

## RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

### MUNICIPAL YEAR 2014-2015

**ENVIRONMENTAL SERVICES  
SCRUTINY COMMITTEE**

**8 SEPTEMBER 2014**

**REPORT OF THE GROUP  
DIRECTOR ENVIRONMENTAL  
SERVICES**

**Agenda Item No. 4**

**OVERVIEW OF THE COUNCIL'S CURRENT  
HOUSING ALLOCATION SCHEME, ITS  
IMPLEMENTATION SINCE 2012 AND  
PROPOSED FUTURE POLICY CHANGES**

#### **1. PURPOSE OF THE REPORT**

1.1 This report is provided to inform Members about the implementation of the Council's Housing Allocation Scheme ('the Scheme') that was approved by Cabinet in January 2012 and implemented in October 2012 and to provide members with information regarding the review of the Scheme that was completed in April 2014, and the proposals for changes to the Scheme following this review.

#### **2. RECOMMENDATIONS**

2.1 It is recommended that Members

- Note the content of this report
- Scrutinise and comment on the changes proposed to the Housing Allocation Scheme following the review

### **3.0 BACKGROUND**

- 3.1 The Council, as local housing authority, has statutory obligations under both the Housing Act 1996 and the Homelessness Act 2002 in relation to the publication of a Housing Allocation Scheme and for ensuring equality for all people with long-term housing need. Since 2002, the Council's Housing Allocation Scheme has been delivered through the operational mechanism of a Common Housing Register.
- 3.2 A Common Housing Register offers a single route through which all those seeking social housing can apply. This approach delivers significant benefits to the Council, Housing Associations and most importantly to those actively seeking accommodation in the area. These benefits include simpler, consistent and fairer access to housing and more efficient and co-ordinated administration. It also enables the Council, as the local housing authority, to more accurately estimate housing need.
- 3.2 On transfer of the Council's housing stock in December 2007, it was agreed that RCT Homes, would manage the Common Housing Register on behalf of the Council for a period of 3 years.
- 3.2 In 2009, the Housing Strategy Team undertook a review of both the operation of the Common Housing Register and the Housing Allocation Scheme in Rhondda Cynon Taf. The review identified a number of operational weaknesses in the Housing Allocation Scheme and associated Common Housing Register including inconsistent policies and procedures, inconsistent awarding of points and poor understanding of the points system by applicants.
- 3.3 As a consequence of this, in January 2011 Members authorised the Service Director, Public Health & Protection, and the Service Director, Commissioning, Business & Housing Systems to commence consultation on a new Housing Allocations Scheme and to transfer the management of the Common Housing Register back in house to the Council.

- 3.4 The management of the Common Housing Register was brought back into the Council in April 2011 and a new Housing Allocation Scheme was approved by Cabinet in January 2012. Following the purchase of a new IT system, the current Scheme was launched in October 2012.

#### 4.0 **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL HOUSING ALLOCATION SCHEME 2012**

##### 4.1 Key features of the current scheme

The current Housing Allocation Scheme is presented at Appendix I.

- 4.1.1 In the Scheme, the Council must give priority for housing to certain applicants.

These are:

- People who are homeless
- People living in poor or overcrowded housing
- People who need to move for medical or welfare reasons
- People who need to move to an area of Rhondda Cynon Taf for a particular reason e.g to look after a family member

- 4.1.2 The Scheme uses a 'banding' system whereby applicants are placed into a 'band' according to their need for a home. Each band includes applicants who have a similar level of housing need. The person who has waited the longest goes to the front of the queue in that band. This means that when an applicant contacts the Council to see where they are on the list, it is possible to tell them how many people are in front of them within their band.

- 4.1.3 As well as giving priority to the groups mentioned above, within the scheme, the Council also gives priority to other groups of people as doing so helps the

Council to meet its local strategic housing priorities effectively. This includes the following:

- Applicants who by moving will release an adapted property
- Applicants whose child is likely to be accommodated by the local authority if re-housing is not made
- Applicants who have been recommended to foster or adopt children and whose current accommodation is not big enough
- Households including children who are forced to live apart owing to a lack of suitable accommodation
- Existing tenants with no housing need who wish to move

4.1.4 It is the Council's responsibility to accept applications for housing and assess those applications in accordance with the Scheme and in order to determine their eligibility and priority. It is the responsibility of the Housing Associations to allocate their vacant housing in accordance with the Scheme and associated Operational Guidance through the Common Housing Register.

4.1.5 When a property becomes void, the relevant housing association goes to the waiting list for the area that the property is in and allocates the property to the applicant in the most suitable band and who has waited the longest. Where it is in the interests of making the best use of stock or for sustainability reasons, a direct match may be made e.g adapted housing.

4.1.6 Housing Association partners are closely monitored by the Council to ensure that they are adhering to the Scheme when making offers of/allocating housing and to ensure that correct processes are following in accordance with the Scheme.

#### 4.2 **Key performance data August 2012-present**

- There are currently 3833 applicants register with the Common Housing Register.
- Since October 2014 there have been 12,622 applications received.

- 2777 households have been housed via the common housing register over the last 2 years.
- Over 55% over applications were processed within 7 days.

## **5.0 REVIEW OF THE HOUSING ALLOCATION SCHEME AND COMMON HOUSING REGISTER (APRIL 2014)**

- 5.1 In April 2014 the Housing Strategy and Standards Team undertook a review of the Housing Allocation Scheme. The purpose of the review was to ensure that after 18 months of operation the Scheme is being adhered to; that it is meeting housing need effectively; that it is meeting the needs of the housing associations that are part of the Common Housing Register and enabling them to let their vacant properties effectively; and to ensure that the IT system was enabling the Scheme to be administered efficiently. It was also necessary to review the Scheme in the context of the Welfare Reform Bill, as it was too early for the effects of this to be fully known when the Scheme was launched in October 2012. The review involved a system analysis, focus groups with officers and a survey of existing applicants and tenants who had recently been housed and made recommendations in relation to the Housing Allocation scheme and also the related operation of the Common Housing Register.
- 5.2 The review highlighted that 79% of those who responded to the survey said that the application form was easy to understand, 52% said that the banding system was easy to understand and 59% said that they were happy with the application process.
- 5.3 The issues identified by the review are summarised below:
- A high number of refusals of accommodation and no response from applicants in relation to offers of accommodation
  - An increase in existing tenants wishing to transfer
  - The Scheme's assessment of size of housing required/choice of house type is not consistent with Housing benefit and is more generous (children are only

required to share up until the age of 10, rather than 16 as per Housing Benefit). This means that under the current scheme, applicants can be offered a property larger than they would be eligible to claim housing benefit for which could have implications for affordability.

- The scheme gives additional priority (Band A) to those under occupying their home who can no longer afford to do so. This is putting additional pressure on the demand for the already short supply of smaller accommodation.
- An issue with the way that the IT system presents applicant shortlists, making them inefficient for officers to work through.
- Lettings targets per band are difficult to manage
- Only a very small number of applicants met the criteria for Band D (need to move to be closer to a child's school or a place of worship)
- Significant number of applicants given priority for the condition of their existing private rented property where this could actually be resolved through housing enforcement
- The scheme currently gives applicants reduced priority (a lower band than they would have otherwise been awarded) in a number of circumstances e.g no local connection, refusal of three reasonable offers, former tenant rent arrears. This is difficult and inefficient to manage in the system.

## **6.0 POLICY CHANGES PROPOSED**

6.1 The recommendations proposed in the Review were considered at a meeting of the Council and Housing Associations in May 2014. Following this, proposed changes were identified to the Housing Allocation Scheme and will be recommended to Cabinet in October for decision.

### **6.1.1 Changes proposed to the way that the Housing Allocation Scheme is delivered through the Common Housing Register**

As part of the review, Housing Association partners raised concerns about the number of refusals of offers of accommodation and the large number of tenants wishing to transfer, suggesting that they are often not happy with the property that they have been allocated.

These factors have led to an increase in void properties particularly in traditionally more low demand areas, but even in some high demand areas more recently. High numbers of refusals have an impact on housing associations in terms of officer resources as they often have to contact large numbers of applicants on the waiting list in order to allocate a property, whilst increases in void properties reduces income and increases costs to a housing association and also affects the visual amenity and sustainability of an area.

As such, the Housing Associations that are part of the Common Housing Register have requested that the system is changed to a Choice Based Letting system where available void properties are advertised and people can bid for those that they are interested in.

The rationale for moving to this kind of scheme is that if an applicant is allocated the property they have chosen then it is more likely that the applicant will be living somewhere they can settle and enjoy. This has a positive effect on communities and is likely to improve tenancy sustainability. It is also likely to reduce the number of refusals as applicants are proactively bidding for a property and therefore should accept it when offered, reducing the amount of time housing officers spend working through waiting lists. One of the most important benefits of Choice Based Lettings is that it offers the applicant control of the allocation process.

The allocation of advertised properties would be based on the priority of bids received, which means that Band A applicants would be given highest priority and Band D the lowest priority. If more than one bid is received from applicants in the same Band then the property will be offered to the applicant who has been waiting the longest.

#### 6.1.2 Changes proposed to the Housing Allocation Scheme

As a consequence of the issues identified in the review and a consideration of its recommendations, the following Policy changes are proposed.

**1. Reduce number of bands from 5 to 4 by moving the categories in Band D to Band C**

This will make the banding system even simpler for applicants to understand as the bands will be classified as 'Urgent Housing Need', 'High Housing Need', 'Low Housing Need' and 'No Housing Need'.

**2. Remove process of reduced priority from within the Scheme.**

To simplify the scheme, applicants will either be eligible for the Scheme or not or in some circumstances e.g refusal of two reasonable offers, applications will be cancelled. Applicants will be able to make an appeal to the Appeals Panel. Reduced priority for those with no local connection will still apply as this is applied automatically by the IT system.

**3. Reduce number of refusals of offers of accommodation by applicants from three to two**

The review highlighted the impact of numerous refusals of offers of accommodation by applicants on the efficient administration of the scheme. It is therefore proposed to reduce the number of refusals from three to two after which point applicants will be removed from the scheme. As outlined in 6.1.1, it is envisaged that a change to Choice Based Lettings will reduce the number of refusals in any case as applicants will proactively bid for only properties that they are interested in rather than the properties being offered to them.

**4. Tenants with no housing need who just 'want' to transfer are not eligible for a transfer unless they have been a tenant for at least 12 months or they have a housing need**

The review highlighted that there had been an increase in existing tenants wishing to transfer shortly after moving into their existing property. Housing Associations are significantly impacted by this issue, both in terms of void costs and vacant properties. As such, tenants who are suitably housed, will not be able to apply for a transfer within the scheme until they have occupied their existing property for 12 months.



**5. Allow applicants to underlet properties following an affordability assessment**

The review highlighted that the Spare Room Subsidy has created a greater demand for smaller house types, which were already in short supply in the borough. However, some applicants can afford to rent a property larger than they require. To make the best use of the housing stock, particularly in low demand areas it is therefore proposed that applicants who can demonstrate that they can afford the level of rent payments will be allowed to under let a property. However, they will only be considered for the property if no applicant who matches the house type exactly bids for the property.

**6. Pregnant applicants will not automatically receive an additional bedroom**

If the sex of the baby is not known at the point of application and therefore it is not possible to determine the number of bedrooms required, applications will be amended once the baby is born.

**7. Change the assessment of type and size of accommodation to be in line with DWP assessment**

The removal of the Spare Room Subsidy for housing benefit claimants of working age means that there are a number of tenants who must now find the shortfall in rent if they are living in a property which Housing Benefit would deem larger than their housing needs. The current Housing Allocation Scheme's type, size and choice assessment currently differs from the assessment used for Housing Benefit purposes as it is more generous. This means that under the current Scheme applicants can be offered a property larger than that which Housing Benefit payments would cover and this could therefore have implications for affordability.

It is therefore proposed that the assessment of type and size of accommodation required is amended to reflect the same criteria used for assessing Housing Benefit entitlement.

## **8. Move On applicants to be awarded Band A instead of Band B**

The Housing Allocation Scheme currently places applicants who have been assessed and approved by the Move On Panel in Band B. Move On within RCT allows service users living in supported accommodation to move on into independent living. Moving service users within a reasonable timescale ensures that projects are able to backfill their much needed spaces with new service users in need of such support.

The review found that placing Move On applicants into Band B has resulted in move on for service users and Care Leavers taking longer than anticipated, this is predominantly due to the number of competing priorities within the Band B category. As such, it is proposed to move these applicants to Band A.

## **9. Applicants with minor Barriers within the home**

The review highlighted that most applicants who were meeting the criteria for this category within Band B were only experiencing minor barriers within the home which could be addressed through the provision of minor adaptations. As such they were not either confined within the home or unable to move around the home completely and as such it is considered that the level of housing need for this category of applicants is not commensurate with other applicants in Band B. It is therefore proposed that these applicants will be assisted through the Grants process for suitable minor works of adaptation or will be eligible for Band D.

## **10. Remove banding targets from the Scheme**

In order to simplify the management of the scheme, it is proposed that rather than having a 'quota' for each Band that the Housing Associations has to meet, they will instead always look to allocate to those applicants who have bid for the property that are in Band A. Only in a situation where no Band A applicants have bid for the property, will the Housing Association consider applicants from other Bands. This will continue to ensure that 'reasonable preference' is given to those in the highest housing need, but will be simpler for the Housing Associations to manage and for the Council to monitor.

**11. Applicants with savings over £50,000 will be able to join the register but will be placed into Band D**

Due to the relatively low average house price in the borough, it is considered that most applicants with savings over £50,000 will be able to meet their own housing needs and as such these applicants will be awarded Band D 'No housing need' unless there are exceptional circumstances that would warrant a higher band.

**12. Armed forces**

Bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service will be awarded Band A.

**13. Disrepair will only be in Band A where there is a prohibition order**

The Council aims to offer a holistic housing service and resolve housing condition issues for applicants through effective housing enforcement. As such, if an applicant states that they need to move due to the condition of their existing property, the Council will work with the landlord to ensure that the property is improved to allow the applicant to remain. As such, applicants will not be given priority within the scheme due to the condition of their property, unless the property has been issued with a Prohibition or Demolition Order by the Council and the applicant has an urgent need to move as a consequence.

**14. Band C additional category for applicants who have to share facilities with other households and where they do not have a tenancy agreement**

The review highlighted that this category of applicant was not properly addressed in the current scheme and so this has been added to Band C.

**15. Changes to priority given for under letting.**

Due to the shortfall of smaller accommodation it is proposed that only those applicants under occupying by 2 bedrooms or more will be awarded Band A. Those under-occupying by 1 bedroom will be awarded Band C.

## **7.0 CONCLUSION**

- 7.1 The effective implementation of a fit for purpose Housing Allocation Scheme is critical to ensure the sustainable and efficient allocation of social housing, assist in building balanced communities, ensure an equitable and efficient process is experienced by service users; and discharge the Council's statutory responsibilities in this regard.
- 7.2 Subject to decision by Cabinet, the recommended changes proposed to the Housing Allocation Scheme will ensure that this continues to be the case in Rhondda Cynon Taf and will improve the customer experience of applying for and being offered social housing of their choice.



# Rhondda Cynon Taf County Borough Council



## Housing Allocation Scheme 2012



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## **Section 1:**

This section of the document will explain

- 1.1 The purpose of the allocation scheme
- 1.2 The legal context in which the scheme is framed
- 1.3 How the Scheme allows applicants to exercise choice
- 1.4 How the Scheme aims to offer fair and equal treatment to all types of applicant

### **1.1 The Purpose Of The Allocation Scheme**

Rhondda Cynon Taf County Borough Council's Housing Allocation Scheme (the Scheme) sets out the criteria used by the Council and its partners to allocate social housing accommodation. The housing accommodation available to the Council, which is covered by the Scheme, consists of the following:

- Housing accommodation owned by the Common Housing Register partner Housing Associations
- Housing Association accommodation for which the Council has an agreement which allows the Council to nominate an applicant for this accommodation

Rhondda Cynon Taf County Borough Council operates a Common Housing Register in partnership with:

- Cynon Taf Community Housing Group
- Hafod Housing Association
- Newydd Housing Association
- RCT Homes
- Rhondda Housing Association
- Wales and West Housing Association

The Scheme and the operation of a Common Housing Register make it easier for people to find housing in Rhondda Cynon Taff as applicants only have to apply to one Scheme and be entered onto one register to be considered for housing by all the Common Housing Register Housing Association partners.

Although the Council transferred its housing stock to RCT Homes in 2007, it still retains its statutory housing duties to have a Housing Allocation Scheme and to discharge its homelessness duties. The Council's Scheme operates alongside the separate allocation policies of some Housing Associations that operate in Rhondda Cynon Taf but who are not a partner of the Common Housing Register.



This Scheme describes who is eligible to apply for housing. It also sets out the priority that is given to different applicants and how it is decided who is offered a social housing tenancy in Rhondda Cynon Taf. The Scheme ensures that those in greatest housing need (those who fall into a defined reasonable preference category (see Section 3)) are given overall priority for available social housing. The Scheme sets out how applicants can apply for social housing in Rhondda Cynon Taf and how eligible applicants are assessed through the use of a banding system.

Rhondda Cynon Taf's Housing Strategy 'Housing Matters' has a vision "to enable a local housing market that responds effectively to the housing needs and aspirations of all sections of our society while promoting health and well-being, without compromising the needs of future generations". The Housing Strategy also sets out "to enable good quality social rented accommodation that meets the needs of our communities with a customer focused housing management service creating balanced, socially inclusive, sustainable communities".

The aim of this Scheme is to allocate homes in Rhondda Cynon Taf by:

- Treating people fairly and giving them choice
- Meeting the housing needs, wishes and aspirations of applicants
- Making the best use of the social housing stock
- Maintaining sustainable and safe communities
- Providing a route into permanent housing

The Council and its Common Housing Register Partners share the use of the computer system to operate Rhondda Cynon Taf's Common Housing Register. The formal descriptions of the sharing of the system in relation to the Common Housing Register are set out in Service Level Agreements and/or contracts between the Council and its partners.

## **1.2 The Legal Context in which the Scheme is Framed**

### **1.2.1 The Legal Framework**

This Scheme has been written to meet the duties set out in Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002 (the legislation).

Part six of the Housing Act 1996 covers:

- allocating local authority properties to new tenants
- transfers that are requested by local authority tenants
- allocating local authority properties to current tenants of registered social landlords
- nominations that the Council makes to housing associations

The legislation above requires each local housing authority to make all allocations and nominations in accordance with a Housing Allocation Scheme. The Council is required to publish its Scheme and provide a summary free of charge to anyone who requests a copy. A summary of the Scheme is available from:

- Rhondda Cynon Taf County Borough Council's offices
- Common Housing Register Partners' offices
- the Council's website at [www.rhondda-cynon-taff.gov.uk](http://www.rhondda-cynon-taff.gov.uk)

This document is the full version of the Scheme and is available for inspection at the Housing Advice Centre.

The legislation states that existing tenants are treated on the same basis as other applicants applying for accommodation under the Scheme. The Scheme must ensure that reasonable preference is given to certain categories of people, consider all applications properly made, not allocate to persons ineligible because of their immigration status or who are from abroad and ineligible, ensure advice and information is available about the right to make an application and to provide assistance to those who have difficulty making an application.

The legislation gives applicants rights under the Scheme to request certain information, to request to be informed of certain decisions and in some cases to request reviews of decisions. The Council will consult with its Common Housing Register Partners and other Housing Associations with whom it has nomination agreements before making any changes to the Scheme. If making a major policy change, for example where amendments affect the relative priority of a large number of people being considered for social housing, the Council is required to notify all those likely to be affected by the change within a reasonable period.

The legislation also sets out the type of housing circumstances that the Council must take account of (the 'reasonable preference' categories) when deciding who will be offered a property.

The Scheme has also been written in accordance with section 189(1) of the 1996 Housing Act and the Homeless Persons (Priority Need) (Wales) Order 2001 for the purpose of homeless priority need cases.

The Scheme takes into account the consultation document Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness 2011 issued by the Welsh Government and also complies with the following:

- The 1996 Housing Act (as amended by the 2002 Homelessness Act)
- The Equalities Act 2010
- The Human Rights Act 1998
- The Data Protection Act 1998
- The Welsh Language Act 1993
- The Rehabilitation and Offenders Act 1974

The Scheme will be reviewed annually and subject to further amendments depending on the outcome of the Welsh Government's consultation on the Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness 2011.

The Scheme has undergone an Equality Impact Assessment. The Scheme is operated in accordance with the Rehabilitation of Offenders Act 1974.

### **1.2.2 What is an Allocation?**

Housing Allocation Scheme is the term used to describe both the Council's policy for allocating accommodation and the Operational Manual that officers use to make sure the policy is implemented correctly. It covers all of the accommodation owned by the Common Housing Register Partners and other Housing Associations who the Council has nomination agreements with, and also includes everyone who applies to us for housing.

An allocation is a selection of a person to be offered a tenancy or a nomination by the Council to a Housing Association which is not part of the Common Housing Register.

### **1.2.3 Nominations Agreements**

The Council will nominate applicants to those Housing Associations who are not part of the Common Housing Register. These nominations will be made on the basis of formal Nomination Agreements. The following table indicates the agreed percentage of vacancies which will be offered for nominations by these Housing Associations:

<b>Registered Social Landlord</b>	<b>% of Vacancies</b>
Aelwyd	30
Elim	100
Gwalia	100

## **1.3 How the Scheme Allows Applicants to Exercise Choice**

The Council promotes choice and accessibility to social housing and applicants may be considered for homes suitable to their needs and in any of the areas they have specified on their application. The applicant can change these areas at any time. However, applicants must remember that in some areas availability may be limited due to high demand and the responsibilities the Council has to meet priority housing need and as a result the Council's ability to satisfy their choice can be limited.

To help them make informed choices, applicants will be provided with in-depth information on the demand for accommodation in certain areas and the estimated length of time they are likely to wait.

## **1.4 How the Scheme Aims to Offer Fair and Equal Treatment to all Types of Applicant**

This Scheme has been designed to ensure fairness and consistency in allocating housing, through setting a fair and transparent framework for assessing housing need.

The aim of this Scheme mirrors the aims of the Council's Housing Strategy 'Housing Matters' to ensure that all groups have fair and equal access to housing and information. The Council's aim is to deliver services that recognise the needs of different groups within the County Borough. To meet this aim the Council and its Common Housing Register Partners will ensure that no applicant is treated less favourably on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The eligibility criteria, set out in Section 2, will be used to make decisions on allocations under this Scheme.

Applicants will be able to apply for housing in the Borough using a range of methods. In addition to this interpretation services such as language line, availability of large print information or braille and printed information in ethnic minority languages will be available when requested.

The Scheme will be widely promoted to ensure that no individual or group is excluded from accessing services due to lack of information. To ensure that the services offer equality of opportunity, service provision and satisfaction they will be monitored by age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **Section 2:**

This section of the document will explain

- 2.1 Who is eligible to apply under this Scheme
- 2.2 Who is not eligible to apply under this Scheme
- 2.3 Who will be considered as part of the household

### **2.1 Who Is Eligible to Apply Under the Scheme**

#### **2.1.1 Who is eligible to be part of the Council's Allocation Scheme**

It is the Council's policy to consider all applications from anyone who is eligible to register. Eligible people include:

- existing tenants
- British nationals habitually resident in the Common Travel Area
- European Economic Area Nationals
- people subject to immigration control prescribed as eligible (e.g. refugees, those with humanitarian protection or who are nationals of a country with whom special arrangements have been agreed)

#### **2.1.2 Allocations to 16 and 17 Year Olds**

Anyone who is 16 years or over can apply under this Scheme. However a Housing Association will not normally offer a tenancy to anyone under the age of 18 years unless they have a Trustee. For young people under the age of 18 years the Housing Association will grant permission to occupy the property by way of an approved agreement rather than a tenancy agreement.

#### **2.1.3 Allocations to Owner-occupiers**

Owner-occupiers can apply under this Scheme and will be assessed accordingly. Owner-occupiers assessed as having no housing need and/or with the financial resources to buy or rent privately will be placed in Band E (see Appendix 1).

#### **2.1.4 Eligible Applicants Taking into Account Nationality and Immigration Status**

The following groups are the main categories of applicants to whom an allocation can be made taking account of nationality and immigration status:

- **Existing Tenants** – Section 160A(6)/[s.14(2)] of the Housing Act 1996 (as amended by the Homelessness Act 2002), provides that none of the provisions relating to the eligibility of tenants with regards to immigration status is to affect those already a secure or introductory tenant or an

assured tenant of housing accommodation allocated by a housing authority. Therefore where such a tenant applies for an allocation the housing authority need not question eligibility and an allocation can be made regardless of immigration status or habitual residence tests

- **British Nationals Habitually Resident In The Common Travel Area (CTA)** – where a British National arrives from abroad, as with all nationals of an European Economic Area (EEA) country, he/she must establish habitual residence in order to be eligible for an allocation, even in case where he/she was born in the CTA (please see Appendix 4 for details of Habitual Residence Test)
- **European Economic Area (EEA) Nationals Habitually Resident in the CTA** – these are the Nationals of the European Union (EU) countries plus Iceland, Norway and Liechtenstein. They are eligible for an allocation if they are habitually resident in the CTA, are a worker, or have a right to reside (see Glossary for explanation) in the UK. All EEA nationals have an initial right to reside in the UK up to three months, and “qualifying persons” (jobseekers, workers, self-employed persons, students and people who are self-sufficient) have an extended right to stay
- **Persons Subject to Immigration Control Prescribed as Eligible** – persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are generally not eligible for housing accommodation. A person subject to immigration control requires specific permission to stay in the UK and will usually be subject to conditions attached to that permission. However, under s.160A(3)/[s.14(2)], Welsh Ministers have prescribed classes of person who are to be considered eligible. These are:
  - a. **Refugees** – a person is granted refugee status when his/her request for asylum is accepted, at which point they will no longer be subject to immigration control
  - b. **Persons who have been granted Humanitarian Protection (HP)** – HP was introduced on 1 April 2003 and partly replaced the policy on Exceptional Leave to Enter/Remain (ELE)/(ELR). Humanitarian Protection is granted to non-European Union citizens who are unable to demonstrate a claim for asylum but who face a serious risk to life. The Immigration Rules are issued by the Home Secretary under the Immigration Act 1971 and set out how immigration law shall be administered, and are published on the UK Border Agency website. However, to give effect to European Council Directive 2004/83/EC and bring Humanitarian Protection within the Immigration Rules, by the Allocation of Housing (Wales) (Amendment) Regulations 2006 which came into force on 9 October 2006, a person who has Humanitarian Protection granted under the Immigration Rules is now eligible.  
Humanitarian Protection is granted for five years. Towards the end of this period leave holders have the opportunity to apply for further leave but there is no presumption that it will be renewed. People granted Humanitarian Protection are eligible for an allocation of accommodation unless the Home Office attaches a

condition requiring recipients to accommodate themselves without recourse to public funds.

- c. **Persons who have been granted Discretionary Leave (DL)** – Discretionary Leave was introduced on 1 April 2003 and partly replaced the policy on Exceptional Leave to Enter/Remain (ELE)/(ELR). Discretionary Leave is granted to non-EEA citizens who do not have international protection needs but have other reasons for needing to stay in the UK, for example, strong compassionate grounds.  
Discretionary Leave is granted for up to three years exceptionally outside the Immigration Rules. Towards the end of this period, leave holders have the opportunity to apply for further leave but there is no presumption that it will be renewed. People granted Discretionary Leave may be eligible for an allocation of accommodation, subject to Home Office conditions.
- d. **Persons who have been granted exceptional leave to enter or remain (ELE)/(ELR)** – the granting of the ELE/ELR ceased on 31 March 2003. ELE/ELR was granted to someone who failed in their request for asylum, but nonetheless was given leave to remain/enter for say, compelling, compassionate circumstances. It may be the case that when exceptional leave to remain was granted it was on condition that the applicant should not be a charge on public funds. If that is the case, the applicant will not be eligible for an allocation.
- e. **Persons who have been granted indefinite leave to enter or remain (ILR)** – someone who has permission to remain in the UK for an indefinite period and is regarded as having settled status. In order to be eligible however, the applicant will still have to establish habitual residence. It is also the case that if indefinite leave to remain status was obtained as a result of sponsorship, five years must have elapsed since the person's arrival in the UK or the date of the sponsorship undertaking, whichever is later. However, where a sponsor dies within the first five years, the applicant will be eligible provided he/she can establish habitual residence.
- f. Former residents of Montserrat who have left that territory because of volcanic eruption.
- **Persons Subject to Immigration Control who are Nationals of a Country that has Ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC)** – such persons have to be lawfully present in the UK as well as habitually resident. This means that the applicant must have leave to enter or remain in the UK.

## 2.2 Who is Not Eligible to Apply Under the Scheme

The following categories of people are not eligible to apply:

- Young people under 16 years of age
- People subject to immigration control (unless they are assessed as eligible)
- Individuals, or any member of their households, who have been guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant. Unacceptable behaviour includes:
  - A breach of tenancy obligations such as rent arrears, recharges, criminal damage to a property or common parts, premium paid for assignment/mutual exchange, conflict with conditions of tied accommodation
  - Anti-social behaviour such as causing nuisance or annoyance, racial or other harassment, illegal or immoral behaviour, making threats or actual violence against neighbours, landlords, Council staff, managing agents or contractors
  - Obtaining a tenancy by deception for example by providing false information or excluding relevant information in support of an application
- Tenants wishing to transfer where their current property is in such poor condition that it cannot be re-let within a reasonable timescale

In assessing whether an applicant is ineligible due to unacceptable behaviour, the Council will consider:

- Where there is evidence of unacceptable behaviour, was it serious enough to have entitled an authority to obtain a possession order?
- Was the behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?
- Is the behaviour still unacceptable at the time of application?

Access to housing by foreign nationals is governed by legislation. People from abroad can apply to join the Scheme but will require checks before their eligibility under the Scheme can be determined.

Applications are not assessed as completed and given a band until information confirming eligibility has been provided and checked.

Applicants' eligibility to join the Scheme will be kept under review during the application process. Although some applicants may initially be informed that they are eligible for the scheme this decision could change if further information and checks are necessary. Applicants who have been classified ineligible due to unacceptable behaviour are permitted to make an application in the future if they can demonstrate a changed pattern of behaviour. The Council will determine if the changed behaviour makes the applicant eligible under the Scheme at the re-application stage.



All applicants will be notified in writing of the decision on eligibility and the grounds for this decision. All applicants have the right to request a review of any decisions as to eligibility and a right to be informed of the decision of the review and the grounds on which that decision was made.

### **2.3 Who Can Be Considered As Part Of The Household**

When assessing an application the Council will consider the housing circumstances of everyone in the household. A household is considered to be:

- People who are part of the settled household at the date of registration, or in the case of existing tenants, were part of the household at the start of the tenancy and are still in occupation
- Partners who are living together in a settled relationship
- Children born since the registration date, or the start of the tenancy, or other dependent children joining the household where the applicant or tenant is the principal carer of the child. Birth certificates will need to be produced to verify dependent relationship(s). Applicants must inform the Housing Solutions Team of any change to their household
- An adult relative who has become a settled member of the household because they are in need of support and cannot live independently. Such persons must have lived with the household for at least 12 consecutive months before being considered part of the household unless in exceptional circumstances
- Housing applications where an applicant and partner or their child/children are forced to live apart owing to lack of suitable accommodation

## Section 3:

This section of the document will explain how the assessment of need is carried out under the scheme

- 3.1 How the banding system works
- 3.2 The additional preference categories
- 3.3 The reasonable preference categories
- 3.4 Local Priorities
- 3.5 Discretionary allocations and local lettings plans
- 3.6 How the size and type of accommodation is assessed
- 3.7 How reduced priority is applied under the scheme
- 3.8 Notification of Reduced Priority

### 3.1 How the Banding System Works

The Council is committed to working in partnership with organisations and individuals both statutory and voluntary to deliver this Scheme to ensure it meets the needs of both individual applicants and the community as a whole in an effective and sustainable way. Where the waiting list exceeds the supply of vacancies it is necessary to prioritise applicants so that properties are offered fairly.

All social housing in Rhondda Cynon Taf, other than where nomination agreements are in place, will be allocated using a banding system. The bands distinguish between the different needs of applicants and they will usually only be re-housed when they are at the top of their band to qualify for an offer in one of their chosen areas. The bands are arranged to reflect housing priority, with the highest band including those applicants who have the highest priority for housing. The banding system is designed so that each band includes applicants who have a similar level of housing need.

The Housing Act 1996 (amended by the Homelessness Act 2002) states that Housing Allocation scheme must be framed to ensure **reasonable preference** is given to applicants experiencing certain types of housing need. However while housing authorities will need to ensure that, overall, reasonable preference for allocation is given to applicants in the relevant categories these should not be regarded as exclusive and an allocation scheme may allow for other factors such as **local priorities** provided that they do not dominate the scheme and that overall the scheme gives adequate priority to applicants in the reasonable preference categories. As well as ensuring reasonable preference is given to applicants in greatest housing need, **additional preference** can be awarded to applicants who require urgent re-housing for various reasons.

Applicants will be prioritised within their band based on the date that their application was received for housing. When a property becomes available the

Common Housing Register Partner will go to the relevant band and, in most cases, select the applicant with the longest waiting time suitable for that property.

The Scheme uses a quota banding system to prioritise applicants. This means that each band will be allocated a target indicating the percentage of allocations to be shared between the different bands. The Common Housing Register Partners will then use these targets when making their allocations. The indicative number of lets that go to each band are outlined in the Annual Lettings Plan set out in section 6.2.

Appendix 1 outlines the banding system and the circumstances used to allocate an applicant the appropriate band. The principle of this Scheme is that an applicant's priority for housing should reflect both their level of housing need and length of time spent in need. Therefore priority will increase with time and a new applicant should not normally overtake an existing applicant within the same band. The circumstances where an allocation can be made to an applicant who is not at the top of the band will be outlined in the Operational Manual and monitored by the Council. Applicants with no local connection will move down to the next band (see Section 3.7).

## **3.2 The Additional Preference Categories**

The legislation gives housing authorities the ability to give additional preference to particular types of applicant. This means that the Council can give a priority to some applicants considered to have a particularly urgent housing need. Additional preference includes both Reasonable Preference categories and also local priorities. The Council will award additional preference to applicants with an urgent need to move and will be placed in Band A. Band A is time limited and cases are assessed every 3 months.

### **3.2.1 Additional Preference for Homeless Households**

Applicants who are awarded Reasonable Preference on Homeless grounds will be awarded Band A where they require an offer of accommodation within a short period of time as they have suddenly lost their existing home as a result of fire, flood or other disaster.

### **3.2.2 Additional Preference for People leaving the Armed Forces**

Band A will be awarded to applicants who require accommodation as a result of leaving the Armed Forces

### **3.2.3 Additional Preference for Applicants Living in Unsatisfactory Housing Conditions**

Band A is awarded to applicants currently living in a property that is in such poor condition as to impose extreme or imminent risk to the health and safety of its occupants.

Band A is also awarded to applicants who currently occupy a property where there is a statutory requirement to vacate due to a prohibition order / demolition order / compulsory purchase

### **3.2.4 Additional Preference for Emergency Medical, Welfare or Disability Related Need**

Applicants who are awarded Reasonable Preference on medical, welfare or disability grounds and have an urgent need to move will be awarded Band A priority. These would include applicants with an emergency need to move due to high risk or life threatening grounds which will not improve or stabilise until more suitable accommodation is offered as their current accommodation is wholly inappropriate.

Examples of cases where applicants would qualify for Band A as having a Reasonable Preference and an additional preference under this category are:

- The applicant's health condition is terminal and re-housing is required to provide a basis for the provision of suitable care
- The applicant's health condition is so severely affected by the accommodation that it is likely to become life threatening
- Where overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is suffering from late stage or advanced HIV infection
- Disabled people whose current accommodation completely restricts them from carrying out day-to-day activities both internally and outside the home and they require urgent re-housing into a property that is suitable to their needs
- Applicants who have nowhere to live when they are discharged from hospital where their current property is no longer suitable for their needs and cannot be made suitable and all other housing options have been explored
- The applicant is currently under occupying social housing by one or more bedrooms and needs to transfer to a smaller property due to the current property being unaffordable

### **3.2.5 Additional Preference for High Risk Management Transfers**

Applicants who are a Housing Association tenant and are high risk management transfers, who are receiving support from a professional agency or who are subject to a MARAC (Multi Agency Risk Assessment Conference) where MARAC recommend an urgent housing need, will be awarded Band A.

### **3.2.6 Additional Preference for Applicants Releasing an Adapted Property**

Band A will be awarded to applicants who occupy a property with adaptations which they no longer require and that property is suitable for an applicant on the waiting list who requires an adapted property

### **3.2.7 Additional Preference for Child Protection**

Band A is awarded to applicants where there is a likelihood that their child will need to be accommodated by the local authority if re-housing is not made.

### **3.2.8 Additional Preference for Exceptional Circumstances**

Band A is awarded to applicants whose circumstances are not dealt with under any of the other circumstances in Band A, however their housing need has been assessed by the Eligibility Panel as urgent and they require immediate re-housing.

## **3.3 The Reasonable Preference Categories**

The Housing Act 1996 requires local authorities to ensure that reasonable preference is given to all of the following categories of people:

- a) People who are homeless within the meaning of Part VII of the Housing Act 1996
- b) People who are owed a duty under s190(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any Housing authority under s192(3)
- c) People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- d) People who need to move on medical or welfare grounds, including grounds relating to disability
- e) People who need to move to a particular locality in the district of the local authority, where failure to meet that need would cause hardship (to themselves or to others)

The following section details applicants who fall within the Reasonable Preference categories. Applicants with a Reasonable Preference will be banded according to their housing need.

### **3.3.1 Reasonable Preference category s167(2) (a) – applicants who are homeless within the meaning of Part VII Housing Act 1996**

**Reasonable Preference category s167 (2) (b) – applicants who are owed a duty by any local housing authority under s190(2) 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)**

Homeless households are those that are defined as homeless under sections 175 – 177 of Part VII of the Housing Act 1996. This includes a person who has no accommodation for his / her occupation, which he / she is legally entitled to or it is not reasonable for a person to continue to occupy the accommodation if it is probable that this will lead to domestic violence or other

violence against him / her, or against a person who normally resides with the occupant or any other person who might reasonably be expected to reside with him / her.

**Band B** will be awarded to the following homeless households who have been assessed as priority need homeless. The following have been classed as priority need categories according to section 189(1) the 1996 Act and the Homeless Persons (Priority Need) (Wales) Order 2001, as referenced in the Welsh Government draft Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness 2011:

- A pregnant woman or person with who she resides or might reasonably be expected to reside
- A person with whom dependent children reside or might reasonably be expected to reside
- A person who is vulnerable as a result of old age, mental illness or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside
- A care leaver or person at particular risk of sexual or financial exploitation, 18 years or over but under the age of 21
- A 16 or 17 year old
- A person fleeing domestic violence or threatened domestic violence
- A former prisoner homeless after being released from custody and who has a local connection with the area of the local housing authority. A prisoner means any person for the time being detained in lawful custody as a result of the requirement imposed by the court that he / she be detained

**Band C** will be awarded to homeless applicants who have been assessed as not in priority need and applicants who are intentionally homeless with priority need.

**3.3.2 Reasonable Preference category s167 (2) (c) – people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions**

**Band B** will be awarded for the following reasons:

- The applicant is occupying accommodation which is short by 2 or more bedrooms suitable to their needs
- The applicant is currently living in a property that is in such poor condition as to impose significant risk to the health and safety of its occupants.
- The applicant's current accommodation is in such a condition that it contributes to causing serious ill health

**Band C** will be awarded to applicants occupying insanitary or unfit accommodation and living in unsatisfactory housing conditions that present some risk to the health and safety of the occupants.

**Band C** will be awarded to applicants living in accommodation which is not suitable to their needs because it is short by one bedroom which is suitable to their needs

### **3.3.3 Reasonable Preference category 167 (2) (d) – Medical, Disability and Welfare**

#### **3.3.3.1 Medical and Disability**

Applicants will be awarded Reasonable Preference where a move will improve a medical condition. Applicants who indicate that they or a member of their households have an illness or disability that is affected by their current accommodation or who may be vulnerable on physical or mental health grounds will need to have their application supported by a GP or Consultant. The assessment is not of the applicant's health but how their accommodation affects their health or welfare.

**Band B** will be awarded to applicants experiencing the following:

- their current accommodation is unsuitable and is having a serious detrimental impact on their own/household member's existing health condition and the ability to live independently, which will deteriorate in the long term if more suitable accommodation is not offered
- Disabled people whose current accommodation presents some barriers, such as steps, stairs or situated on a hill, to carrying out day-to-day activities and they require re-housing into a property that is suitable to their needs

**Band C** will be awarded to applicants where their current accommodation is unsuitable and exacerbates the applicant's or other household member's health condition and more suitable alternative accommodation is required to improve the health condition.

#### **3.3.3.2 Welfare**

Reasonable preference (d) will be awarded to applicants with a need to move on welfare grounds.

**Band B** will be awarded to applicants who have an urgent need to move on welfare grounds due to any of the following:

- It is unreasonable for the applicant to stay in their accommodation due to exceptional financial hardship
- The applicant is at risk of being admitted to residential care or hospital if re-housing is not made
- The applicant needs to move due to relationship breakdown and there is a need identified to safeguard and promote the welfare of any children associated
- The applicant is a care leaver, vulnerable and has a high housing need that is best met by the provision of long term settled housing and the

applicant has been assessed and approved by the Move On Panel as ready for re-housing. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2000.

- The applicant is in supported accommodation in Rhondda Cynon Taf, and also the Dyn Project and is ready for independent living.

\*Please note that not all those leaving care will be awarded reasonable preference. Applicants must be vulnerable with an urgent housing need that is best met by the provision of long-term settled housing. Applicants who do not qualify for reasonable preference will be assisted by Children's Services with support from the Housing Solutions Team to identify accommodation through alternative housing options.

The evidence to support this will be provided by the social worker via the Move On referral form and will consist of confirmation that:

- The care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living
- The care leaver possesses the life skills to manage a tenancy including managing a rent account
- The care leaver has either long term or medium term tenancy support arranged, as required
- Ongoing support needs have been assessed and, where appropriate, a support plan is in place

\*Please note that not all applicants who occupy supported housing will be awarded reasonable preference. Applicants must be vulnerable with an urgent housing need that is only met by the provision of *long term* settled housing. Applicants who do not require *long term* settled housing will be assisted by the supported housing project and the Housing Solutions Team to identify alternative suitable accommodation through alternative housing options. The criteria for an award of reasonable preference will be:

- An applicant is ready to move into independent settled housing as confirmed by the Move On Panel
- The applicant is in need of medium to long term ongoing tenancy support rather than short term support
- A support package has been assessed and is in place
- An applicant's vulnerability is such that accommodation in the private rented sector would through its own short term have a detrimental effect on their vulnerability

### **3.3.4 Reasonable Preference category s167 (2) (e) – People who need to move to a particular locality within the local authority's district where failure to meet need would cause hardship to themselves or to others**

Reasonable preference (e) will be awarded where the applicant needs to move to a particular locality within the local authority's district where failure to meet the need would cause hardship to themselves or to others.



**Band B** will be awarded to applicants who meet any of the following:

- The applicant is giving or receiving essential support which can only be delivered if they live in a specific locality within the area
- The applicant has an offer of or has permanent or part time employment or a long term training or education placement cannot continue unless they live in a specific locality within the area and are otherwise adequately housed

**Band D** will be awarded to applicants who meet any of the following:

- The applicant needs to move to be nearer to:
  - A child's school where the child's need to move to a school has been recommended by the Director of Education and Lifelong Learning
  - A place of worship where there is no suitable place of worship where the applicant currently resides

### **3.4 Local Priorities**

Whilst the Council is required by law to give overall priority to applicants who fall within the Reasonable Preference categories the Scheme allows for flexibility to ensure that the strategic aims of the Local Housing Strategy are also taken account of.

The following local priorities have therefore been adopted:

#### **3.4.1 Extreme Violence or Harassment**

Band B will be awarded to applicants suffering extreme violence or harassment where it is not safe for them or their household to remain in their current accommodation and their application has been supported by a multi agency referral.

#### **3.4.2 Fostering and Adopting**

**Band B** will be awarded to applicants who have been recommended by the Director of Community and Children's Services to foster or adopt children and whose current accommodation is not large enough.

#### **3.4.3 Separated Households**

**Band B** will be awarded to applicants whose households are forced to live apart because their current accommodation is unsuitable

This does not apply to those who are legally separated or are living apart due to relationship breakdown or family dispute.

#### **3.4.4 Existing Tenants**

**Band C** will be awarded to applicants who are existing social housing tenants in the Borough, and who do not qualify for Band A or B, who wish to transfer and have no rent arrears and have been a tenant for 12 months.

### **3.5 Discretionary Allocations and Local Lettings Plans**

The aim of this policy is to ensure that overall priority for allocations is given to applicants in the relevant categories described above and to those that have waited the longest to be housed. However, some flexibility is required in order to meet urgent housing need, create sustainable communities and provide for the efficient use of the social housing stock. There are often circumstances where the only way these issues can be resolved is to give housing managers discretion to make the most appropriate allocation under the circumstances. The Eligibility Panel will be responsible for approving allocations in such cases. For monitoring purposes a clear audit trail will be provided to the Eligibility Panel.

#### **3.5.1 Local Lettings Policies**

The legislation enables housing authorities to allocate accommodation to people of a particular description who may not be at the top of their Band. For example to ensure sustainability some accommodation may be restricted to persons over the age of 50.

Local lettings plans have been agreed for certain areas. The local letting plans have been developed and approved in accordance with an agreed procedure which considers the specific aims and justification of the plans. The plans will be reviewed on an annual basis. All local lettings policies are evidenced-based with an aim to achieving community sustainability and ensure that they fit with and inform strategic priorities. We will ensure local lettings plans do not discriminate on the grounds of gender, race and disability and that they are monitored and evaluated to assess their impact.

From time to time new Local Lettings Plans may be agreed with a housing association, to deal with specific local issues at a street, estate or community level. The details of these will be made public alongside the Scheme.

### **3.6 How the Size and Type of Accommodation is Assessed**

Applicants can apply for any area and type of property that is suitable to their needs. However the size of accommodation that can be allocated to an applicant will be calculated according to the standard set out in the following sub section. There may be circumstances where a larger size property may be allocated than what is needed. In such cases applicants will be made fully

aware of the financial implications of having a property which may be larger than their household size.

In addition some types of accommodation will only be allocated to certain groups of applicants. Further details of this are set out in sub section 3.6.2.

### 3.6.1 Size of Accommodation

The following criteria will be used to determine the size of accommodation to be allocated to the applicant:

Household Size	Accommodation Size
<b>Single Person</b>	1 bedroom
<b>Couple</b>	1 bedroom
<b>Co-tenant</b>	2 bedroom
<b>Single parent or couple with one child</b>	2 bedroom
<b>Single parent or couple with two children of the same sex</b>	
- both aged under 10	2 bedroom
- one or both aged over 10	3 bedroom
<b>Single parent or couple with two children of opposite sex</b>	
- both aged under 10	2 bedroom
- one or both aged 10 or over	3 bedroom
<b>Single parent or couple with three children</b>	
- if two are able to share a room (under 10)	3 bedroom
- none able to share a room	4 bedroom
<b>Single parent or couple with four children</b>	
- if all children are under 10 rooms	3 bedroom
- all other	4 bedroom

Household members who are temporarily living away from home, for example in further education or the armed forces, will be included as part of the household. The individual currently living away will need to confirm in writing that they wish to be considered as part of the household and until the letter is provided the application will be considered as the individual not being part of the household.

Each application is assessed on the individual needs of the applicant in recognition that individual needs vary. There may be circumstances where a larger house size than which an applicant is entitled to may be awarded as outlined below:

- **Expectant mothers will be allocated a property according to their current needs plus an additional bedroom for the unborn child/children**
- **Where the applicant has a disability and a non-resident carer, the applicant will be entitled to funding for an extra bedroom (WG Changes to Housing Benefit)**

- **Where there is a medical reason for requiring a separate or additional bedroom** – this will be considered on an individual basis
- **Where a separated spouse has access right to a child/children** – in some circumstances where the applicant can evidence that they provide essential support to the primary carer, then we may allow the applicant one additional bedroom
- **Where there is no stock of a suitable size** – in some areas, where landlords do not own properties of a smaller size, smaller households may be entitled to be considered for the next suitable size

In some cases applicants may be offered a larger size property if, for example, a property becomes available in a low demand area and there is no suitable applicant for that size property. In such cases that a larger property is provided to an applicant which is bigger than what they are entitled to, the applicant will be made fully aware of any implications in relation to Housing Benefit.

### **3.6.2 Type of Accommodation**

Applicants can usually apply for any type or size of accommodation that is suitable to their needs. However some types of properties may only be designated to certain client groups, for example bungalows and level access accommodation will usually be offered to applicants requiring an adapted property in the first instance and sheltered or older persons' accommodation will usually be offered to people over 55 or 60, depending on the landlord of the sheltered scheme. Details of sheltered schemes and older persons' accommodation can be found in Appendix 3.

Certain types of properties and areas are available more readily than other areas and applicants will receive detailed information on this during a Housing Solutions Consultation (see Section 5).

### **3.6.3 Area of Preference**

Applicants may request housing in an area where there is currently no social housing provided as it will help the future planning of new developments. However applicants need to be aware that if they only choose these areas they are likely to have to wait a very long time to be re-housed.

### **3.6.4 Areas with greater availability of housing**

In some areas of Rhondda Cynon Taf there are areas of housing that have a very short waiting lists or even no waiting list at all. In these circumstances the Council may agree with the landlord a local lettings scheme that does not rely on the Housing Allocation Scheme but allows instant access without the need for any assessment beyond eligibility. The aim of such local lettings schemes will be to establish a viable community in the location. If demand increases subsequently then lettings may be brought back within the Scheme.

### **3.6.5 Access to Children**

The primary carer will be classified as the parent who receives Child Benefit, Child Tax Credit or Working Family Tax Credit in respect of the child / children, and accommodation will be allocated in accordance with the criteria set out above (Section 3.6.1).

Applicants who are separated or divorced, have joint custody, and can evidence via a court order or legal agreement that they provide essential support to the primary carer may be considered for a property based on the family size. Applicants who do qualify for this reason for a larger size property will be awarded reasonable preference category s167(2)(d) and placed in Band B. Applicants will need to provide evidence, such as a birth certificate, to support their application and each application will be assessed individually.

Access cases, where there is no essential support being provided, will be assessed according to the applicant's housing need and will be entitled to a property with one bedroom more than the permanent family's needs.

The changes in Housing Benefit have implications on the size of a property that is offered to applicants. Applicants need to be fully aware of these changes and the cost implications of having a larger property as Housing Benefit for a larger property will only be paid to the primary carer.

### **3.7 How Reduced Priority is Applied Under the Scheme**

Applicants who are eligible under the Scheme will be assessed and will be placed in a band accordingly. However where an applicant has been awarded a band according to need and one of the following factors apply the application will be given a reduced priority.

Reduced priority will be applied in the following circumstances:

- No local connection
- Rent arrears / Former tenant debt
- Non compliance to tenancy agreement
- Capital savings and/or assets
- Refusal of three reasonable offers
- Intentional worsening of housing circumstances

In some cases the circumstances under which the applicant has been given reduced priority may be resolved and therefore such applicants will only be given a reduced priority until such a time that they inform the Housing Solutions Team of any reasons why the reduced priority should be reviewed.

#### **3.7.1 Reduced Priority due to No Local Connection**

Following an assessment of eligibility, applications can be accepted from people living anywhere in the United Kingdom. However applicants will have

less priority within the scheme than those with a local connection to Rhondda Cynon Taf. A local connection is defined in s.199 of the 1996 Act as a connection which the applicant has with an area because:

- He or she is, or was in the past, normally resident there, and that resident was of his or her own choice, or
- He or she is employed there (i.e. the applicant actually works in the area rather than that the area is the site of his or her employers' head office), or
- Of family associations; or
- Of any special circumstance (e.g. the need to be near special medical or support services which are available only in a particular area)

In assessing whether the applicant's household has a local connection with their area, the Scheme will consider whether any person who is reasonably expected to live with the applicant has such a connection.

Circumstances may arise where it is not appropriate to apply the local connection policy and managers' discretion will evaluate each case on its own merit:

- MAPPA cases will not be subject to local connection
- Applicants who have been placed outside of RCT while being looked after by Children's Services
- Homeless applicants

MAPPA stands for Multi-Agency Public Protection Arrangements – a set of arrangements established by police, probation and the prison services (known as the responsible authorities) to assess and manage the risk posed by sexual and violent offenders. A number of agencies are under a duty to co-operate with the responsible authority. These include: Local Authority social services, Primary Care Trusts and strategic health authorities, Youth Offending Teams, local housing authorities, registered social landlords, local education authorities, Jobcentre Plus, and electronic monitoring providers.

The purposes of MAPPA are:

- to ensure more comprehensive risk assessments, taking advantage of co-ordinated information sharing across the agencies, and
- to direct the available resources to best protect the public.

Applicants with no local connection will be awarded the next Band down to the original band that they would have been awarded based on their housing need.

### **3.7.2 Reduced Priority due to Outstanding Housing Related Debts**

Applicants with outstanding housing related debts will be given reduced priority under the scheme. This means that applicants will be awarded the

next band down to the original band they would have been awarded based on their housing need.

Housing related debt will include current or former rent arrears (including temporary accommodation arrears), damage to a former social housing property, clearance or storage costs, or the legal costs arising from court action in connection with a current or former tenancy. In considering whether to reduce priority consideration will be given to any mitigating medical or welfare factors.

The Housing Solutions Team will consider the following when assessing reduced priority due to housing related debt:

- Whether the applicant still owes arrears/debt and if so what is the extent of the rent/debt
- Whether there are any exceptional circumstances for the applicant's debt
- Whether the applicant has demonstrated a commitment to repaying the debt and has a suitable arrangement in place to include the amount of arrears paid off, any outstanding debt and the regularity of the payments made

After the above considerations have been made the Housing Solutions Team may reduce the applicant's priority to the next band down. If a payment plan has been made but the applicant fails to adhere to this plan then this could result in the applicant being ineligible and as a result their application will be cancelled. The Housing Solutions Team will undertake periodic reviews to ensure applicants adhere to their payment plan.

Applicants are recommended to contact the Housing Solutions Team when they believe that their circumstances have changed. The Housing Solutions Team will consider the request and if satisfied that the applicant has begun to implement an arrangement to clear the arrears then the reduced priority status will be removed. The applicant will then be awarded the relevant band according to their housing need.

The exceptional circumstances where the reduced priority will not be awarded are:

- Where the applicant or their family can demonstrate that they face life threatening circumstances and require immediate re-housing
- Where the applicant is in need of temporary re-housing as a result of fire or flood damage,
- Where the applicant has priority medical needs
- Where the applicant is awarded priority as a result of domestic abuse

### **3.7.3 Reduced Priority due to Non Compliance to Tenancy Agreement**

Applicants who have failed to adhere to any current or previous social housing or private rented housing tenancy agreement terms and conditions may be

given reduced priority. This will include failing to maintain their previous social rented or private rented property within the terms of their tenancy agreement, or cause nuisance or annoyance to neighbours or others within the locality of where they live or have previously lived. This reduced priority will apply until the applicant has demonstrated that circumstances have changed and the previous conduct is unlikely to happen in the future. This could include demonstrating cooperation with support agencies.

The reduced priority will be reconsidered at the request of the applicant and where the applicant can demonstrate that there has been no reasonable cause of complaint against the applicant for a continuous period of one year.

#### **3.7.4 Reduced Priority due to Capital, Savings, Assets and Income**

All applicants will be assessed in accordance with the banding system and whether or not they fall into a reasonable preference category. Applicants with no reasonable preference, who are adequately housed and/or with the financial resources to meet their needs will be placed in Band E.

Applicants with a reasonable preference but have the financial resources to access suitable accommodation will be assessed in accordance with the banding system but will be demoted to the next band down.

#### **3.7.5 Reduced Priority due to Refusal of Three Reasonable Offers**

The Scheme allows applicants to specify any areas at street, estate or community level where they do not want to be offered housing. The scheme also allows them to be considered only for property types that would suit the size of the family. The intention therefore is to make offers of accommodation that meet the preferences of applicants and provide suitable accommodation. As a result, when applicants refuse three offers of accommodation without offering a valid reason they will be demoted to the next band.

A reasonable offer of accommodation is one that meets the housing need, size and location as specified in the applicant's application.

If an applicant refuses three offers of accommodation, the partner landlord that made the offer will meet with the applicant to discuss the reasons for the refusals. The aim of this discussion is to establish the applicant's expectations and to why the offers were unsuitable. This will help ensure that applicants are offered accommodation that is suitable to their needs.

Where the applicant is unintentionally homeless and in priority need, and refuses a suitable offer of accommodation, priority re-housing status may be removed and the applicant will be placed in Band C.



### **3.8 Notification of Reduced Priority**

Applicants whose priority is reduced will be provided with written notification of the decision which will include the following:

- The reason for the decision
- The band that they would have been awarded and the new band as a result of reduced priority
- The applicant's right to appeal and that this has to be done within 21 days of the written notification of the decision
- Any actions they need to take before they can be considered for a higher band
- Any appeal will be dealt with by an officer who was not involved in the original decision. All appeals will be dealt with within 8 weeks

## Section 4:

This section of the document will explain how lettings to specific groups are made under the scheme

- 4.1 How lettings to Councillors and Council Staff and Housing Association Board Members and Staff are made
- 4.2 How lettings to applicants requiring adapted properties are made
- 4.3 How lettings to applicants requiring older persons or sheltered accommodation are made
- 4.4 How lettings to the Council's Gypsy Traveller Caravan Site are made
- 4.5 How lettings to 16 and 17 years olds are made

### **4.1 How Lettings To Councillors and Council Staff and Housing Association Board Members and Staff are made**

Rhondda Cynon Taf County Borough Council and its partners are committed to providing a fair and equitable Housing Allocation scheme to all its applicants. We do not exclude any employee, Council Member, Board Member, close relatives of employees, Council Members or Board Members, or former staff from applying for a tenancy.

All persons eligible are entitled to apply to the Scheme and all applicants will undergo the same assessment procedure.

Staff, Board Members and Council Members and their relatives will be treated the same as any other applicant and must not be seen as receiving any preferential treatment.

However the following steps will be followed when a member of staff, Board Member or Council Member submits an application:

- The applicant will have no involvement in any decisions or the inputting of their application
- The applicant will have no involvement in the awarding of priority or band
- Applications should be clearly marked that the application is that of a staff member, Board Member, Council Member or a relative
- At the point of offer the relevant form must be completed and signed off before the offer is complete

Guidance on permitted payments and benefits to staff and board members of Housing Associations in Wales states that when an offer is made there is an exemption to permit the grant of a tenancy or the disposal of a house to an

officer or to a close relative of an officer provided that the written consent of the Welsh Government has been obtained.

#### **4.2 How Lettings To Applicants Requiring Adapted Properties are made**

Applicants requiring adapted properties will apply for housing in the same way as applicants requiring general needs properties. Applications will be awarded priority in accordance with the banding system as set out in Section 3. However at the point of application, such applicants will be required to complete a self assessment form. The purpose of the self assessment form is to identify the appropriate classification of the disability needs of the applicant which will identify the type of property required.

When an adapted property becomes available for allocation the housing officer will identify applicants requiring an adapted property at the top of the relevant band. The housing officer will follow the process used for selecting an applicant for a general needs property i.e. identifying an applicant from Band A first and if there is no suitable applicant in this band, moving to Band B and so on.

When a general needs property becomes available for allocation this will be allocated to the person at the top of the relevant band in accordance with Section 3.1. Some applicants requiring adaptations may not necessarily need a bungalow, level access or a fully adapted property and a general needs property, which can be adapted, may be suitable. If the applicant at the top of the band requires an adapted property, the housing officer will assess the suitability of the property to identify if the property can be adapted to meet the needs of the disabled applicant who is at the top of the list. Where the Housing Officer assesses the property as being suitable, an Occupational Therapist will be required to undertake a verification visit.

The Housing Officer and the Occupational Therapist must consider the, suitability, practicality and the cost effectiveness of adapting the available property.

#### **4.3 How Lettings To Applicants Requiring Older Persons and Sheltered Housing Accommodation are made**

Sheltered housing offers accommodation, often within complexes, especially designed with the needs of older people in mind.

It aims to provide a safe environment where people can make friends and enjoy a range of social activities while living independently. In some cases, a warden service is supplied for greater reassurance and better security.

To be eligible for Sheltered Housing applicants must be:

- aged 55 or 60 and over, depending on the accommodation
- eligible for housing as detailed in the Scheme and appear in an appropriate band as set out in the Scheme
- be made aware of the cost of moving into a Scheme before a letting is carried out

Applicants wishing to apply for older persons' accommodation which is not sheltered accommodation can find details of this in Appendix 2.

#### **4.4 How Lettings To The Council's Gypsy Traveller Caravan Site are made**

Letting to the Council's Gypsy Traveller Caravan Site will be made in accordance with the Beddau Caravan Site Allocation Policy.

#### **4.5 How Lettings To 16 And 17 Year Olds are made**

Any United Kingdom resident 16 years or over can apply to the Scheme. However a Housing Association will not normally grant a tenancy to anyone under the age of 18 without a Trustee. For young people under the age of 18 the Registered Social Landlord may grant permission to allow for the occupation of the property by way of an approved agreement.

## **Section 5:**

This section of the document will explain the process for making an application

- 5.1 How to make an application
- 5.2 Home Visits
- 5.3 Housing Solutions Consultation
- 5.4 The provision of advice and information
- 5.5 Homeless right to review

### **5.1 How To Make An Application**

Anyone may make an application to join the Common Housing Register. However, the supply of vacant social housing for letting varies greatly across the district and in some areas, or for some types of property, the waiting times are long. For this reason we offer a personal housing options advice consultation to help applicants make informed choices about their area preferences and explore other options for accessing housing within the Borough.

#### **5.1.1 Making an Application**

Applications to join the Common Housing Register can be made face-to-face at the Housing Advice Centre, at a One 4 All centre during dedicated surgery times, by telephone (01443 487997) or online at [www.rhondda-cynon-taff.gov.uk](http://www.rhondda-cynon-taff.gov.uk). Alternatively, some applicants may require an officer to visit them at home. This can be arranged by telephoning the Housing Solutions Team on 01443 487997.

Applicants are encouraged to complete the application form themselves however if completed at the Housing Advice Centre staff will be available to go through the form with the applicant to ensure that the required information is collected. Staff are also available to give support in completing the applications if requested by telephone and translation services are available at the Housing Advice Centre via language line, where needed.

Please note that we no longer use paper application forms. All applications are made directly onto the computer system. This will ensure a faster service and provides applicants with immediate feedback about their eligibility and priority. In some circumstances a paper application form will still be available.

As part of assessing eligibility to join the Common Housing Register applicants are initially asked the four following questions:

1. Have you resided in the UK for the past 5 years?
  - a. If 'yes' are you British?
  - b. If 'no' what is your nationality?

2. Are you threatened with Homelessness
3. Have you committed an act of unacceptable behaviour?
4. Do you have a criminal conviction?

If an applicant answers 'yes' to any of the above questions they are required to contact the Housing Solutions Team on 01443 487997, who will then direct the applicant to the most appropriate officer. Applicants who answer 'yes' to questions 1 and 2 are required to make an appointment with a Homeless Prevention Officer and applicants who answer 'yes' to questions 3 and 4 are required to make an appointment with the Housing Solutions Team. The purpose of the appointments is to fully assess the applicant's eligibility and provide advice and assistance on their eligibility.

Applicants with a criminal conviction will be referred to the Eligibility Panel. The Eligibility Panel is responsible for confirming eligibility based on the following test of unacceptable behaviour:

- Has the applicant been evicted for neighbour nuisance / and or anti social behaviour; or
- Has the applicant been convicted of specified conduct or in view of the panel have been guilty of such conduct; or
- Has the applicant made a clear attempt to obtain accommodation by deception

Where the Eligibility Panel assesses the applicant or member of their household as having unacceptable behaviour, where the behaviour is serious enough to make them (the applicant) unsuitable to be a tenant and where the behaviour is still deemed to be unacceptable at the point of application, the applicant will be determined as being ineligible to join the Scheme.

Where the Eligibility Panel has assessed the application as ineligible, the Performance and Liaison Officer will write to the applicant and advise them of this, providing full reasons for the decision and advising of their right to appeal.

Where an applicant is deemed eligible the Housing Solutions Team will continue the application process and inform the applicant of this decision. Applicants who are required to provide any supporting evidence are advised of this in writing once their application has been assessed and need to present this evidence to the Housing Solutions Team. Upon receipt of all supporting evidence the application is completed and a Band is awarded. The decision is confirmed in writing to the applicant and includes information on the applicant's right to appeal.

Applicants who answer 'no' to the above questions can continue with their application.

All applicants, including on-line applicants, are invited and advised to have a Housing Solutions Consultation where the applicant's housing needs and housing options are discussed in detail. The purpose of the Housing

Solutions Consultation is to determine whether or not applying to the Common Housing Register is the most appropriate housing option for the applicant.

All completed applications, regardless of whether supporting evidence is required, are verified by the Housing Solutions Team. The Band is then confirmed in writing along with advising the applicant on their right to appeal.

### **5.1.2 Making an On-line Application**

Applications can be made on-line at [www.rhondda-cynon-taff.gov.uk](http://www.rhondda-cynon-taff.gov.uk) or [www.rhonddacynontafhousing.co.uk](http://www.rhonddacynontafhousing.co.uk). Internet access for making an application is available at a number of venues throughout Rhondda Cynon Taff including the Housing Advice Centre, One 4 All Centres and local libraries.

Applicants are initially asked the four eligibility questions mentioned above and if they answer 'yes' they are required to contact the Housing Solutions Team on 01443 487997, who will then direct the applicant to the most appropriate officer. Applicants who answer 'yes' to questions 1 and 2 are required to make an appointment with a Homeless Prevention Officer and applicants who answer 'yes' to questions 3 and 4 are required to make an appointment with the Housing Solutions Team. The purpose of the appointments is to fully assess the applicant's eligibility and provide advice and assistance on their eligibility.

All other applicants can continue with their online application and on completion of this are advised of their Band. However the information and the Band that has been awarded is indicative and will be confirmed in writing by the Housing Solutions Team.

Where supporting evidence is required applicants are advised of this and asked to present the evidence to the Housing Solutions Team and the Band is not confirmed until the evidence has been assessed.

### **5.1.3 Making an Application by Telephone**

Applications can be made over the telephone by contacting the Housing Solutions Team on 01443 487997.

Applicants are initially asked the four eligibility questions mentioned above and if they answer 'yes' to any of the questions the Housing Solutions Team will direct the applicant to the most appropriate officer. Applicants who answer 'yes' to questions 1 and 2 are required to make an appointment with a Homeless Prevention Officer and applicants who answer 'yes' to questions 3 and 4 will be asked a series of question to determine their eligibility and be referred to the Eligibility Panel.

All other applicants receive a Housing Solutions Consultation over the telephone and depending on the outcome of this can continue with the

application process. Upon completion of this applicants are advised of their Band and this will be confirmed in writing by the Housing Solutions Team.

Where supporting evidence is required applicants are advised of this and asked to present the evidence to the Housing Solutions Team and the Band is not confirmed until the evidence has been assessed.

#### **5.1.4 Making an Application In Person**

Applications can be made by visiting the Housing Solutions Team based at the Housing Advice Centre. As previously mentioned all applicants are asked the four eligibility questions upon which the Housing Solutions Assistant filters the applicant to the most appropriate officer.

Applicants threatened with homelessness or have not resided in the UK for the past 5 years are required to make an appointment with a Homeless Prevention Officer. Applicants who have a criminal conviction or have committed an act of unacceptable behaviour are required to undertake a Housing Solutions Consultation.

All applicants making an application in person are invited for a Housing Solutions Consultation, and depending on the outcome of the consultation are filtered to the most appropriate housing option. If the housing option is to join the Common Housing Register the application is completed and a Band assigned.

Where supporting evidence is required applicants are advised of this and asked to present the evidence to the Housing Solutions Team, where upon receipt the Band is confirmed.

Some applicants may not require or wish to have a Housing Solutions Consultation and can therefore complete the application at the Pod, based at the Housing Advice Centre.

In addition to the Housing Advice Centre, surgeries will be held at One 4 All centres.

#### **5.2 Home Visits**

Some applicants require a home visit and therefore at the point of contact to the Housing Solutions Team, the Team will:

- Arrange an appropriate time to visit the applicant and undertake a brief telephone assessment to assess eligibility and identify any supporting evidence that may be required, this can then be presented at the home visit
- Once eligibility has been confirmed undertake the home visit and verify supporting evidence
- Complete the application process and verbally confirm the Band
- Confirm the Band in writing and advise of the applicant's right to appeal



### **5.3 Housing Solutions Consultation**

Every applicant is invited for a Housing Solutions Consultation, including on-line applications. The Housing Solutions Consultation is an informal discussion and its purpose is to understand the applicant's housing need and to offer advice on alternative housing solutions. The Housing Solutions Consultation will also determine whether applying to the Common Housing Register is the most appropriate housing solution for the applicant.

Where this is not the case the applicant is advised of other housing options such as low cost home ownership or private rented accommodation.

During the Housing Solutions Consultation applicants are provided with very detailed information regarding social housing within the County Borough. Applicants are advised of high and low demand areas and the average waiting times that applicants have to wait before being housed in certain areas. As a result of this, applicants may find that their prospects of being housed through the Scheme are better in some areas than others.

Therefore all applicants are signposted to the Housing Solutions website ([www.rhonddacynontafhousing.co.uk](http://www.rhonddacynontafhousing.co.uk)) and are provided with hardcopies of information, where required, which includes information on a range housing options, including those mentioned above.

### **5.4 The Provision Of Advice and Information**

All applicants must provide the information that is requested so that the Housing Solutions Team can confirm their details and award the appropriate Band. If supporting evidence is not provided then this will delay the application process and therefore hold up any potential allocation.

The Council aims to provide advice and assistance to enable applicants to make informed choices and to ensure that no applicant is disadvantaged.

Applicants will be provided with information regarding their own applications as follows:

- What band they have been awarded
- What information they need to supply for verification purposes
- If the applicant has been awarded reduced priority or are found to be ineligible what actions, if any, need to be undertaken to resolve this

#### **5.4.1 Advice on Decisions and Reviews of Applications**

The Council will also inform applicants of their rights regarding decisions taken about their applications:

- The right to be notified in writing of any decision not to give an applicant any preference under the scheme because of unacceptable behaviour serious enough to make him/her (or a member of the household) unsuitable to be a tenant;
- the right, on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to him/her; and
- the right, on request, to review a decision mentioned in paragraph (i) or (ii) above or in respect of s.160A(9) regarding those who are ineligible or who may be treated as such on the grounds of unacceptable behaviour. The applicant also has the right to be informed of the decision on the review and the grounds for it.

#### **5.4.2 Advice on General Information**

The Council aims to provide applicants with detailed information regarding, not only, the availability of social housing but also information on alternative housing options available in Rhondda Cynon Taff. All potential applicants will be provided with detailed lettings information to enable them to make an informed choice to apply to the scheme. The following information will be provided:

- The length of waiting time for properties in different areas
- Applicants who have difficulty reading and understanding the Scheme will be offered the following services:
  - An interpretation service if their first language is not English
  - Provision of documents in large print
  - An interview to explain the Scheme and information where independent advice can be obtained regarding the Scheme

The Council and its partners have also developed the website [www.rhonddacynontafhousing.co.uk](http://www.rhonddacynontafhousing.co.uk) which is dedicated to providing all types of housing advice. The website includes a social housing waiting time calculator which allows potential applicants to access the average waiting time for the type of property and area of choice. This calculator will then enable the potential applicant to make informed decision either to continue with their application for housing within an area with a high waiting time or to choose another area where they may not have to wait so long for housing. The website also includes information on selected properties which are immediately available for offer regardless of banding.

During the Housing Solutions interview all potential applicants will be provided with detailed information regarding social housing within the County Borough and also be signposted to the Housing Solutions website ([www.rhonddacynontafhousing.co.uk](http://www.rhonddacynontafhousing.co.uk)) where further details and information is available on:

- Buying a house
- The Homestep Scheme
- Renting from a Private Landlord
- Local Area Information

- Supported Housing
- Adapted Housing
- Sheltered Housing
- Homelessness
- Housing Grants

Applicants who are unable to access the internet will be provided with printed copies of the information that is available.

## **5.5 Homeless Right To Review**

Homeless applicants have the right, within 21 days, to request a review of suitability of an offer whether or not they have accepted the offer. If the applicant has been accepted as being owed a statutory duty by the Council, this duty, subject to a right of review, will have ceased if a final offer is refused.

The Council will cease to owe a duty if the applicant, having been informed of the possible consequence of a refusal and of their right to request a review of accommodation, refuses a final offer of accommodation. An offer of accommodation is considered a final offer if it has been made in writing and states that it is a final offer as the Council ceases to owe a duty as the applicant is no longer eligible for assistance.

The Homeless Review Panel will consider any requests to review the suitability of an offer of accommodation and will carry out the following:

- **If the offer is found to be unreasonable** reinstate their priority need status, or
- **If the offer is found to be reasonable** advise the applicant of the reason for this decision and of the effect that the decision has on their priority need status

Homeless applicants also have the right to appeal to the County Court on a point of law, arising from the decision on the review. A homeless applicant must bring an appeal to the County Court within 21 days of the date on which they are notified of the decision on review.

Where the Council ceases to owe a duty due to the above, the applicant will remain on the housing register as a general needs applicant and be considered for further offers based on their housing need and within their chosen areas.

## **Section 6:**

This section of the document will explain the service standards of the scheme and how it will be monitored

- 6.1 The service standard for administering the scheme
- 6.2 How the annual lettings plan works
- 6.3 How future lettings plans will be developed
- 6.4 The procedure for dealing with changes in circumstances
- 6.5 How applications will be cancelled under the scheme
- 6.6 Cancelling Applications

### **6.1 The Service Standard For Administering The Scheme**

The Council is no longer a social landlord and does not own any council houses, flats or sheltered housing complexes. In December 2007, the Council transferred all of its housing stock to RCT Homes which has been set up to specifically manage all of the Council's transferred housing stock.

If you were a Council tenant in Rhondda Cynon Taf at the time of transfer, you automatically became a RCT Homes tenant.

The Council still has responsibility to ensure the needs of residents are met through housing services provided locally and has a duty to help people who are homeless or threatened with homelessness.

The Council will consider every application received and will:

- Provide free advice and information about the right to apply for accommodation
- Provide detailed advice on eligibility to join the Common Housing Register
- Provide free assistance to applicants who may have difficulty in making an application
- Ensure that all information is easy to understand and is readily accessible
- Outline how choice is offered and the ability of applicants to indicate their preferences
- Provide detailed advice on the types of accommodation that is available throughout the County Borough
- Provide detailed information on the length of time applicants are likely to have to wait to be re-housed in their area of choice, and also information on the length of waiting time for any other area
- Provide a full copy or summary of this Scheme to all households that request them and always provide a summary of the Scheme to people accepted as being owed a full duty as statutorily homeless

- Treat applicants equally in accordance with their housing need and where possible their choices, regardless of race, religion or creed, ethnic or national origin, disability, gender, sexual orientation or marital status or age
- Regularly monitor all nine equality strands of applicants
- Ensure that all information provided by applicants will be treated with strict confidentiality

## **6.2 How the Annual Lettings Plan Works**

The Scheme will use a targeted banding system to prioritise applicants. This means that each band will be allocated a target (or a set of lettings indicators) indicating the number of allocations to be shared between the different bands. The CHR Partners will then use this plan when making their allocations to ensure that the Scheme meets its legislative and contractual requirements by housing those in greatest housing need and helps to build sustainable communities.

This Scheme is substantially different to the one previously in operation due to the change from a points based system to a banding system. In order to determine the targets for each band, the Council has undertaken an analysis of the points of the applicants who were allocated a property over the last three years under the previous scheme and matched these points broadly to the new banding system. This has allowed the Council to identify which band these applicants would have been awarded under the banding system. Using trends in this way has allowed the Council to set appropriate targets for each band and will ensure that the Council will continue to meet its statutory obligations towards homeless households whilst also assisting other reasonable preference applicants, local strategic priority applicants and will contribute to achieving sustainability.

The targets for this period have been set as follows:

Band A	25%
Band B	59%
Band C	10%
Band D	1%
Band E	5%

The targets will be reviewed after the first six months of operation of the Scheme and annually thereafter to ensure that the targets for each band have been set appropriately.

### **6.3 How Future Lettings Plans will be Developed**

After the first year of operating the Scheme, accurate data will be available on the allocations made under each band and this will inform any future amendments to targets if necessary. This data will also allow for considering other monitoring options such as:

- Current applicants on the Common Housing Register split by band
- The split of need within band i.e. how many applicants have Reasonable Preference and for which reasons
- The percentage of a particular Reasonable Preference group that has been re-housed within the year
- The percentage of allocations made under each band broken down by area

### **6.4 The Annual Review Of The Common Housing Register**

Each Common Housing Register application will be reviewed annually by writing to applicants and asking them to complete a short questionnaire to confirm that the information held on the Common Housing Register is up to date and accurate.

Applicants will be sent a reminder after 14 working days where failure to respond to this will result in the applicant being deleted from the Scheme. All deleted applicants will be notified in writing. If the applicant can provide a good reason, such as being on holiday, for not responding to the review request in time then the application may be reinstated with their original application date.

### **6.5 The Procedure for Dealing with Changes In Circumstances**

Applicants must immediately notify the Housing Solutions Team of any changes in their circumstances and provide evidence to support these changes as a change in circumstances could alter an applicant's position on the Housing Register.

Any applicants that do not respond within the timescale for providing additional information may be removed from the Scheme. Applicants will not be considered for an offer of accommodation whilst the Housing Solutions Team is awaiting the required information. Applicants who have been removed from the register have the right to a review of the decision within 21 days.

If a household deliberately worsens their circumstances following a voluntary change of address, the application may, for a period of not more than 12 months, be assessed as though the applicant were still living at the previous address. For example this could arise if a tenancy is ended or a home

abandoned for no good reason. Anyone forced to leave their home through violence or a genuine fear of violence will not be considered to have deliberately worsened their circumstances.

## **6.6 Cancelling Applications**

Applications will be cancelled for the following reasons:

- At the applicant's own request
- Upon changes in circumstances that result in them being ineligible for the Scheme
- Following failure to respond, without good reason, to an annual review
- An applicant has been housed in a secure or assured tenancy by another Local Authority or other Housing Association not part of the Common Housing Register
- Where an applicant leaves temporary accommodation without a forwarding address
- When the applicant moves to a new address and does not complete a new application form

## **Section 7:**

This section of the document will look at additional legal duties

- 7.1 How personal information and confidentiality is dealt with under the scheme
- 7.2 The consequences of providing false information
- 7.3 The applicant's right to review of a decision
- 7.4 How to make a complaint

### **7.1 How Personal Information And Confidentiality is Dealt With Under the Scheme**

All applicants have a right to view and confirm the accuracy of information about them, which is held on computer. Personal information obtained from or about an applicant will only be used to process an application.

Privacy and confidentiality is respected and will normally only be used to verify the information to determine eligibility and priority. In some cases we may contact other agencies to confirm this information. Where information is to be shared with third party agencies, this will not be done without the applicant's agreement, unless they have a legal right to obtain it, and information will be transferred in a secure way.

In some cases the law may require or permit, and disclosure may be necessary, information about an applicant to be shared without consent and this will not breach data protection, human rights or the common law obligation of confidence. In terms of obligation of confidentiality/privacy, this may be set aside where disclosure of information is necessary to ensure one or more of the following:

- National security
- Public security
- The detection or prevention of crime or disorder
- Protection of health or morals
- The protection of the rights of freedom of others

### **7.2 The Consequences of Providing False Information**

It is a criminal offence for an applicant to knowingly, or recklessly give false information or knowingly withhold reasonably requested information relevant to their application. This includes information requested for the application and information relating to any review of the application.

Where there is suspicion that a person has provided or withheld false information, the application will be recorded as 'application pending' until investigations are complete. If the outcome of the investigation is that the



information was not false and was not withheld, then the application will be reinstated to the Scheme.

Where applicants have obtained a tenancy by withholding information or providing false information, under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, s.146) the landlord can seek possession of the property.

If the Council determines that an applicant directly, or through a person acting on their behalf, has given false information or withheld required information it will result in them being ineligible for the Scheme.

### **7.3 The Applicant's Right To Review of a Decision**

In accordance with Section 167 (4A) of the Housing Act 1996 this Scheme is framed to ensure that an applicant:

- (a) Has the right to general information to enable them to assess:
  - How the application is likely to be treated under the scheme (including whether the applicant is to be considered to be awarded reasonable preference)
  - Whether housing accommodation appropriate to their needs is likely to become available and how long such accommodation is likely to become available for allocation
- (b) Is notified in writing of any decision that determines:
  - the applicant, or a member of their household has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant
  - in the circumstances at the time the case is being considered, the applicant deserves by reason of that behaviour not be awarded reasonable preference
- (c) has the right to request any information of the decision about the facts of the case which is likely to be, or has been, taken into account when making the decision whether or not to make an allocation
- (d) has the right to be informed of the decision on the review and grounds for it

The applicant has a right to request on any of the decisions made about their application.

### **7.4 How to Make a Complaint**

The Council aims to provide high quality service for its customers and values any feedback and comments. The Council promises to treat customers with respect, be fair and honest and admit and learn from its mistakes.

The Housing Solutions Manager will deal and respond to all complaints regarding the Scheme, to include the Common Housing Register.

## **STAGE 1:**

**The Council will aim to resolve the complaint or put things right swiftly and as far as possible at this point, to avert the need for Stage 2.**

- Stage 1 complaints can be made by an applicant or someone acting on their behalf, with their consent, by telephone, in writing, face to face, via e-mail or the Council's website.
- Complaints will be referred to the Housing Solutions Manager to deal with.
- The Housing Solutions Manager will arrange for the matter to be resolved and will acknowledge the complaint within 3 working days and provide a full response within 15 working days.

Where possible, complaints should be registered with the Council as soon as possible (and within 12 months of the problem occurring).

## **STAGE 2:**

**If an applicant is dissatisfied with the outcome of their complaint at Stage 1, they may refer it to Stage 2 for formal investigation.**

- Upon receipt of a Stage 2 complaint, a Senior Officer will undertake a formal investigation of the case. All relevant documents/policies will be examined and, if appropriate, the applicant and staff member(s) involved will be interviewed.
- A formal, detailed letter of response will be sent to the applicant, in a bid to resolve the matter to his/her satisfaction.
- Should an applicant be dissatisfied with the outcome of a Stage 2 complaint, he/she may write to request a review of their complaint under Stage 3 of the complaints procedure.

## **STAGE 3:**

**If an applicant is dissatisfied with the outcome of their complaint at Stage 2, he/she may write to the Chief Executive and request a review of their case.**

If after stage 3 an applicant is still unhappy with how their complaint has been dealt with, the applicant can refer the matter to the Public Services Ombudsman, who may decide to independently investigate the case on your behalf.

The Ombudsman's contact details are:

The Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 01656 641 150

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

## Section 8

### Operational Manual

The Council will use an Operational Manual that describes, for the purpose of the staff of the Council and its Partners an explanation of how the Scheme will be operated and implemented. It will describe what officers should do, how decisions are made and will include processes. Its purpose is to guide the operation and implementation of the policy as described in the main body of the Scheme. The Operational Manual may be updated from time to time to take into account any administrative or ICT improvements and changes. The Operational Manual will be available at [www.rhondda-cynon-taff.gov.uk](http://www.rhondda-cynon-taff.gov.uk)

## Appendix 1

### Rhondda Cynon Taf Banding System

#### Band A

**Additional Preference – Applicants with an urgent priority to be housed**

**These are time limited cases to be reviewed every 3 months**

**Local connection criteria will apply except for MAPPA and Homelessness Cases**

#### Reasonable Preference Categories s167(2)(a), (b), (c), and (d)

- The applicant has suddenly lost their existing home as a result of disaster and requires accommodation in a short period of time
- Applicants who require accommodation as a result of leaving the Armed Forces and the loss of military accommodation and/or injury
- The applicant currently occupies a property that is in such poor condition as to impose extreme or imminent risk to the health and safety of its occupants
- The applicant currently occupies a property where there is a statutory requirement due to prohibition order / demolition order / compulsory purchase
- The applicant's health condition is terminal and re-housing is required to provide a basis for the provision of suitable care
- The applicant's health condition is so severely affected by the accommodation that it is likely to become life threatening
- Where overcrowding in the property leaves the applicant at risk of infection, for example, where an applicant is suffering from late-stage or advanced HIV infection
- Disabled people whose current accommodation completely restricts them from carrying out day-to-day activities both internally and outside the home and they require urgent re-housing into a property that is suitable to their needs
- Applicants who have nowhere to live when they are discharged from hospital where their current property is no longer suitable for their needs and cannot be made suitable and all other housing options have been

<p>explored</p> <ul style="list-style-type: none"> <li>➤ The applicant is a currently under occupying social housing by one or more bedrooms and needs to transfer to a smaller property</li> </ul>
<p><b>Local Priorities</b></p> <ul style="list-style-type: none"> <li>➤ The applicant is a Housing Association tenant and is a high risk management transfer, who is receiving support from a professional agency or who is subject to a MARAC (Multi Agency Risk Assessment Conference) that is making a recommendation of housing need. The transfer will enable the applicant's existing property to become available for an allocation to another applicant on the waiting list.</li> <li>➤ The occupant of the property no longer requires the adaptations and will therefore be releasing an adapted property by moving and there is a suitable applicant on the waiting list for the adapted property which will be released through the move</li> <li>➤ There is a likelihood of a child being accommodated by the local authority if re-housing is not made</li> <li>➤ The applicant's circumstances are not dealt with under any of the other circumstances in Band A, however their housing need has been assessed by the Eligibility Panel as urgent and they require immediate re-housing</li> </ul>
<p><b>Band B</b></p> <p><b>Applicants with a high priority to be housed</b></p> <p><b>Applicants awarded Band A but with no local connection</b></p> <p><b>All Homeless Priority Need Regardless of Local Connection</b></p>
<p><b>Reasonable Preference Categories s167(2) (a), (b), (c), (d) and (e)</b></p> <ul style="list-style-type: none"> <li>➤ The applicant has been assessed as priority need homeless and owed a duty, in accordance with the Homelessness Act 2002.</li> <li>➤ The applicant is occupying accommodation which is short by 2 or more bedrooms suitable to their needs</li> <li>➤ The applicant currently occupies a property that is in such poor condition as to impose significant risk to the health and safety of its occupants</li> <li>➤ The applicant's current accommodation is in such a condition that it contributes to causing serious ill health</li> <li>➤ The applicant's current accommodation is unsuitable and is having a</li> </ul>

serious detrimental impact on their own/household member's existing health condition and the ability to live independently, which will deteriorate in the long term if more suitable accommodation is not offered

- Disabled people whose current accommodation presents some barriers, such as steps, stairs or situated on a hill, to carrying out day-to-day activities and they require re-housing into a property that is suitable to their needs
- The applicant has an urgent need to move on welfare grounds due to any of the following:
  - It is unreasonable for the applicant to stay in their accommodation due to exceptional financial hardship
  - The applicant is at risk of being admitted to residential care or hospital if re-housing is not made
- The applicant needs to move due to relationship breakdown and there is a need identified to safeguard and promote the welfare of the child
- The applicant is a care leaver, vulnerable and has a high housing need that is best met by the provision of long term settled housing and the applicant has been assessed and approved by the Move On Panel as ready for re-housing. Applicants must be a former 'Relevant Child' as defined by the Children Leaving Care Act 2000.
- The applicant is in supported accommodation in Rhondda Cynon Taf, and also the Dyn Project and is ready for independent living.
- The applicant is giving or receiving essential support, which can only be delivered if they live in a specific locality within the area
- The applicant has permanent employment which cannot continue unless they live in a specific locality within the area and are otherwise adequately housed

**Local Priorities**

- The applicant has been recommended by the Director of Community and Children's Services to foster or adopt children and whose current accommodation is not large enough
- The applicant, their partner or children are forced to live apart because their current accommodation is unsuitable

\* This does not apply to those who are legally separated or are living apart due to relationship breakdown or family dispute

**Band C**  
**Applicants with medium priority to be housed**  
**Applicants awarded Band B but with no local connection**

**Reasonable Preference Categories s167 (2) (a), (b), (c) and (d)**

- The applicant has been assessed as homeless and non priority need
- The applicant has been assessed as intentionally homeless and in priority need
- The applicant is occupying insanitary or unfit accommodation and living in unsatisfactory housing conditions that present some risk to the health and safety of the occupants.
- The applicant is living in accommodation which is not suitable to their needs because it is short by one bedroom which is suitable to their needs
- The applicant's current accommodation is unsuitable and exacerbates the applicant's or other household members' health condition and more suitable alternative accommodation is required to improve the health condition

**Local Priorities**

- The applicant is an existing social housing tenant who does not qualify for Band A or B, who wishes to transfer and has no rent arrears and have been a tenant for 12 months

**Band D**  
**Applicants with a low priority to be housed**  
**Applicants awarded Band C but with no local connection**  
**(except Homelessness)**

**Reasonable Preference Category s167 (2) (e)**

- The applicant needs to move to be nearer to:
  - A child's school where the child's need to move to a school has been recommended by the Director of Education and Lifelong Learning
  - A place of worship as there is no suitable place of worship where the applicant currently resides



**Band E**

**All other Applicants**

**Applicants awarded Band D but with no local connection**

- The applicant is an owner occupier and does not qualify for Band A, B, C or D
- The applicant has the financial resources to meet their own needs
- All other applicants not dealt with in Band A, B, C or D

## Appendix 2

### Shelter Housing and Older Persons' Accommodation Managed by the CHR Partners

#### Sheltered Housing

<b>Landlord</b>	<b>Name Of Scheme</b>	<b>Area</b>
Cynon Taf Community Housing Group	Cwrt Alun Lewis Gower Davies Court Llanddewi Court Maesyfelin/Gelli Deg Penllew Court	Cwmaman Ynysybwl Aberaman Rhydyfelin Trecynon
Newydd Housing Association	Alltwen	Abernant
RCT Homes	Blaengwawr Close Bryn Ivor Buarth y Capel Church View Close Crown Avenue Cwrt Ynysmeurig David's Court Dyllas Court Fanheulog Fernbank House Ferndale Court Garth Wen Gellihirion Close Glyntaff Close Gwaunruperra Close Hendregwilym Library Close Linden Court Llys Gwernifor Maerdy Court Nebo Estate Park View Close Springfield Summerdale Close Swn Yr Afon The Haven Trem Y Cwm	Aberaman Llwynypia Ynysybwl Bryna Treorchy Abercynon Pontylcun Cymmer Talbot Green Pontypridd Ferndale Trealaw Rhydyfelin Rhydyfelin Llantrisant Penygraig Rhydyfelin Llanharry Mountain Ash Maerdy Ystrad Llanharan Ynyshir Tonteg Gilfach Goch Hirwaun Beddau
Rhondda Housing Association	Balaclava Court Ty Ebenezer	Penygraig Tylorstown
Wales and West Housing Association	Constantine Court Llys Ben Bowen Thomas Llys Glanrhondda Llys Hebron Llys Nazareth	Penygraig Ystrad Treorchy Pentre Pentre

	Ty Ddewi Llys Yr Onnen	Ton Pentre Mountain Ash
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### Older Persons Accommodation

Landlord		Name Of Accommodation	Area
Hafod Association	Housing	Ty Dawel	Tonyrefail
Rhondda Association	Housing	Abertonllwyd House Bethel Court Cairn Court Compton Court Cwrt Saron Glenrhondda Court, Hendreselsig, Llys Maendy Penderys Court Plas Horeb, St Andrews Court St Cynons Court Ty Bethania, The Old Vicarage Ty Alban Ty Bethania Ty Mawr Uchaf Watkin Rhys Court	Treherbert Trehafod Maerdy Tonypany Williamstown Treherbert Tynewydd Ton Pentre Tylorstown Treherbert Tonypany Llwynypia Treorchy Tylorstown Llwynypia Treorchy Hopkinstown Tonypany
Wales and West		Trem Y Mynydd	Treherbert

### Other Sheltered And Older Person Accommodation in RCT

Landlord		Name of Accommodation	Area
Aelwyd Association	Housing	Bethany Court Cwrt Bethel Hill View Llys Siloh Llwyn Derw Plas Carmel Saebren	Treherbert Pontyclun Mountain Ash Pentre Tonypany Pontypridd Treherbert
Gwerin		Gower Davies Court Pen Llew Court	Ynysybwl Aberdare

### **Appendix 3**

## **Habitual Residence Test**

There is no legal definition “habitual residence” therefore each case must be considered individually. The most important factors for the habitual residence are period of residence, continuity and nature of actual residence.

The term ‘habitual residence’ is intended to refer to the permanence of the person’s residence in the Common Travel Area (the UK, the Channel Islands, the Isle of Man and the Republic of Ireland). When deciding whether an applicant is habitually resident, housing authorities should take account of the applicant’s period of residence and its continuity, the applicant’s employment prospects, the applicant’s reason for coming to the UK, the applicant’s future intentions, the applicant’s centre of interest and any other fact or circumstance which might be relevant.

A person who is in stable employment is more likely to be able to establish habitual residence than a person whose employment is, for whatever reason, transitory (for example, an au pair or someone on a fixed or short-term contract). Equally, a person, one of whose apparent aims is coming to the UK is to claim benefits, is less likely to be able to establish habitual residence.

A person who intends to take up permanent work is more likely to be able to establish habitual residence, as is a person who has immediate family or other ties to the UK.

While the majority of the categories eligible for housing require the applicant to be habitually resident in the CTA, most applicants for social housing will not be persons from abroad and there will be no reason to apply the test. It is also likely that persons who have been resident in the CTA continuously during the two years prior to their housing application will be habitually resident in the CTA. In such cases, therefore, housing authorities may consider it unnecessary to make further enquiries to establish habitual residence, unless there are other circumstances that need to be taken into account. A period of continuous residence in the CTA might include visits abroad e.g. holidays or to visit relatives. Where two years continuous residency in the UK is not established, housing authorities may need to conduct further enquiries to determine whether the applicant is habitually resident in the CTA.

Whilst habitual residence requires an appreciable period of residence, there is no minimum time limit set for an appreciable period. Case law suggests that in some circumstances ‘a month can be an appreciable period of time’.

A person cannot claim to be habitually resident in any country unless the person has taken up residence and lived there for a period. There will be cases where the person concerned is not coming to the UK for the first time, but is resuming a habitual residence previously held.