

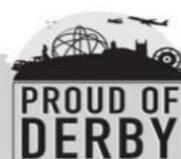


Derby City Council

# Derby City Council Allocations Policy 2020-25

## Document Control

Implementation date	
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## **Policy Purpose**

This document contains details of the scheme that Derby City Council uses in deciding between competing applicants for housing as required by s166A Housing Act 1996.

The Allocations Policy explains how the council records, collects and takes account of individual needs and requirements in order to allocate housing to those that need it most.

The policy does not discriminate against any person on the grounds of race, gender, sexuality, age, class, appearance, religion, responsibility for dependents, unrelated criminal activities, or any other matter which causes a person to be treated with injustice.

It applies to:-

- Existing tenants who want to transfer from one tenancy to another
- New applicants
- Nominations to Registered Providers

## **Context**

At the end of March 2020, the Council and registered providers of social housing had a combined housing stock in Derby of around 20,000 properties.

On average 3000 citizens join the housing register each year.

At the end of March 2020, there were 7584 applicants on the housing register with an identified housing need. Of those, 4369 had placed a bid in the last 12 months.

Between April 2019 and March 2020, 920 properties become available to allocate to those registered on Homefinder and in housing need.

With such high demand for social housing, applicants with low levels of housing need have little realistic prospect of receiving an offer of social housing in Derby.

The period of time it takes for a household to receive an offer of a property will vary due to:

- the available stock at any one time
- the type/size of property needed
- the number of people applying for homes during that period
- the level of priority that applicants have been awarded.

The Council recognises that it will never meet the demand for affordable rented accommodation in the city solely through use of its own housing stock, or through registered providers of social housing. In addition to applying for properties through the allocations process, the Council will also direct customers to our Mutual Exchange service, for those wishing to move from existing tenancies, and across city boundaries.

The Council will encourage applicants to explore all options for housing open to them, whilst making the best use of the limited properties that become available in social housing.

## **Objectives**

The objectives of the policy are to:-

- Identify and support those people in the greatest housing need.
- Ensure that the Council's legal duties are met;
- Make best use of the housing stock and signpost all available housing options to applicants;
- Support the Council and its strategic priorities
- Prevent people from becoming statutory homeless;
- Minimise the number of properties refused by applicants and ensure properties are let as quickly as possible
- Enable applicants to be informed of vacancies which arise and express an interest.

## **Data Protection and Freedom of Information**

The Council recognises that applicants for housing provide personal and sometimes sensitive information.

The Council undertakes to treat personal data with care and respect, and in particular it will:

- a) hold, retain and dispose of all information in accordance with current legislation
- b) keep personal information secure and restrict access to it
- c) enable applicants to have access to their own information unless it is exempt under the Freedom of Information Act 2000, and to correct any inaccuracies.

## **Statement on Fraud**

The Council will require applicants to produce specified identification documents (including photographs) and may check the accuracy of information submitted in support of the application. This is to deter and detect fraud and ensure that housing is allocated to those who are entitled to it.

Where investigations identify that a housing fraud has been committed we will take appropriate and proportionate action which may include the following:

- a) application for possession of any property obtained, retained or used fraudulently
- b) recovery of any monies obtained as a result of the fraud e.g. rent paid tenants to who the property is unlawfully sub-let;
- c) exclusion or, deferral from, or demotion on the waiting list for accommodation;

- d) report to the Police for criminal investigations and action, or where applicable, conduct relevant investigations as potential prosecuting authority; and
- e) offer advice and assistance to other victims of the fraud, for example a person who has unknowingly paid rent to a tenant who has unlawfully sub-let their council tenancy to them.

To deter those who may be considering committing a housing fraud we will publicise details of any actions we will take to counter fraud, details of cases where action has been taken and encourage members of the public to report fraud through all appropriate media and communication channels.

## **1. The legal framework for allocating social housing**

- 1.1 The way that a Local Authority allocates empty properties is largely governed by various Acts of Parliament and also the outcome of cases that have been before the Courts. The Council also takes account of Government guidance concerning allocations which are published from time to time.
- 1.2 Part 6 of the Housing Act 1996 as amended governs the allocation of local authority housing stock in England; it was substantially amended, with effect from 31 January 2003, by the Homelessness Act 2002, by the Localism Act 2011 and more recently the Homeless Reduction Act 2017.
- 1.3 Section 167 (1) of the Housing Act 1996 as amended requires every local housing authority to have a scheme for determining priorities, the procedure to be followed and for allocating housing accommodation
- 1.4 Section 167 (2) states that the scheme has to include a statement on the policy of the Council when offering people who are to be allocated housing accommodation a choice of housing accommodation and the opportunity to express preferences about the housing accommodation that is offered to them.
- 1.5 Within this policy we are also required to give regard to the Councils homelessness strategy & tenancy strategy, of which a copy can be viewed at [www.derby.gov.uk/council-and-democracy/councillors-democracy-elections/policies-and-plans/housing-strategies/](http://www.derby.gov.uk/council-and-democracy/councillors-democracy-elections/policies-and-plans/housing-strategies/)
- 1.6 This is our full allocation policy document. Section 168 of the 1996 Act requires authorities to publish a summary of their allocation scheme and to provide a copy of the summary (free of charge) to any member of the public who requests one. Our summary document can be found at [www.derbyhomes.org/allocationspolicy](http://www.derbyhomes.org/allocationspolicy)
- 1.7 The Allocation Policy explains the rules that set out how the Council, through Derby Homefinder Landlords, allocates social housing properties. It applies when we:
  - a) select a person to be a secure or introductory tenant of the Council;

- b) nominate a person to be a secure or introductory tenant of housing accommodation held by another person; or
- c) nominate a person to be an assured tenant of housing accommodation held by a private registered provider of social housing or a registered social landlord

1.8 The Policy does **not** apply to:

- a) assignments
- b) successions
- c) mutual exchanges
- d) Private Rented Sector offers and incentives

## 2. **Application process**

- 2.1 Applications will normally only be accepted via the Homefinder online application form <https://www.derbyhomefinder.org/> . An initial assessment will be undertaken based on the information provided on the application. Prior to any offer of accommodation evidence will need to be provided of all circumstances declared and residency details on the application at that time.
- 2.2 All applications will be checked to ensure the accuracy of the information provided by an applicant. The application must set out in full all persons who will be residing within any future property allocated under this policy and must provide any proof or documentation requested in order to assist with this purpose.
- 2.3 Applicants must also include any former names of any persons included on the application. Checks will be carried out at the time of an offer of accommodation/allocation to ensure that an applicant and their household circumstances have not changed. Failure to provide such information or to make bids could lead to an application being closed after 6 months.
- 2.4 Joint applications will be accepted from married or cohabiting couples including same sex relationships providing that each partner is eligible in their own right to access the housing register.
- 2.5 Extended household members or others will not normally be included on the application in their own right unless there is parental responsibility or there are medical or social grounds which require that the household needs to live together.
- 2.6 Applicants must be able to demonstrate such a need exists and must provide any proof or documentation requested by the Council to assist with this purpose. These checks will also be carried out at the time of an offer of accommodation/allocation to ensure that an applicant's circumstances have not changed.
- 2.7 Help with completing the application form will be made available to anyone who requests it, by contacting the Homefinder & Registration team at Housing Options.

### **3. Statement of choice**

- 3.1 The Council offers available properties through a choice-based lettings scheme called Derby Homefinder. This aims to give customers a choice in where they live, as applicants are able to choose which properties they want to bid for. We will however seek to make best use of available housing stock complying with all relevant legislation.

### **4. Housing providers working together**

- 4.1 The Council and most of the Registered Social Landlords, also known as registered providers, who have homes to rent in Derby, are working together as Derby Homefinder Landlords. Council owned properties are managed by Derby Homes.
- 4.2 All allocations through Homefinder will be made in accordance with this Policy and must be followed by all registered providers, although some local variations may be allowed in certain circumstances. A local variation will only be allowed with the express consent of the Council in writing.
- 4.3 The Derby Homefinder Landlords are:
- Action Housing
  - Affinity Sutton
  - Derby Homes
  - Derwent Living
  - Friendship Care and Housing
  - Guinness Northern Counties
  - Metropolitan
  - Nottingham Community Housing Associating
  - Raglan Housing Association
  - Riverside Group
  - Salvation Army Housing Association
  - Tuntum Housing Association
  - Sage Housing
  - Futures Housing Group

In order to join the Housing Register applicants must be both an Eligible and Qualifying person.

### **5. Access to the Housing Register – Eligibility**

- 5.1 The Housing Act 1996 as amended restricts access to the Housing Register for certain people if they are subject to immigration control, or with limited rights of residence or have failed the habitual residency test access to the housing register, as well as some European nationals depending on their residency and/or employment status.

5.2 The regulations are updated by Parliament from time to time, and the Council will consider any housing applicants housing eligibility under the law as it stands when the application or allocation is made.

## **6. Access to the Housing Register – Qualifying Person**

6.1 The Council will only allocate properties to those who it defines as being qualifying persons within the parameters of s160ZA of the Housing Act 1996.

In order to be a qualifying person applicants must:

- Be 18 years and over, or a care leaver
- Have an identified housing need
- Have a local connection
- Not own their own home, except those people over 60, who are eligible for supported housing
- Have less than £75,000 in savings including stocks and shares
- Have a gross income of under £35,000 per annum if single and under £60,000 per annum if a family, excluding disability living allowance or personal independence payment
- Have not been excluded from Derby Homefinder within the last 6 months
- Be able to live independently or with support
- Not have current or previous tenant related debt, unless the applicant is making regular payments and/or have paid a substantial amount of the outstanding balance
- Not have participated in behaviour serious enough to make him or her unsuitable to be a social housing tenant
- The applicant has not made their own housing circumstances worse in the last six months (unless the applicant is owed a duty under section 190 of the 1996 Housing Act as amended by the Homelessness Act 2002).

## **7. Local Connection - in more detail**

7.1 To qualify for local connection and be allocated a Derby Homefinder property, applicants must:

- Have lived in Derby for six out of the last 12 months or
- Have lived in Derby for three out of the last five years or
- Work in Derby. Applicants who have permanent work in Derby have an immediate local connection.
- Applicants who have temporary or casual work establish a local connection after six months of work in the city.
- Have an immediate family member (grandparent/parent /child/brother/ sister), with whom they are in close contact, living in Derby and have lived in Derby for the last six months.
- Applicants who's corporate parent was Derby City Council and who now live outside of the City.

- Be able to provide proof that they have a local connection with the city.
- Other local connection circumstances (see section 7.4)

## 7.2 Working in Derby

- If someone claims a local connection under the work rule, their current employer is required to provide written proof confirming their length of employment.

## 7.3 Family connection

- If someone claims a local connection under the family rule, they will need to provide proof to confirm the family connection and residency requirement, along with consent for us to contact the family member.

## 7.4 Other local connection circumstances

These circumstances include:

- applicants who have been accepted by Derby City Council under the homelessness legislation
- applicants who have been accepted for priority re-housing as a reciprocal arrangement with another local authorities
- HM Armed Forces applicants through Section 315 of the Housing and Regeneration Act (2008) who have established a local connection with Derby before they joined the services & the Allocation of Housing (Qualification Criteria for Armed Forces Personnel) (England) Regulations 2012 (SI 2012/1869), which came into force on 24 August 2012
  - a) Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
  - b) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
  - c) Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

- Refugees who have been granted leave to remain and have been dispersed into the city
- Applicants who are people leaving in the care of the Council who have been placed outside Derby but are the responsibility of Derby City Councils Children and The Young People Department
- Applicants who have been accepted from outside Derby as part of a witness protection recommendation
- Applicants from outside Derby who are victims of domestic abuse who cannot return to the area where they were living for fear of abuse
- People who had a local connection to Derby at the time they were placed in temporary accommodation outside the city boundary by a recognised referral agency
- People who need to get access to health or support services or support networks that are only available in the city - for example, the Royal School for the Deaf

#### 7.5 **What does not give someone a local connection?**

- living in bail hostels or approved premises
- occupying a mobile home, caravan or motor caravan which is not placed on an official mobile home or caravan park
- Hostel residents from outside Derby who have not lived in Derby for six months
- Students whose main residence is outside the city
- Patients in Derby Hospital wards but their main home is outside the City

### **8. Tenancy Related Debt – in more detail**

8.2 The council will consider individual circumstances surrounding tenancy related debt, particularly where under occupation charges apply.

### **9. Suitability for Social Housing – in more detail**

9.1 Applicants may be excluded from the Housing register if the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the authority.

Examples of serious unacceptable behaviour may include:

- if the applicant or a member of their household has previously been evicted due to anti-social behaviour
- the applicant, or a member of their household, has been convicted of a violent or sexual offence, an offence against property, supplying drugs or production with intention to supply drugs, where the offence was indictable and committed within the locality of the property within 12 months
- the applicant or member of their household has, within the last 12 months, breached the terms of a Crime or Anti-Social Behaviour Injunction (i.e. new civil

injunction obtained in circumstances where an applicant has been guilty of conduct capable of causing a nuisance or annoyance)

- the property has been closed as a result of a magistrates' court granting a closure order for more than 48 hours
- the applicant or member of their household has been convicted by the magistrates' court for breaching a noise abatement notice

## **10. People who have made their own housing circumstances worse – in more detail**

10.1 People who have made their own housing circumstances worse in the last six months (unless they are owed a duty under section 190 of the 1996 Housing Act as amended by the Homelessness Act 2002).

Examples may include:

- abandoning a previous tenancy
- moving to new housing that we assess is worse than the applicants previous housing without good reason
- moving out of a property when housing advice has been provided for the applicant not to move
- selling a property or giving notice on a tenancy without getting other housing first
- moving from an adapted to an un-adapted property despite still needing adaptations

## **11. Reasonable Preferences – in more detail:**

11.1 The Housing Act 1996, as amended, states that when determining priorities under the allocations policy, the council must give reasonable preference to certain categories of people. In addition the council may define other groups of people to receive reasonable preference.

11.2 **Statutory Reasonable Preference groups:**

- People who are Homeless as defined in Part 7 of the Housing Act 1996
- People living in overcrowded housing, unsatisfactory housing conditions or insanitary conditions
- People who need to move on medical or welfare grounds
- Where it is unreasonable to remain in current accommodation, due to exceptional financial hardship
- HM Armed Forces
- In Urgent Need of Housing

### 11.3 **Derby City Additional Reasonable Preferences groups:**

- Category one hazard under the statutory Housing, Health and Safety Rating System
- People who need to move on welfare grounds
- At serious risk of harm
- Under occupying bed spaces
- Social Housing tenant and no longer need the adaptations in their home
- Moving out of specialist supported housing
- Community contribution
- Corporate initiative
- Foster Carers and Adopters
- Care Leaver

11.4 Within Additional Reasonable preference groups, the Council can decide to award further additional priority to certain groups, resulting in placement within the Corporate Needs or Priority Need bands.

## 12. **Derby City Housing Need Bands – in more detail**

12.1 We will place applicants in one of three bands. These are:

- Corporate Needs Band
- Priority Needs Band
- General Needs Band

12.2 We expect all properties to be allocated to those with an identified housing need. In the unlikely event that we are not able to allocate to applicants with a housing need, they will be advertised on an Open to All basis.

12.3 **Corporate Needs Band-** This band reflects the key corporate priorities of the City council.

The following groups of people will be placed within the Corporate Need Band:

- **Care Leavers** - Those young people aged between 17 and 25 who are or have been looked after by the local authority.
- **Move on from Specialist Supported Housing** - Those who are living in approved specialist supported accommodation and have been assessed as ready for independent living
- **Severe Medical** – Those whose current housing situation is having a significant detrimental impact on their medical condition. Examples may include:
  - a) Those who are currently in Hospital or residential rehabilitation centre and who cannot be discharged as their current property is no longer suitable

- b) To prevent admission into hospital or other care facility
- c) Those who require property adaptations where it is not feasible or cost effective to carry these out to the current property
- d) Those who are housebound due to current accommodation
- **Significantly Under Occupying** – Those who are living in a property and have 2 or more bedrooms that are not occupied and are willing to move to a smaller property
- **Releasing Larger Properties** – Those who are living in a property with four or more bedrooms and have one or more bedrooms that are not occupied and are willing to move to a smaller property
- **Severely Overcrowded** - Those who are living in a property and are lacking 2 or more bedrooms.
- **Foster Carers/Adopters** - This would include foster carers, those approved to adopt, or those being assessed as likely to be approved for fostering or adopting, who need to move to a larger home in order to accommodate a looked after child or a child who are/were looked after by the local authority Derby City Council.
- **The applicant is a tenant of a Derby Homefinder landlord and no longer need the adaptations made to their home** - For example, the person who the adaptations were for no longer lives at the property

#### 12.4 **Priority Needs Band**

The following groups of people will be placed within the Priority Needs Band:

- **People who are Homeless or Threatened with Homelessness** - As defined by the Homeless Reduction Act 2017
- **People living in overcrowded housing** - Those who are living in a property and are lacking 1 bedroom.
- **Who need to move on medical or welfare grounds** - Those whose current housing is having a detrimental impact on their condition examples of a need to move on medical grounds may include
  - a) Those who need to move to give or receive care
  - b) Those who need an adapted property and/or extra facilities, bedroom or bathroom and those needs would not be better served by adapting their current accommodation
  - c) Those who need ground floor accommodation (on medical grounds)
- **Where it is unreasonable to remain in current accommodation, due to exceptional financial hardship** -

- a) Those who are subject to the under occupancy charge and cannot afford the shortfall in rent.
- b) Those who cannot cover the cost of rent and other essential bills following a financial assessment
- **HM Armed Forces –**
  - a) The applicant has served or is a bereaved spouse or civil partner of someone who has served in the armed forces in the last 5 years and they need re-housing
  - b) Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge.
  - c) Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
  - d) Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- **In Urgent Need of Housing** - People living in a property that Derby City Council has assessed as a Category One Hazard under the Housing, Health and Safety Rating System
- **People living in unsatisfactory housing conditions or insanitary conditions -**
  - a) Poor internal/external arrangement – includes where the only bathroom is accessed through a bedroom
  - b) Lacking a bathroom/kitchen – could be awarded to those who are living in non-residential buildings (sheds/garages etc) or those in B+B for example
  - c) Lacking inside WC – where only WC is accessed externally
  - d) Lacking Hot/Cold Water, Lacking Gas/Electric or Inadequate Heating – Derby City Council has assessed that the applicant is lacking cold or hot water supplies, electricity, gas, or adequate heating and these services cannot be supplied or reinstated
  - e) Sharing Facilities - Sharing a living room, kitchen, bathroom/WC with people who are not family and not moving with the applicant.
- **The applicant, or a member of their household, are at serious risk of harm in their present home** - this may include victims of domestic violence, serious racial harassment, serious anti-social behaviour or harassment, violence from outside the home and victim of serious crime
- **Homeless Applicants in Priority Band – Final Offer**

- If, within one month of being owed a main duty under the Homeless Reduction Act 2017 and have not been successful in obtaining accommodation, the Council will make one final offer of suitable housing.
- This may not be social housing and may be in the private sector. We will always try to take account of the preference of the applicant for an area and type of property but, due to high housing demand and a lack of supply, this may not always be possible.
- We will make any final offer in writing, and state that it is a final offer, and that it discharges our homeless duty.
- If an applicant feels that a final offer property is not suitable, they may ask for a suitability review of the offer. Suitability reviews can be requested whether or not the applicant accepts the final offer.
- If an applicant refuses a final offer of housing and the Council concludes it was reasonable, the Council's main housing duty will end, and the application will be reassessed and moved to an alternate band.

## 12.6 General Needs Band

The following groups of people will be placed within the General Needs Band:

- **Under occupying by one bed space** – The applicant lives in Derby and is a tenant of a Derby Homefinder landlord or of a private landlord and have one bedroom that is not use and want to move to a smaller property
- **Community Contribution** - This need will only be awarded if the applicant is eligible for another need under this policy
  - a) The applicant is employed and have been for the last 6 months
  - b) The applicant is a volunteer and have been for the last 6 months (continuously) for a charity or a not for profit organisation
  - c) The applicant gives unpaid care and support to a vulnerable person who lives in the community
- **The applicant needs to move to take up or remain in employment, education or training opportunity** – Statutory Right to Move for social tenants who need to move to take up a job or live closer to work
- **Homeless and duty ended** – Those who have refused a suitable offer of accommodation from within the **Priority Band** and will not be awarded any further additional housing needs due to this

### **13. How we advertise properties on Derby Homefinder**

- 13.1 Properties will be advertised daily on Derby Homefinder for six days; this is called the advertising cycle. During the advertising cycle, the applicant can express an interest in up to three properties.
- 13.2 The Derby Homefinder Landlords are responsible for describing and labelling their properties on Derby Homefinder. Each property will be advertised with the property criteria and details.
- 13.3 Whenever a property is advertised on Derby Homefinder, the advert will explicitly state the property criteria. The property criteria will be used for two purposes:
- to determine whether or not the applicant is entitled to express an interest in the property
  - to help determine priorities between applicants entitlement to the property
- 13.4 Applicants will not be able to express an interest in properties if they are advertised to a different Band. For example, if the applicant is placed in the Corporate Needs Band, they will not be able to express an interest in properties advertised solely to the General Needs Band.
- 13.5 Applicants will not be able to express an interest in properties which are considered to be too large or smaller for their need of the correct size and type for their household. The size and type of property we normally offer will depend on the size of the applicant's household. This is only a **general** guide.

### **14. Determining priorities**

- 14.1 Derby Homefinder Landlords will occasionally advertise properties with a view to achieving particular objectives. In such circumstances the advert will state that priority will be given to applicants that fall within certain categories. For examples, priority may be given to applicants:
- who are currently under-occupying social housing
  - with a Community Contribution need
- 14.2 **Community Safety**
- 14.3 We will carry out a risk assessment of applicants with a specific offending history when they first apply and also at the time of any potential offer for what we consider a specific offence.
- 14.4 If the applicants application leads us to believe there are risks for community safety or we assess it is detrimental to the applicant, we may refuse the applicant housing in certain areas and we may not consider the applicant for properties the applicant has bid for.

## **15. How the council Allocates Properties – in more detail**

- 15.1 Due to the limited supply of social housing we will allocate available properties to the Corporate Needs Band, Priority Needs Band & General Needs Band on a percentage basis. This will be reviewed every 6 months but may be sooner if there is a need to respond to emerging issues.
- 15.2 The Council, in consultation with the Derby Homefinder Landlords, reserves the right to change the percentage of properties allocated to the Corporate Needs Band, Priority Needs Band & General Needs Band to meet housing demand within the city.
- 15.3 Generally, once a property has been advertised on Derby Homefinder, we will prioritise the applicants that have bid for the property according to their:
- suitability for the particular property
  - band
  - length of time on the Housing Register
- 15.4 Derby Homefinder Landlords may prioritise allocations through local letting policies. These will be clearly displayed in all adverts. As an example of this Local Lettings Policies may prioritise Local Connection, those who are in Education or Employment or may seek to restrict certain groups.
- 15.5 Derby Homefinder Landlords may prioritise allocations to make best use of available housing. As an example of this, Homefinder Landlords may seek to maximize the full use of all bedrooms.

## **16. Property details**

- 16.1 To help applicants choose the properties that would best suit their needs, we will advertise all properties with details of size, type, location and features. The adverts will also include:
- which Derby Homefinder Landlord owns the property
  - weekly rent and any other charges
  - the closing date for applicants to express an interest
  - other available information on the property, for example if pets are allowed

## **17. Guide to size/type of property and size of household**

- 17.1 From April 2013 the Government implemented an under-occupancy charge contained in the Welfare Reform Act 2012 whereby tenants living in social housing with rooms deemed "spare" are subject to a reduction in Housing Costs within Universal Credit payments.
- 17.2 Before expressing an interest in a property, we will need the applicant to demonstrate the property is affordable which may include a financial assessment.

- 17.3 If the applicants rent is going to be paid as part of a Universal Credit payment, Derby Homefinder landlords may assess the affordability of the property. In instances where it is deemed unaffordable this may result in the applicant being by-passed for a property the applicant has expressed an interest in.
- 17.4 If the applicant can provide evidence that the applicant can pay for a property with an extra bedroom the applicant may be able to express an interest in a larger property.
- 17.5 Any offer of housing is based on the overriding legal duty of the Council to make the best use of the social housing properties. To meet this duty:
- some properties will be advertised with an age requirement. For example, where we state applicants over the age of 60 years, only households where all applicants are over the age of 60 will be able to apply for these properties
  - bungalows and ground floor flats are normally offered to older people aged 60 years or over and people who need accommodation on one level
  - sometimes, we offer the younger disabled people who are receiving Disability Living Allowance (Personal Independence Payment) housing on supported schemes older people, but this is at the discretion of the landlord
  - people who require adapted properties are the only people that can express an interest in adapted properties
  - people who require adapted properties may also express an interest in properties that are not adapted to meet their needs. In these cases, an occupational therapist assessment with the applicant will have to be completed to see if the property can be adapted to meet their needs.

## 18. Guide to size/type of property and size of household

Bedrooms	Type of Property	1					2				3				4	5
		Bedsit / Studio	Apartment / Flat	Maisonette	House	Bungalow	Apartment / Flat	Maisonette	House	Bungalow	Apartment / Flat	Maisonette	House	Bungalow	House	House
<b>Household make up/those who are moving</b>																
	Single Person	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
	Couple	N	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N	N
	Single / Couple, Pregnant	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N	N	N	N	N
	Single / Couple, No Children, but access to children	N	Y	Y	Y	Y	Y	N	N	N	N	N	N	N	N	N
	Household with 1 child	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
	Households with 2 children of the same gender:-															
	- both under 10	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
	- both aged 10 to 16	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
	- one under 16, one over 16	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
	- both over 16	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N
	Households with 2 children of different genders															
	- both under 10	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N
	- one under 10, one over 10	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	N	N
	- both over 10	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N
	Household with 3 children	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
	Household with 4 children	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N
	Household with 5 children	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y
	Sharing adults (not partners), or families with adult children															
	- 2 people (2 adults, or single person + adult child)	N	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N
	- 3 people (Couple + 1 adult child)	N	N	N	N	N	Y	Y	N	Y	N	N	N	N	N	N
	- 3 people (Single person + 2 adult children)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N
	- 4 people (Couple + 2 adult children)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	N	N
	- 4 people (Single person + 3 adult children)	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	N

### 18.1 Further guidelines on the size and type of property applicants may qualify for within this Policy. The Derby Homefinder Landlords will normally offer:

- bungalows or ground floor flats to applicants (including those aged under 60) who have medical or mobility issues and need accommodation at ground level
- houses will usually be offered to households with children under the age of 16 years
- parlour type houses – this is a house with two living (dining) rooms downstairs – to larger families and households who have a medical or mobility impairment who may not meet the occupancy criteria for the property

- a property with an extra bedroom to applicants who have a permanent carer or have a medical condition which means they need an extra bedroom. For the purposes of this allocation policy, a permanent carer is defined as a sleeping carer who stays or lives with the applicant four or more nights a week

18.2 Derby Homefinder Landlords may offer two-bedroom flats, maisonettes and houses to their existing tenants (single and couples who would normally only qualify for one-bedroom properties), who are currently under-occupying their social housing tenancy to release family houses for other families on the Housing Register.

### 18.3 **Pregnant Applicants**

18.3.1 Applicants who are pregnant will be treated as a family requiring appropriate-sized accommodation as soon as their pregnancy has been confirmed after medical “dating scan”, commonly known as an Ultrasound Scan typically between 8-14 weeks of pregnancy.

18.3.2 We will reassess the circumstances of applicants who are pregnant before we make an offer to make sure that they still qualify for family-type accommodation.

### 18.4 **Access to children**

18.4.1 For the purposes of this policy, we consider that access to children must be for at least three nights a week.

18.4.2 Single people or couples with access to children will qualify to apply for a two-bedroom flat, but we may give priority to applicants who would fully occupy every room in the property permanently.

18.4.3 Single people or couples with children living with them permanently **and** with access to children will be able to express an interest in properties with an extra bedroom. However, we may give preference to large families:

- who would fully occupy the property permanently
- who need four or more bedrooms
- over smaller families with access to children

### 18.5 **Adapted Properties**

18.5.1 A Derby Homefinder Landlord could identify a property as being suitable to meet the needs of:

- an applicant who is a disabled person or who has mobility needs
- another member of their household who is a disabled person or who has mobility needs.

18.5.2 If the applicant needs an adapted property as assessed by an Occupational Therapist, the application will be awarded an adaptation/mobility category. This means that the applicant will be able to express an interest in an adapted/mobility

property that has some or all of the adaptations that meet their needs.

18.5.3 Where a property is identified as suitable in this way, the Derby Homefinder Landlord will match the property to applicants who need the particular adaptation and who will make best use of the adaptations within the property. This is because there is a shortage of specifically adapted properties and the Derby Homefinder Landlords must make best use of existing social housing properties.

## 18.6 **Joint Applicants**

18.6.1 Joint applications should be from adults who have a commitment to live together. All joint applicants must agree that they are applying together. Examples of joint applicants are:

- people who want to share a home as partners (including same-sex partners)
- relatives wishing to live together where there is a long-term commitment to a shared home
- friends wishing to live together where there is a long-term commitment to a shared home
- where one of the applicants is a carer for the other and they live with them permanently

18.6.2 If both joint applicants qualify to hold a tenancy and they accept a tenancy offered to them, they will, in turn, become joint tenants. Joint tenants are individually and jointly responsible for complying with the conditions of the tenancy.

18.6.3 If joint applicants apply from different addresses, we will need to know why they cannot both live at one of those addresses. We will assess the application from the address that gives the application the lowest number of Housing needs.

18.6.4 In some cases, a Derby Homefinder Landlord may offer a household member a joint tenancy (even when they have not applied as joint tenants). They will do this to make the best use of housing available and to protect the security of the people on the application.

## 19. **Offers of Accommodation**

19.1 The landlord will contact the successful applicant with details of the offer. This will normally be by telephone and may be followed up in writing. All Derby Homefinder Landlords reserve the right to:

- 1) invite the applicant for a before-tenancy interview
- 2) visit the applicant at home
- 3) carry out checks - for example, check with current or former landlords to ask about rent arrears or anti-social behaviour
- 4) ask for a reference(s)

- 5) withdraw an offer if checks reveal issues that are not on their housing application or their circumstances have changed, and the applicant has not told us
- 6) make the same offer to more than one applicant at the same time to make sure that the property is let as quickly as possible
- 7) carry out a financial assessment to establish if the applicant can meet the full rental charge for the property

19.2 The applicant will be made only one offer at a time. If the applicant has been made an offer of housing, the applicant will not get any further offers - even if the applicant continues to express an interest in properties while they are under offer.

19.3 The final decision about offering Registered Provider (RP) tenancies lies with that registered provider. If the Council nominates an applicant to become a tenant of an RP, and the RP does not make an offer of a tenancy, the applicant should contact the RP about its decision.

## 20. Responding to an offer

20.1 It is very important the applicant tell the Derby Homefinder Landlords whether or not they wish to accept the offer within an agreed time period. The applicant will be told this deadline at the time of offer. If the applicant does not do this, the landlord will withdraw their offer and make an offer of this property to another applicant.

20.2 If their application is in the Priority Needs band –**final offer** and the applicant does not respond to an offer of housing, we will close their application.

20.3 If the applicant is registered on Derby Homefinder and unreasonably **refuse two** offers of housing from Derby Homefinder their application will be closed. The applicant can reapply to reregister on Derby Homefinder six months from the date when their previous application was closed.

20.4 Applicants have a right to review this decision see section 31.4

## 21. Non-shortlist (direct) offers

21.1 Sometimes, we need to make offers to applicants not appearing on shortlists. For example:

- 1) If a property does not receive any expressions of interest from applicants, or is rejected by everyone who expressed an interest for it, we may offer the property directly to an applicant on the Housing Register. Or we may re-advertise it with different criteria. We will base the decision to make a direct offer or to re-advertise on demand for the particular property.
- 2) We may hold back some properties from the Derby Homefinder scheme to make allocations that are at our discretion to support sustainable communities, discharge duties contained within the Housing Act 1996 as amended and other Council initiatives. This may include using properties for temporarily housing people where the council has statutory duties to do so.

## **22. Local letting plans**

- 22.1 In some cases, Derby Homefinder Landlords, together with Derby City Council, may decide to let properties within a local area or new development on a slightly different basis than normal. This would be implemented to help create sustainable communities within an area and are known as Local Letting Plans.
- 22.2 In the interest of sustainable communities, Local Letting Plans are implemented in certain areas of the city that may have particular problems of crime and anti-social behaviour.
- 22.3 Local Letting Plans are also used when allocating a large number of properties in the same area - for example, on a newly built development - to help create a sustainable community.
- 22.4 This will usually mean that certain restrictions are placed on the letting of properties within the area and preference may be given to particular types of applicants.
- 22.5 Each Derby Homefinder Landlord is responsible for agreeing its own Local Letting Plans. However, wherever possible this will be done in consultation with the Housing Options and Advice Service.
- 22.6 Local Letting Plans are reviewed regularly by the Housing Options and Advice Service and the relevant landlord and every attempt is made to keep their use to an absolute minimum.
- 22.7 Because local lettings areas come under frequent review and change, they are not listed in this Allocation Policy. However, if a property is advertised as a result of a Local Letting Plan, the applicant can get a copy of the relevant Plan from the relevant Derby Homefinder Landlord (see Section Derby Homefinder Landlords on page).

## **23. Derby City Council's Tenancy Strategy**

- 23.1 Derby City Council's Tenancy Strategy is principally concerned with our approach to tenure reform and whether or not we will adopt the use of fixed term tenancies. However, reforms in related areas such as rent models, allocations policies and measures to address homelessness also impact and in some cases, overlap with tenure issues. Government guidance requires that tenancy strategies be consistent with homelessness strategies and allocations policies. Consequently, the strategy addresses not only tenure but also homelessness, allocations and rent models. A copy of the Council's Tenancy Strategy can be viewed on the council's website.

## **24. The Council's Approach**

- 24.1 The approach of the Local Authority is to ordinarily issue introductory or secure tenancies when new tenancies are created. There may be some circumstances that relate to the Local Authorities response to homelessness, that mean non secure

tenancies will be issued. This will be done in line with the legislative requirements. In addition to this there may also be circumstances where grant funding linked to homelessness prioritizes the use of fixed term tenancies which will only relate to specific objectives, meaning the use of these will be the exception and not routinely used.

## **25. Changes of circumstances that might affect their housing application**

25.1 The applicant must tell us if there is a change of circumstances for:

- the applicant
- a joint applicant
- other members of their household, or
- anyone else on their housing application

This is because it may affect the Band and the housing needs on which we have based our decision. The best way to tell us about any change of circumstances is online. If we need any more information or evidence, we will contact the applicant to explain what we need and what they need to do.

25.2 Examples of changes can include but are not limited to:

1. a change of address
2. a change of contact telephone number or email address
3. people leaving their household or more people coming in to their household
4. their health getting better or worse
5. their immigration status

25.3 If we discover a change in their circumstances that the applicant has not told us about, it may affect

- their housing application
- any potential offers
- and the applicant could be breaking the terms of their tenancy if the applicant has already been housed

25.4 Remember, it is responsibility of **the applicant** to check with us whether or not a change of circumstances is relevant and/or affects their application.

25.5 If the applicant has previously completed a re-housing medical assessment form, the applicant may need to fill in a new form. This is because the policy takes into account how housing impacts on the medical problem, rather than the medical problem itself.

25.6 If there is a change in circumstances, we may have to change their housing needs.

25.7 We will always inform the applicant of any changes we make to their Band and/or needs.

## **26. Joint applicants who no longer wish to apply together**

- 26.1 If one / both / all applicants in a joint application no longer wish to apply jointly and want to be considered on their own, they will need to make separate applications.
- 26.2 When we receive a request to split the joint application the application will keep the same registration date as in the original application.

## **27. Suspensions and Closures**

- 27.1 Suspending their housing application, we will put their housing application on hold (suspend it) if, for example if:
- we have asked the applicant, in writing, by telephone or email for information to support their application and we are waiting for their reply
  - we have asked a support agency or worker, in writing, by telephone or email for information about the applicant and are waiting for a reply from them. Their application will be suspended until we receive a reply
- 27.2 If we suspend their application, the applicant won't be able to express an interest in properties

## **28. Closing their application**

- 28.1 We will close their housing application if:
- the applicant has asked us to close it
  - the applicant has been re-housed by a Derby Homefinder Landlord
  - the applicant has exchanged their property with another tenant
  - the applicant has moved and not told us of their new address
  - we have written to or emailed the applicant about their application and the applicant has not responded within 14 days
  - the applicant has not given us within 14 days all the information we reasonably require and have asked for to support their application
  - the applicant has not responded to an offer of housing
  - we have evidence that the applicant no longer qualifies for housing
  - the applicant has given false or misleading information
  - Their circumstances have changed, and they have no housing need under this policy
  - the applicant has made a current Right to Buy Application and it has been accepted

28.2 We will contact the applicant if they have not bid on any available properties within the last 3 months asking if the applicant is still in housing need. If, after this they have not expressed an interest in the following 3 months, we may close their application. We do this to make sure that only applicants who are actively seeking housing remain on the Housing Register.

28.3 However, this will not apply if the applicant needs re-housing in an adapted property, are a vulnerable person requiring further support to bid, or require a larger home such as a 5 or 6 bedroom property that has not been available/advertised to express an interest in during this period.

## **29. Reinstatement of an application**

29.1 We may reinstate a closed application if, for instance, an applicant can prove he/she had a good reason for not contacting us.

29.2 We will reinstate an application only within six months of the closure – this is at the Council's discretion.

29.3 We will consider each case individually.

## **30. Right to review**

30.1 We will tell applicants in writing, including by email, of any decision not to accept their application onto the Housing Register because of their immigration status or because they are a non-qualifying person and the reasons why.

30.2 Applicants have a right to request a review of the decision. We will tell applicants how to request a review when we write to them about the decision to exclude them from the Housing Register.

30.3 Applicants seeking a review have a right to submit new information, as well as any representations, in support of that review. The reviewing officer will consider again all of the information put before him/her and will consider the facts at the date of the review.

## **31. Right to ask for a review**

31.1 The Housing Act 1996, as amended, gives applicants the right to ask for a review if we:

- decide not to allow them to join the Housing Register
- make any decision that affects their housing application.

31.2 Applicants can ask for a review about a decision we have made on grounds that we have:

- made a mistake
- failed to take into account a relevant fact, or
- taken into account an irrelevant fact.

- 31.3 Applicants must provide all the relevant information for us to consider as part of the review process.
- 31.4 The applicant, or their representative, should make the request to the Social Housing Options Manager, Housing Options at the Council House in writing or to [housing.options@derby.gov.uk](mailto:housing.options@derby.gov.uk), **within 21 days of getting our written decision**. If it is difficult to give us the applicants reasons in writing, the applicant or their representative may tell us in person.

## **32. The decision about their application review**

- 32.1 A senior officer, who has not been involved in the original decision, will look at their request for a review.
- 32.2 The officer will base her or his decision on the known facts at the time of the review. In some cases, they may need to ask the applicant for more information to help in making a decision.
- 32.3 They will write to the applicant or email the applicant about their decision and explain the reasons for it within 56 days of the date of their request for a review.

## **33. Re-applying**

- 33.1 If we have found an applicant does not qualify on immigration status grounds or because they are a non-qualifying person, they may reapply to the housing register as soon as their status change. The responsibility is on the applicant to demonstrate that their circumstances have changed.

## **34. Complaints**

- 34.1 If the applicant is unhappy with the service the Housing Options and Advice Service provides, please contact us straight away to try to get the problem resolved.
- 34.2 We try to get things right first time. However, we appreciate this doesn't always happen. We take all complaints seriously and believe we can learn from our mistakes to improve our service in the future.
- 34.3 **The applicant can make a complaint by:**
- Using our webform at [www.derbyhomes.org/contact/complaints/](http://www.derbyhomes.org/contact/complaints/)
  - Email us at: [Housing.Complaints@derbyhomes.org](mailto:Housing.Complaints@derbyhomes.org)
  - Telephone: 01332 888777 [Option 5]
  - Letter: Derby Homes Limited, The Council House, Corporation Street, Derby DE1 2FT

### **34.4 Our complaints procedure:**

Please talk to us if dissatisfied with any of our services. The applicant should first contact the staff who provided the service, who will try to resolve it. If the applicant

remains dissatisfied, they can speak to their line manager. If the applicant is still not happy, they can make a complaint. We aim to resolve all complaints first time.

#### 34.5 **Dealing with a complaint:**

When we receive a complaint, we will:

- acknowledge the complaint within two working days
- investigate and respond to the applicant within ten working days.
- review all available evidence relevant to the investigation
- discuss the outcomes of the investigation with the applicant and provide a written record of this
- record all information on our Housing Management system

#### 34.6 **Appeals:**

In rare circumstances, where a complaint has not been resolved satisfactorily and the customer can provide reasons why the complaint has not been fully investigated, a single stage appeals process may be invoked.

Appeals will be considered either by the relevant **Head of Service** or the **Customer Service and Equalities Manager**. They will appoint a Manager to investigate the appeal.

#### 34.7 **If the applicant is still dissatisfied:**

If the applicant is still not satisfied after the appeal process has been carried out, the following options are available:

The applicant can request that their complaint be considered by a designated person' - this will be an MP, a local Councillor or a recognised Tenant Panel. They will either try and resolve the complaint themselves, or refer the matter directly to the Housing Ombudsman

**Or**

The applicant can contact the Housing Ombudsman themselves if more than eight weeks have passed following the completion of our internal complaints process.

### **35. Complaints against Derby Homefinder Landlords**

35.1 If the applicant feels they have been treated unfairly or have not been given a professional service by any Derby Homefinder Landlord, the applicant should directly complain to them. All the Derby Homefinder Landlords have their own formal complaints policies and procedures.

35.2 If the applicant has followed the Derby Homefinder Landlords Complaints Procedure but are still unhappy, the applicant can contact:

The Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0FH

Telephone: 0300 061 0614

Fax: 0247682001

[www.lgo.org.uk](http://www.lgo.org.uk)

The Independent Housing Ombudsman for complaints about Registered Social Landlords.

Housing Ombudsman Service

81 Aldwych

London

WC2B 4HN

Telephone: 0300 111 3000

Fax: 020 7831 1942

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

### 35.3 **Derby City Council Contact Details**

#### 35.3.1 **Housing Options**

The Council House

Corporation Street

Derby

DE1 2FS

Tel: 01332 888777

Minicom: 01332 640666

#### 35.3.2 **Derby Homefinder Landlords Contact Details**

##### **Action Housing**

6 Genesis Business Park

Sheffield Road

Rotherham

S60 1DX

Tel: 01709 821251

E-mail: [info@actionorg.uk](mailto:info@actionorg.uk)

##### **Metropolitan**

Raleigh House

68-84 Alfreton Road

Nottingham

NG7 3NN

Tel: 020 3535 3535

[customercare@metropolitan.org.uk](mailto:customercare@metropolitan.org.uk)

**Affinity Sutton**

Clarion Housing Group  
Level 6, 6 More London Place,  
Tooley Street,  
London  
SE1 2DA  
Tel: 0300 500 8000  
<http://www.clarionhg.com>

**Derby Homes**

Derby Homes  
839 London Road  
Alvaston  
Derby Homes  
DE24 8UZ  
Tel: 01332 888777  
[www.derbyhomes.org/contact](http://www.derbyhomes.org/contact)

**Derwent Living**

1 Centro Pl,  
Derby  
DE24 8RF  
Tel: 01332 347477  
[info@derwentliving.com](mailto:info@derwentliving.com)

**Friendship Care and Housing**

Ely House  
Wyvern Business Park  
Derby  
DE21 6LY  
Tel: 0300 123 1745  
<http://www.fch.org.uk>

**Guinness Northern Counties**

30 Brock Street,  
Regents Place,  
London  
NW1 3FG  
Tel: 0303 123 1890  
[customerservice@guinness.org.uk](mailto:customerservice@guinness.org.uk)

**Nottingham Community Housing Association**

12-14 Pelham Road  
Sherwood Rise  
Nottingham  
NG5 1AP  
Tel: 0800 013 8555  
[careandsupportinfo@ncha.org.uk](mailto:careandsupportinfo@ncha.org.uk)

**Stonewater**

Suite C, Lancaster House  
Grange Business Park  
Enderby Road  
Whetstone  
Leicester LE8 6EP  
Tel: 01202 319119  
[www.stonewater.org/contact-us/customers/](http://www.stonewater.org/contact-us/customers/)

**Riverside Group**

Riverside House  
49 Western Boulevard  
Leicester LE2 7HN  
Tel: 0845 111 0000  
[info@riverside.org.uk](mailto:info@riverside.org.uk)

**Salvation Army Housing Association**

33-35 Chorley New Road  
Bolton  
BL1 4QR  
Tel: 0800 970 6363  
[info@saha.org.uk](mailto:info@saha.org.uk)

**Tuntum Housing Association**

100 Derby Rd,  
Long Eaton,  
Nottingham  
NG10 4LS  
Tel: 0115 946 3306  
[www.tuntum.co.uk/contact](http://www.tuntum.co.uk/contact)

