be a secure, assured or an assured shorthold tenant of housing accommodation held by either the Council or a participating registered provider of social housing, whether by way of a legally enforceable arrangement or not.

### Reasonable Preference

The law requires that the scheme be framed so as to secure that Reasonable Preference for housing is given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

1. People who are homeless (within the meaning of Pt VII of the 1996 Act).
2. People who are owed a duty by any authority under ss.190(2), 193(2) or 195(2) of the 1996 Act or ss.65(2) or 68(2) of the Housing Act 1985 or who are occupying accommodation secured by any authority under s.193(2) of the 1996 Act.
3. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
4. People who need to move on medical or welfare grounds (including grounds relating to a disability).
5. People who need to move to a particular locality in the authority’s district, where failure to meet that need would cause hardship (to themselves or others).

The Council meets this requirement. Please refer to the banding scheme for further details.

### Choice

The Council is committed to offering applicants choice. All applicants have the opportunity to express preferences for certain areas in the borough (based mainly on parish boundaries).

The ability to satisfy choice preference may be limited by the housing pressures faced. Expressing a preference over where an applicant would prefer to live does not mean that preference can be met, nor prevent an applicant being offered suitable accommodation outside of their preferred area.

Offers made to applicants in Band One and Two are not required to be within an area of choice although in exceptional circumstances, the Council may take into account areas of choice.

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

Applicants over 55 years of age can be considered for a bungalow, sheltered accommodation and for extra care housing. This age restriction can be lowered in exceptional circumstances at the discretion of the Council, for example, if medical needs justify an allocation.

There is a limited supply of specialist housing in the borough. Should a void occur, the Council will make a direct offer to the most suitable applicant taking into account all of their circumstances, their housing need, and the suitability of the unit and scheme.

Where there are no children under 17 in the household, the offer is likely to be a flat rather than a house.

Choice may be affected if, for example:

- An applicant is receiving an offer of accommodation as a result of presenting to the Council as homeless. One suitable offer of accommodation will be made.
- As part of the Multi-Agency Public Protection arrangements (MAPPA), a decision has been made to disallow an applicant from choosing where they can live.
- Advice is provided from another agency (e.g. Police, Probation, Social Services) that leads the Council to decide there would be a risk to another person or the wider community or the applicant themselves from allowing that applicant choice.

## Eligibility and Qualification

### Eligibility for an allocation

By law, the Council is only allowed to allocate accommodation to an applicant who is eligible for an allocation. Whether an applicant is eligible or not is set out in legislation and, in very broad terms, will be determined by their immigration status and whether they have made their usual home in the UK.

### Qualifying for an allocation

In order to join the Council's Housing Register an applicant, or a member of his or her household, must have a local connection with Wokingham Borough. This means that they must have been resident in the borough for five consecutive years or more, immediately prior to the date of application and that they are still resident in the borough at the point they receive an offer of accommodation.

For the purposes of determining local connection for residence in Wokingham Borough, this includes:

- 1) A non-traditional dwelling (such as a mobile home) that is legally placed on land within Wokingham Borough, where it is demonstrated that this is their permanent place of residence and this can be evidenced through paying council tax.
- 2) People who are forced to sleep rough in Wokingham Borough.

Evidence will be required to show that the local connection test has been met.

The exceptions to the local connection test are:

- 1) An applicant is homeless and the Council has accepted the section 189B 'relief of homelessness' duty or the main section 193(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another local authority under the homelessness local connection rules.
- 2) Applicants entitled to a reasonable preference as detailed on page 4.
- 3) Where there are significant and special circumstances requiring a move into Wokingham Borough by the applicant or a member of their household. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their Housing Register application. Examples include:
  - a) Reasons of safety i.e. when an applicant is fleeing domestic abuse or hate crime (crimes committed against someone because of their race, religion, sexuality, disability or gender are hate crimes) from another area, or
  - b) Is on a witness protection programme and the Council have agreed that there is an essential reason why they need to move to Wokingham Borough.
  - c) The applicant has caring responsibilities for a resident in Wokingham Borough when there is an identified need for a significant level of care (requiring daily visits as a minimum). The person receiving the care would normally be eligible for a care package from the Council, this arrangement is accepted by Adult Services and satisfactory evidence has been provided.

- 4) Applicants who are leaving an institution such as a prison, secure unit, hospital, rehabilitation centre, refuge, hostel or supported accommodation scheme that is not in Wokingham Borough and the applicant was resident in Wokingham Borough for 3 out of the last 5 years immediately before they were accommodated in that institution and the Council has retained responsibility for the applicant under community care legislation. The Council will consider the case for exceptional circumstances as required, for example, if a reciprocal agreement is in place due to NHS funding.
- 5) The Council will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence rule because the period may have been broken by travelling. The Council will consider the facts of each case when deciding whether the rule should be waived. Applications to be determined by the Exceptional Circumstances Panel.
- 6) Care Leavers below the age of 25 years who are, or were, owed a duty under section 23C of the Children Act 1989 by the Council and have been looked after in accommodation outside of Wokingham Borough. This will include care leavers who are still receiving after care support from Children's Service until they are 25, and some care leavers who are in full-time education who wish to move back to Wokingham Borough on completion of their education.
- 7) Applicants who satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
  - a) Serving members of the regular forces.
  - b) Former members of the regular forces within the 5 years immediately prior to the date of their application.
  - c) Serving or former members of the regular forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service.
  - d) Bereaved spouse/civil partner of a former member of the regular forces and have ceased (or will cease within 28 days) to be entitled to reside in services accommodation following the death of their spouse/civil partner.
- 8) Spouses and civil partners of serving members who are required to leave accommodation provided by the Ministry of Defence following a breakdown in their relationship with their service spouse or partner.
- 9) Applicants who satisfy the right to move criteria (see page 19 for details).

# Applications

## Outline of the process

Applicants will need to register for Housing Online via the Council's website to apply to join the Housing Register. Paper application forms can be provided on request.

Applicants will be asked to provide information and evidence necessary to enable the Council to check their eligibility and housing need. This will include:

- Official photo identification for all household members, for example a passport or driving licence. In exceptional circumstances, the Council may accept a full birth certificate as proof of identity if no other form can be provided.
- Evidence of immigration status in the UK.
- Proof of regular forces service and/or discharge paperwork including service number, veterans ID card, discharge letter, evidence of any monetary settlement (where applicable), termination pay, and details of forces pension income and lump sum (if any) as applicable.
- Proof of current tenure.
- Proof of income and capital assets.
- Proof of residence and local connection e.g. council tax bills.
- Health and wellbeing documentation e.g. support plans. Any identified support or risks will be shared with providers at nomination.
- Any notice terminating a right to occupy e.g. notice seeking possession, notice to quit, certificate of cessation of right to occupy service quarters.

A full list of the documentation required is available online on our website. If an applicant is unable to register online, or requires support to complete an application, please contact the Council using the contact details provided below.

Please note that applicants are only permitted to be on one application at any one time. It is not permitted for an applicant or household member to be part of more than one application at a time.

Applicants whose circumstances mean that they are currently homeless, or sofa surfing or rough sleeping will need to provide details of their 'care of' address, where they have been sleeping and which services they have engaged with so that the Council can verify this.

It is essential that an applicant for an allocation gives their general consent to the Council disclosing information about them to third parties, such as private landlords, medical practitioners, social services authorities and the police. Applicants will be required to sign a declaration to provide this and to confirm that:

- a. The information given is correct and that they will notify the Council of any change in their circumstances.
- b. Enquiries will be made concerning their eligibility and qualification for housing and entitlement to an allocation.

Giving consent to the disclosure of information is a condition of being accepted onto the Housing Register and applies to the applicant, or any member of the applicant's household.

Once an applicant provides the above information, the Council will process that information under data protection legislation. The processing is necessary under the Public Task purpose and is necessary



for the Council to perform a task in the public interest or for its official functions, and that task or function has a clear basis in law.

Applications will normally be assessed within 21 working days, from the date that all the necessary information has been received including any third party information.

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

- 1) The band they have been placed in (this determines priority).
- 2) The date of application (may be used to determine priority within the band allocated).
- 3) The size of properties for which they are eligible.
- 4) Their application reference number.
- 5) Rights to a review.

All incomplete applications will be cancelled after a period of 28 days, starting on the date the information has been requested. If cancelled, this does not prevent the applicant making a subsequent application at a later date, although in such cases the effective date of registration would not be backdated to the earlier application date. The Council may consider discretion when enforcing this time limit in exceptional circumstances.

The Council may request information or a reference from third parties, for instance an applicant's current or previous landlord.

All applications may be reassessed at any time until a property is let to an applicant.

### **16 and 17 year olds**

Applicants under the age of 18 cannot be granted a tenancy. However, those over the age of 16 are eligible to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

There is an agreed protocol in place for young people to whom the Council owes a statutory duty.

### **Households**

The Council will consider the following people part of the same household:

- Partners – someone an applicant is married to, a civil partner, someone an applicant lives with as if they are married to them or in a civil partnership with them.
- Dependent children (under 18).
- Dependent close relatives (mother, father, brother, sister or child) if the close relative is part of the household in order to receive care (confirmed by Adult Services) and there is no alternative accommodation available to them.
- Carers – a single adult who provides 24/7 live in care for the applicant as part of their household. In these circumstances, the applicant must provide supporting evidence from Children's or Adult Services.
- Foster children, where an applicant is an approved foster or adoptive parent, as verified by Children's Services at the Council only.
- Children who have lived with the applicant but who have been taken into care of the Council, providing that Children's Service confirm that the children are reasonably expected to return to live with the parent within the next three months.

- A child who is the subject of a residence order in favour of the applicant and who is dependent on the applicant.

An unborn child will not be counted for the purposes of determining bedroom eligibility, banding priority or overcrowding. Applications will be determined on the expectant mother's current circumstances. A 'change of circumstances' form and birth certificate will need to be submitted via Housing Online to inform the Council of the safe arrival of a new baby to be added to the household.

The Council may seek confirmation from Children's Services that the child will continue to reside in the household.

All applicants must inform the Council of any relevant changes of circumstances or contact details when they occur. If an applicant has any changes in circumstance or contact details, they are required to submit a 'change of circumstances' form via Housing Online to tell the Council what those changes are. Supporting evidence will need to be uploaded to Housing Online to confirm certain changes, for example a birth certificate for a new baby.

The Council has the discretion to increase the number of bedspaces in a household if required by Children's Services for foster children.

Joint applications will be accepted and will be treated as one application. Joint applications will be accepted from partners only, and will not be accepted from parent(s) and child(ren), siblings etc. The housing need of the full household will be considered in assessing housing need. Please note that applicants are only permitted to be on one application at any one time.

Joint tenancies are normally granted where applicants have a long-term commitment to each other e.g. married and unmarried couples, civil partners. The decision whether or not to grant a joint tenancy is made by the housing provider.

### **Bedroom Standard**

The Council considers that a separate bedroom is appropriate for each of the following members of the applicants household at the point of a grant of tenancy:

- Every adult couple - a partner is someone an applicant is married to, a civil partner, someone an applicant lives with as if they are married to them or in a civil partnership with them.
- Any other adult aged 21 or over.
- An older child of a different sex to their sibling, once they have reached the age of 10.

Any two children of the same sex aged 20 or under are expected to share a bedroom.

Where there are no children under 17 in the household, the property offered is likely to be a flat rather than a house.

In exceptional circumstances, the Council may exercise discretion in applying the Bedroom Standard. For example, where an applicant can only live in independent accommodation if they have a full-time carer, where an additional bedroom is required for medical reasons or because a member of the household is a young carer.

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

Spent convictions are not required to be disclosed and will not be taken into account in assessing that person's eligibility to join the register. The assessment will instead reflect whether there is evidence of any current or past behaviour, regardless of whether a person has been convicted of an offence in the past for that behaviour. The Council will take no account of spent convictions but may have regard to the behaviour which comprised the offence.

## **Fraud or False Information**

It is a criminal offence if a person, in connection with the exercise by the Council of the allocation of housing accommodation:

- knowingly or recklessly makes a statement which is false; or
- knowingly withholds information which the Council has reasonably required that person to give in connection with the allocation of housing accommodation.

The Council may bring a criminal prosecution of this offence, which on conviction could result in a maximum fine of £5,000.

If an applicant has provided false information or withheld information, the Council may remove them from the Housing Register. In addition, where the applicant has been allocated accommodation, civil proceedings may be brought to enable the landlord to repossess the applicant's home.

## **Updating, renewing and withdrawing an application**

All applicants must inform the Council of any relevant changes of circumstances or contact details when they occur. If an applicant's circumstances change, they are required to submit a 'change of circumstances' form via Housing Online to tell the Council what those changes are. Supporting evidence will need to be uploaded to Housing Online to confirm certain changes, for example a birth certificate for a new baby.

Additionally, the Council requires all applicants to renew their application on an annual basis to confirm that they are still interested, and in need of social housing within Wokingham Borough. Renewal is an annual process via Housing Online. Applicants are required to review and accept the terms and conditions as prompted, on or after 1<sup>st</sup> March each year.

Failure to renew an application within 28 days of receiving the renewal notice will result in the termination of the application. If for any reason an applicant needs advice or assistance with completing a renewal form, please contact the Council. Contact information is available on page 28.

If an applicant wishes to withdraw their application or to be removed from a joint application, they can do so by emailing [housingonline@wokingham.gov.uk](mailto:housingonline@wokingham.gov.uk) or calling 0118 974 6000.

If the Council determines that an application must be withdrawn, the applicant will be notified of this decision in writing (last known address) and given the reason(s) for the withdrawal.

Reasons for withdrawal include:

- No response to a renewal reminder.
- The applicant has accepted an offer of accommodation.

- Contact with the applicant is lost.
- The applicant ceases to be eligible.
- The applicant ceases to qualify.

## **Reviews**

Applicants have a right to a review of:

- (a) any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them; and
- (b) any decision as to whether they are eligible or qualify for an allocation.

Applicants must make a request for review in writing within 21 days from the date of the decision. This time limit may be extended in exceptional circumstances. It would be acceptable for the request to be submitted by a representative on the applicants behalf if need be, and in such circumstances, verbal representations can also be made.

Requests for review must:

- Identify the decision under challenge.
- Provide the reason(s) for the request for a review.
- Identify where the applicant believes existing information concerning the application or circumstances have not been properly taken into account.

Requests can also include:

- Any new information which should be taken into account.
- Any new evidence to support the request for review.

The review will be undertaken by an officer more senior to the officer who made the original decision and who has not previously been involved with the application. The Council aims to complete all reviews within 56 days of the request. The applicant will be notified if further time is required to complete investigations. Applicants will be notified of the outcome of the review in writing with reason(s). There will be no further right of appeal against the decision.

## Banding

### Priority between bands

Band	Band Description
One	Most urgent and exceptional need for housing.
Two	Urgent need for housing.
Three	Significant need for housing.
Four	Adequately housed.
Five	Reduced preference.

If an applicant's circumstances fall into more than one band, their application will be placed into the higher of the two bands.

### Priority within bands

Applicants within Bands One, Three, Four and Five are prioritised in order of the date they applied to the Housing Register. If an applicant's band is changed, the date of the new banding award is used to determine priority.

Allocations from within Band Two are not made in date order. Instead, the Council will set and review the priority between the different groups within this band on a quarterly basis and publish a position statement. Applicants within each group within Band Two will then be prioritised in date order of application. When reviewing the priority between the different groups in Band Two, the Council will take into account:

- Sensitive lettings.
- Financial costs to the Council.
- Estate regeneration.
- Management reasons.
- Corporate priorities.
- Other relevant factors.

## Banding Scheme

Band	Criteria
<b>One</b>	<p><b>EXCEPTIONAL CIRCUMSTANCES – MOST URGENT ONLY</b></p> <ul style="list-style-type: none"> <li>• Applicants fleeing domestic abuse who have been assessed as needing to move urgently for the safety and security of themselves or a member of their household.</li> <li>• Applicants with urgent health or disability needs (Medical A).</li> <li>• Applicants with urgent social or welfare needs (Social A).</li> <li>• The applicant’s current property condition presents a serious risk to life or presents an immediate threat of serious injury or a Prohibition Order for a Category 1 Hazard has been placed on the property.</li> <li>• Demolition or Compulsory Purchase Order cases. Decant required (Council stock only).</li> <li>• Exceptional cases as agreed by the Exceptional Circumstances Panel.</li> </ul>
<b>Two</b>	<ul style="list-style-type: none"> <li>• Homelessness applicants who are owed a duty by any local housing authority under S189(B) or S193(2) of the Housing Act 1996 (or under S65(2) or 68(2), Housing Act 1985) or who are occupying accommodation secured by any such authority under S192(3), 1996 Act.</li> <li>• Council care leavers in housing need, with agreement from the Young Person’s Housing Panel and completed tenancy training course.</li> <li>• Move on from non-permanent supported accommodation that is commissioned by the Council, as part of an agreed move on pathway (for example, semi-independent living schemes) following completion of tenancy training course.</li> <li>• Under-occupying by two bedrooms or more under the Bedroom Standard in this policy (social housing only, where the void comes back for re-let).</li> <li>• Overcrowded by 2 or more bedrooms under the Bedroom Standard in this policy.</li> <li>• The applicant’s current property does not present a serious risk to life or an immediate threat of serious injury, but is subject to a Category 1 Hazard, which cannot be resolved within 6 months and poses a considerable risk to the applicant’s health.</li> <li>• A person with an urgent housing need who has ceased or will cease to be entitled to accommodation within the next three months and:             <ul style="list-style-type: none"> <li>○ is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person’s service; or</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.</li> <li>● A person with urgent housing needs who has ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service.</li> <li>● Applicants owed a duty by Adult Social Services under community care legislation who have been assessed by the housing team as being suitable to move into or between independent living settings and have an appropriate support package in place.</li> </ul>
<b>Three</b>	<ul style="list-style-type: none"> <li>● Key Workers (see definition on page 17).</li> <li>● Applicants owed a duty under s.195(2) of the Housing Act 1996 i.e. the prevention duty.</li> <li>● Applicants with significant health or disability needs (Medical B).</li> <li>● Applicants with significant social or welfare needs (Social B).</li> <li>● Property condition is of concern but does not meet the severity threshold required for Band One.</li> <li>● Overcrowded by one bedroom according to the Bedroom Standard in this policy.</li> <li>● Service occupiers.</li> <li>● Members of the regular forces leaving service accommodation through no fault of their own on discharge without dependents, not including those who would fall within Band Two.</li> <li>● Former members of the regular forces with housing need, not including those who would fall within Band Two.</li> <li>● Foster carers with approval from the Council's Children's Services, where there is a need to move to a larger home in order to accommodate a looked after child (max.4 bedrooms).</li> <li>● Under-occupying by 1 or more bedrooms (social housing), including tenancy successors who are required to downsize.</li> </ul>
<b>Four</b>	<ul style="list-style-type: none"> <li>● Part VII applicants who are owed a duty under S190 of the Housing Act 1996.</li> <li>● Private renting and adequately housed.</li> <li>● Social tenant and adequately housed.</li> <li>● Sharing facilities including kitchen and bathroom, and adequately housed.</li> <li>● Council care leavers and those requiring supported accommodation who do not meet the criteria for Band 2.</li> </ul>

<b>Five</b>	<ul style="list-style-type: none"><li>• Owner occupiers.</li><li>• Applicants who have sufficient financial resources.</li><li>• Applicants who have deliberately worsened their circumstances in order to qualify for higher priority (see page 24 for more details).</li><li>• Former tenants who have been evicted for failure to pay rent and/or for breach of tenancy conditions.</li><li>• Out of area applicants who qualified to join the Housing Register under the Council's previous Housing Allocations Policy. This is a transitional arrangement only and does not apply to applicants who join the Housing Register after this policy was adopted.</li></ul>
-------------	---



## Priority Groups

### *Reducing the use of temporary accommodation*

Temporary accommodation can be expensive, disruptive, and present particular challenges for those with children and/or support needs. The Council is committed to reducing the use of temporary accommodation where possible and is exploring a range of measures to reduce placements.

As part of this commitment, the Council wishes to offer homeless applicants (applicants who are owed a duty by any local housing authority under, amongst others, 193(2), 1996 Act, (or under ss.65(2) or 68(2), Housing Act 1985) an incentive not to use temporary accommodation. Therefore, if both the Council and the applicant agree, the applicant's banding priority will be increased by one band on the understanding that no temporary accommodation will be provided. For example, an applicant in Band Three will be placed into Band Two under this incentive. This incentive is not available to those who are not eligible for a temporary accommodation placement.

### *Key Workers*

Each year a number of key worker properties may become available through the Council and Registered Providers. Rent levels for these properties will typically sit at 80 percent of local market rates.

A key worker is a public sector employee who is considered to provide an essential service and is in receipt of an income of £30,000 or less per annum (per person, not per household). Salary threshold to be reviewed and published annually. A local connection to the borough is also required.

Key workers include any of the following:

- Clinical National Health Service staff (except doctors and dentists).
- Teachers and nursery nurses.
- Police officers, Community Support Officers and some civilian police staff.
- Prison officers and some other Prison staff.
- Probation Service staff.
- Professional Carers.
- Social workers, educational psychologists, carers and therapists.
- Local Authority Planners.
- Firefighters.
- Some Ministry of Defence personnel.
- Environmental Health Officers.
- Highway Agency Traffic Officers.
- Support staff without whom the above roles may struggle to function.

On occasion, this definition may be expanded to include those providing an essential service to the local economy and earning under £30,000 per annum per person. Salary threshold to be reviewed and published annually.

Further details on key worker accommodation can be found on the Council's website [here](#).

### *Medical Priority*

An applicant can apply for re-housing on medical grounds by completing an application and providing supporting documentation. The Council will normally make a decision whether or not to

award a priority based upon the information provided. They will use the guidance notes and assessment framework in this appendix to help them make a decision. If the Council is of the view that it would be beneficial to obtain an opinion from a Medical Advisor, or Occupational Therapist, they may request this.

Further guidance on how the Council will assess medical priority is detailed in Appendix 2.

If Medical A is awarded, the applicant will be made an offer of suitable accommodation. Applicants will be prioritised within the band according to the date order of their application.

Medical B is usually awarded to reflect that the household's housing is affected by a medical condition but where the situation is non-urgent. If Medical B is awarded the application will be placed in Band Three unless their other housing circumstances take them to a higher band.

### *Social Priority*

Applicants may be awarded social priority where a household is experiencing hardship due to social factors.

There are two levels of priority.

**Social Priority A:** is reserved for exceptional cases where the applicant needs to move due to severe harassment, severe violence or severe disrepair which is of a life-threatening nature.

If Social Priority A is awarded, the applicant will be placed in Band One.

**Social Priority B:** is awarded where the applicant needs to move urgently for other social reasons, for instance:

- The applicant or a member of their household is subject to persistent harassment which is of a serious but not life-threatening nature.
- In order to give or receive care or support.
- Child protection reasons.

If Social Priority B is awarded, the applicant is placed in Band Three (unless their general housing need places them already in a higher band).

The decision whether to award Social Priority will be made by the Council's Exceptional Circumstances Panel.

### *Move on*

Applicants in non-permanent supported accommodation are placed into Band Two, provided that the following criteria are met:

1. The applicant has been living in supported accommodation in order to meet their need for tenancy related support or an assessed social care need.
2. They are vulnerable due to physical disability, mental health illness, learning disability, substance misuse, or are a care leaver.
3. They are currently living in Wokingham Borough and/or are currently funded by the Council.
4. The applicant has a need to move which is supported by Housing Needs.

5. They have demonstrated their ability to manage a tenancy appropriately, even if there is a need for ongoing support.
6. They do not have rent arrears or a history of anti-social behaviour.

A decision about eligibility for Band Two will be made by the panel.

As part of the Council's corporate parenting responsibilities, Council care leavers who are owed an accommodation duty under community care legislation will be given more than one chance to sustain their social housing accommodation. In such cases, the Council may agree to ignore actions which could otherwise have resulted in an intentionally homeless decision, subject to agreement from the Young Persons Housing Panel.

The Council is willing to consider entering into reciprocal agreements with other local authorities in order to meet the needs of our care leavers and domestic abuse victims. However, this is not a guarantee that such arrangements can be made.

#### *Working households*

The Council will aim to set aside a proportion of properties for working households, to be decided and published annually.

#### *Right to Move*

The Right to Move regulations supports current social housing tenants to move between local authorities in order to take up a job or live closer to employment or training in order to avoid hardship. The local connection test does not apply to existing social tenants 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.

The employment should be long-term (at least 12 months) and should be for at least 16 hours per week. The work must be based in Wokingham Borough, not just requiring the applicant to travel to the borough occasionally. Where an applicant has received an offer of a job, there must be genuine intent to take it up. This does not include voluntary work but does include apprenticeships.

Applicants must provide evidence to confirm employment, and the reason(s) they would experience hardship if they were not able to move into the borough. This may include:

- A contract of employment.
- A formal offer letter.
- Wage/salary slips.
- Bank statements.

The Council will aim to set aside a proportion of properties for this group, to be decided and published annually.

## Reduced Preference Groups

Applicants whose circumstances come under one or more of the criteria below will be awarded reduced preference status and will be placed into Band Five unless the Council agree that there are exceptional circumstances which mean that the reduced preference criteria should not be applied.

### *Applicants who have sufficient financial resources*

Those who have sufficient financial resources to buy a property will not be prioritised. This also applies to those who deliberately deprive themselves of resources (for example, gifting money from the sale of a former home) and those with an interest in a property which has a capital value that can be used to fund accommodation (freeholders and those with a long leasehold interest).

Gross household income (of sole and joint applicants together) will be taken into consideration, including bonuses and/or commission. Depending on the bedroom size needed, working age applicants with total annual income and/or capital above these thresholds will be placed into Band Five:

- Studio/one bedroom need – income of £40,000 per annum or more, capital of £16,000 or more.
- Two bedroom need and above – income of £60,000 per annum or more, capital of £16,000 or more.

These figures will be reviewed annually and published.

Applicants with total annual incomes or capital above these thresholds are deemed to have sufficient financial resources to pay a market rent or buy a home in the borough.

Applicants who are likely to inherit within the next six months will be placed into Band 5 until sufficient evidence has been provided to confirm the inheritance due does not exceed the above thresholds.

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

Any lump sum received as compensation for an injury or disability will be disregarded, for example by a member of the regular forces.

Applicants may be considered as an exception if:

- a) They own or part own a freehold or long leasehold interest in accommodation; and
- b) They are over state pension age or have a substantial disability; and their current home is not suitable for their specific needs and cannot be adapted, and
- c) They have insufficient financial resources to buy accommodation that meets their particular housing needs in the private market despite owning a property or having income or savings above the 'sufficient resources' thresholds set out in this policy.

### *Owner Occupiers*

Applicants who own or part own a freehold or long leasehold interest in accommodation are not prioritised for most social housing and are placed in Band Five. However, this rule does not apply to shared ownership extra care housing where applications from owner-occupiers can be accepted. Owner Occupiers include those who:

- Own or have an interest in residential property including freehold, long leasehold, joint ownership or shared ownership. This includes:
  - Properties owned and rented out to other persons.
  - Properties in the UK or other Countries.
  - Properties owned by a spouse or civil partner
  - Ownership (including a legal right to occupy) of a mobile home, houseboat or accommodation on seasonal holiday parks.

Applicants who have been the owner of a residential property within the last 7 years will be required to provide proof of the proceeds from the sale and of the disposal of the proceeds. If no monies were received from the sale, this will also need to be formally evidenced.

If an applicant has disposed of capital without making adequate housing arrangements, for example, gifting the capital to relatives or friends, they will not be prioritised and placed into Band 5.

### *Unacceptable Behaviour*

The Council may decide that an applicant will be placed into Band Five if satisfied that the applicant, or members of the household, have been guilty of unacceptable behaviour serious enough to make them unsuitable as tenants of social housing. Examples of unacceptable behaviour include:

- Applicants who have been evicted for anti-social behaviour or illegal sub-letting, or are responsible for serious anti-social behaviour or who permit visitors to cause anti-social behaviour.
- Breach of tenancy for nuisance behaviour.
- A conviction for using a dwelling for immoral or illegal purposes, or committing an indictable offence in the dwelling or locality of it.
- Domestic abuse causing a partner or family member to leave the property or loss of an applicant's accommodation due to this.
- Abuse, threats of assaults to a member of staff.
- Rent arrears for their last private tenancy.

An assessment of the facts of each individual application will be made by the Council responsible for the decision to deprioritise. The Council will determine the length of time this will apply for depending on the circumstances of the case.

The Council will be guided by the following considerations:

- 1) The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible

- 2) In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate.
- 3) There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

The Council will specifically consider all the circumstances including:

- a) The seriousness of the applicant's behaviour
- b) The duration of the behaviour and/or the number and frequency of incidents
- c) The length of time that has elapsed since the behaviour took place
- d) Any facts that indicate that there has been no further cause for concern in the last 6 to 12 months
- e) Any relevant vulnerability or support needs that may explain the behaviour
- f) Whether there is meaningful engagement with support agencies
- g) Critically, whether there has been a significant and sustained change in the applicant's behavior, and
- h) Whether they believe on the evidence that the behavior is likely to still reoccur now or at the point a tenancy was offered or commenced

Applicants to whom the rule is applied will be written to and informed that:

- a) The unacceptable behavior rule has been applied to their case and that they will be deprioritized.
- b) What they must do to resolve the problem
- c) It is the applicant's responsibility to notify the Council when they have, in their view, resolved the issue and that they will need to present evidence to back up their view.

#### *Rent Arrears and Housing Related Debt*

When carrying out an assessment, the Council will take into consideration all housing related debts associated with either a current or former tenancy where this relates to any social housing provider in the UK.

Housing related debts include:

- Current or former tenancy rent arrears of a social housing tenancy
- Outstanding re-chargeable repairs
- Current and former housing related service charge arrears
- Bed and breakfast or other temporary accommodation charge arrears for a license or a tenancy
- Housing benefit overpayments for a social housing tenancy
- Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy or temporary accommodation
- Council tax debt
- Any court costs associated with any of the above debts

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

The Council will consider:

- The age of the debt, the reason for not paying the debt and whether the applicant still owes the debt.
- Whether the applicant has taken debt advice and acted on it, and entered into and begun to implement any arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of any payments made.
- The extent of the arrears/debt and whether it is a recoverable debt or a statute barred debt.
- Whether there are exceptional circumstances for the debt and/or for it not being repaid.

After applying the above procedure, it may be decided that the applicant will be placed into Band 5 until the matter has been resolved to the satisfaction of the Council. The applicant will be informed of the steps they need to take to resolve the debt in order to have their banding reviewed.

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

#### **a) Applicants with debts of £500 or more who have not made any arrangement to address the debt**

Applicants with debts of £500 or more who have not made any arrangement to address the debt will be placed into Band 5 unless the circumstances surrounding the debt are exceptional and the assessment concludes that there is no real risk of future non-payment.

#### **b) Applicants with debts of £500 or more who have made any arrangement to address the debt**

Applicants will not be deprioritised if they have maintained a payment arrangement for at least 13 weeks and have either:

- Repaid at least £375; or
- Repaid at least 25% of their original debt

It is accepted that the creditor to whom the debt is owed may wish to see that a longer period of repayment is kept to. Where this is the case, any requirement by the creditor to whom the debt is owed does not prevent an applicant from receiving an offer of accommodation from another housing provider.

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

Applicants with debts of £1-£499 will not be deprioritised, unless there is clear evidence of a future risk of non-payment. Clear evidence of a future risk could include factors such as:

- a) A long history of housing debt
- b) A long history of poor rent payments and
- c) A long history of breached payment arrangements.

Where such evidence exists, the applicant will be placed into Band 5 until there is evidence of rehabilitation. Evidence of rehabilitation could include factors such as:

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

Applicants who are placed in Band 5 for a housing related debt of £500+ should notify the Council immediately when they have either repaid at least £375 or repaid at least 25% of their original debt, so that their application can be reviewed.

The only exceptions to this rule are applicants who can demonstrate that their circumstances are exceptional and that they would face serious hardship or risk through being deprioritised. An exception may be considered where, for example, an applicant has a good payment history with a debt resulting from a one-off incident or problem such as relating to Universal Credit, or where a tenant had to flee domestic abuse and in consequence a subsequent debt built up for their tenancy.

#### *Deliberate Worsening of Circumstances*

The Council will assess the applicants housing need. If there is evidence that an applicant has knowingly acted to try and increase their priority for housing, (when there was an alternative option which would not have resulted in a higher priority), then the Council may place the application into the appropriate band as though the deliberate act had not occurred.

Examples of deliberate worsening of circumstances include:

- Selling a property that is affordable and suitable for the applicant's needs.
- Moving from a secure Assured Tenancy to insecure and/or overcrowded accommodation without good reason.
- Moving from suitable accommodation in the private sector to unsuitable accommodation (for example, overcrowded or unaffordable).



## Offers of Accommodation

### Offers

This section sets out the procedure that will apply to making an offer of accommodation. The property offered must be the appropriate size for the household's needs at the time of making the offer.

For Council homes: if an applicant does not reply to an invitation in writing, by letter or email or text, to view a property within 5 working days of receiving an offer then the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.

For Registered Provider (housing association) homes: the provider will contact the applicant. The Registered Provider will advise the Council if they have not been able to contact the applicant. If an applicant is deemed not to have responded within five working days, then the offer will be deemed to have been refused and the property will be offered to the next applicant on the shortlist who qualifies for that offer.

### Withdrawals

In certain situations, the offer will not be made or if made may be withdrawn if:

- The applicant has become ineligible or has ceased to qualify for an allocation.
- On verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant, or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.

There may be exceptional circumstances when, following a viewing or notification of offer, an offer may still be withdrawn. This can be done up to the point when a tenancy agreement is signed. Examples of reasons when a property offer may be withdrawn are:

- The property is not suitable for the households needs.
- The property fails to become available.
- Anti-social behaviour.
- Information has been withheld or is fraudulent.
- The household or member of the household has a property related debt.
- The offer has been made in error.
- The household's circumstances changed.
- The property is required for an emergency.
- The rent would not be affordable.

If a decision is taken to withdraw an offer, the applicant will be provided with the reason(s) for this by either the Council and/or the Registered Provider.

Offers of semi-independent living, supported and extra care properties will be made in conjunction with Children's and or Adult's Services as required.

Offers made to applicants in Band One and Band Two are not required to be within an area of choice. For offers to applicants outside of Band One and Two, the Council will endeavour to make an offer within an area of choice. However, taking account of the availability of accommodation in the area/s chosen, this may not be possible.

## **Refusals**

If an applicant refuses a reasonable offer of accommodation within an area of their choice that is suitable for their bedroom need, their application will be removed from the Housing Register. This is to ensure that the Council is able to prioritise those applicants in most housing need. Applicants will be eligible to apply to join the Housing Register again once a period of no less than twelve months has passed.

The refusal of an offer of the correct size and type of home, and within an area of choice, will normally be considered unreasonable.

Guidance on reasonable and unreasonable refusals:

### *Property size*

The Council allocates homes according to bedspaces required. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they record any change in their circumstances that will affect the number of bedrooms to which they are entitled.

### *Property type*

A dislike of the property type will not be considered a reasonable refusal. Therefore, an applicant cannot reasonably refuse an offer because for example, the property is in a block, the property does not have a garden or a particular heating system, it is on a wrong floor, offers open plan living, or does not have a lift. If the applicant states medical and/or social grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the Council.

Where supported accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) Offers of wheelchair standard housing to households which do not have wheelchair users.
- b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy.
- c) Offers of sheltered housing where the applicant is not of the appropriate age according to this allocations policy and the policy operated by the Registered Provider if applicable.

### *Property condition*

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the Council or Registered Provider decides to withdraw the property from letting for further works to be carried out.

### *Area of choice*

Area of choice options will not apply to applications in Band One or Two. Nor will this apply to applicants that have been assessed as being statutory homeless and are owed any of the statutory homeless duties detailed above.

### *Choice of landlord*

An applicant cannot choose whether they are rehoused by the Council or by a Housing Association or a specific Housing Association. Therefore, any refusal of a Housing Association property because, for example, there is no Right to Buy, or Right to Acquire, or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

### *Pets*

A pet is not reasonable grounds for refusal. Assistance dogs are excluded from this.

### **Exceptional Circumstances**

There may be circumstances where, for urgent operational, legal or financial reasons, there is a need to make an offer of housing outside of the criteria set out in this policy.

Such occasions may include:

- Supported housing under the care of the Council.
- Extra care accommodation.
- Exceptional circumstances, e.g. urgent operational or financial reason, safeguarding or high risk cases.
- A disproportionate impact on a protected characteristic has been identified.

Examples include but are not limited to:

- Situations where urgent re-housing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.
- Where there is an evidenced threat to life in the area in which an applicant currently lives.
- Council tenants in emergency cases whose homes are damaged by fire, flood or other disaster.
- If an applicant is not being realistic in the areas they select, and as a result they may be occupying a temporary accommodation unit that may be needed for another newly presenting homeless applicant.
- Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.

In such cases, an Exceptional Circumstances Panel will be convened to determine the allocation of accommodation in order to meet the needs of applicants and in order to make the best use of stock in the borough. In the event that a final determination is needed by the Exceptional Circumstances Panel, the Assistant Director for Neighbourhoods and Communities will make a final decision in respect of allocations.

## How to contact us

### **Contact us:**

If you have any queries or require any help, please contact us.

Call: 0118 974 6000

Visit our Housing Online website:

<https://www.wokingham.gov.uk/housing-and-tenants/housing-needs/register-for-council-housing/>

General enquiries email:

[housing.needs@wokingham.gov.uk](mailto:housing.needs@wokingham.gov.uk).

Housing Online/housing applications email:

[housingonline@wokingham.gov.uk](mailto:housingonline@wokingham.gov.uk).

## Appendices

### Appendix One – assessing medical priority

This appendix provides further detail to explain how the Council will make a decision on whether medical priority should be awarded.

Applicants will be asked for information and any supporting documentary evidence, regarding how their health or welfare are affected by their current home, or why the applicant's health cannot be managed in their current accommodation.

On receipt, the Council will consider whether any supplementary information is needed from any other relevant professional, who may be able to explain the impact the applicant's current accommodation is having on their medical condition or disability.

While this information is being provided, and pending the assessment of medical priority, eligible and qualifying applicants who have another statutory housing need will be registered and placed in a band according to that need. Where no other housing need exists, the application will remain as pending until any medical priority is determined

The Council will normally make a decision based upon the information provided. They will use the guidance notes and assessment framework in this appendix to help them make a decision.

If the Council is of the view that it would be beneficial to obtain an opinion from an Independent Medical Advisor, or Occupational Therapist they will make a referral. A Medical Advisor will not normally be asked to carry out a medical examination and their opinion will be based on the information provided by the applicant and any supporting information from a medical professional and any information submitted by any organization supporting the applicant.

Applicants are not required to provide any medical evidence in support of their application before an assessment is made, although where this is available they should provide it in support of their case.

Where the Council believes that further medical information is required before they can make an assessment, they may request it from a relevant medical professional dealing with the applicant. The Council will consider evidence regarding the impact of an applicant's current housing circumstances on any medical condition or disability.

Medical priority will not normally be awarded in the following circumstances:

- a) Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied.
- b) Health problems that are not affected by housing or cannot be improved by moving.
- c) Where a move would only make a marginal improvement to the applicant's condition.
- d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- e) Where another reasonable course of action is available to the applicant to resolve their difficulties.
- f) Time-related medical problems (e.g. pregnancy-related problems or a broken leg).
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).

- h) Overcrowding not impacting significantly on the applicant's medical condition. (Note under the policy an applicant may receive priority separately for being overcrowded).
- i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Applicants who require support to live independently with their medical condition will be placed in a priority band for their medical need. However, if no appropriate support package has been agreed, the applicant will not be offered accommodation whilst a support plan/package is pursued.

Each individual on the application with a medical condition or a disability will be assessed. The application will be awarded priority appropriate to the severest disability.

Where an applicant has been awarded Medical A or Medical B this will be reviewed on a regular basis to ensure the award is still relevant. The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, an email, or a home visit.

Once the assessment has been completed the applicant will be notified in writing of the outcome and if a priority band is awarded what that band is.

Where an applicant already registered notifies a change of medical circumstances that are impacted by their current housing the applicant's priority will be re-assessed using the same process.

This section below provides examples of when Medical A or Medical B could be awarded. These are just examples and an assessment will be made on the facts of each case.

**Medical A: Covers urgent and immediate medical impact problem**

Medical A will be reserved for exceptional cases where an applicant's health is seriously at risk (including a risk to life) due to the associated medical and housing difficulties that are inherent in their existing accommodation.

**Medical B: Covers serious medical impact problem**

Medical B also reflects urgent medical impact cases that have a clear relationship with the applicant's existing housing circumstances.

The following list sets out some of the circumstances that may qualify for an award of priority banding:

- a) An applicant's inability to manage stairs, control temperature, etc.
- b) Where an applicant is confined to their existing accommodation due to the physical nature of that accommodation
- c) Where an applicant's accommodation is having a significant or urgent impact or is causing an applicant's mental or physical health to deteriorate.
- d) An applicant's restricted ability to fend for him/herself in the accommodation which may put them at significant risk due to the physical nature of the accommodation
- e) The need for adapted housing and/or extra facilities
- f) The need for sheltered or supported housing due to the impact of their current housing on a medical condition.
- g) The need for alternative housing as part of a care plan

When assessing whether to award Medical A or Medical B, the Council will follow the 5-stage process set out below:

1. Is the medical/disability issue serious enough for a priority banding to be considered?
2. If the medical condition is serious enough for a priority banding to be considered the Council will then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e. on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or Occupational Therapist) the Council accepts that the applicant's current housing accommodation/circumstances is making their medical condition substantially worse, or will make it worse.
3. In practical terms the Council should consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of band 1 or band 3 priority should be granted under the criteria adopted for the policy. The examples listed for an award of Medical A or Medical B should be used to guide the Council when making this decision.
4. Before making an award the Council needs to be satisfied that there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
5. If the Council is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved they would then decide whether to award Medical A or Medical B depending on the severity of the impact and using the examples below to guide them.