

# Devon Home Choice



## Policy Document

[www.devonhomechoice.com](http://www.devonhomechoice.com)



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## Devon Home Choice Policy

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## 1. Section 1: Introduction

### 1.1 Introduction

- 1.1.1 Devon Home Choice is a choice based letting scheme that covers the whole of Devon.
- 1.1.2 This Policy explains how local authority and housing association homes across Devon will be let. The Policy sets out:
  - How to apply for housing
  - Who is eligible for housing
  - How applicants will be assessed and prioritised
- 1.1.3 Devon Home Choice is a partnership between the 10 Devon local authorities and housing associations working in Devon.
- 1.1.4 All applicants are assessed in the same way, using the rules set out in this policy to ensure fairness and consistency.
- 1.1.5 Whilst all applicants are assessed in the same way, some partner housing associations may have different criteria to let their homes (for example the number of people that can live in a home of particular size etc.). Where this is the case any differences will be identified on the Devon Home Choice website.

### 1.2 Aims of Devon Home Choice

- 1.2.1 The aims of Devon Home Choice are to provide:
  - Choice for people seeking housing and the ability to move within Devon
  - A common scheme across Devon that is transparent, easy to understand and accessible to all
- 1.2.2 Under Devon Home Choice there is a common:
  - Application form
  - Housing register
  - Approach to assessing housing need and awarding priority
  - Approach to advertising available properties

### 1.3 The scheme in brief

- 1.3.1 Local authority and housing association homes available to let will be advertised every week. Households with active applications on the Devon Home Choice housing register can look at details of the homes, and apply for those that they are eligible for. This is called 'bidding', but it does not involve money.
- 1.3.2 The successful household will be selected from those that applied for a home based on:
  - Whether they meet any preferences for particular types of applicant that may have been specified in the advert (see section 4.7 for further details)
  - The band in which their application has been placed, which reflects their housing need
  - Their band start date within that band

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- 1.3.3 Devon Home Choice endeavours to enable people to move within the county. This will greatly help people who need to move to get work or to benefit from support.

#### **1.4 Statement of choice**

- 1.4.1 The Devon Home Choice partnership believes in offering people seeking housing choice. There is very high demand for affordable housing in Devon and the provision of choice has to be balanced with the need to ensure that housing goes to those with the greatest need, and reflects as far as is proportionate the time applicants have spent registered and waiting for a home.
- 1.4.2 Devon Home Choice has been developed to enable applicants to view the details of available properties across Devon, choose between them and bid for those properties for which they are eligible.
- 1.4.3 Whilst the aim of Devon Home Choice partners is to provide choice in the allocation of social housing in Devon, there will be a number of exceptional situations where this will not be possible. For example, where a landlord needs to make an urgent management move (see Appendix 1 – Definitions). In such cases the home will be let as a direct offer rather than being advertised through Devon Home Choice.
- 1.4.4 Devon Home Choice provides people seeking housing in Devon with an understanding of:
- Their level of priority
  - The availability of accommodation which is suitable for them
  - The level of demand for social housing in Devon
  - Their likelihood of being successful
  - Whether to seek alternative housing solutions

#### **1.5 Equal opportunities: Ensuring access to Devon Home Choice for all**

- 1.5.1 There are many benefits of Devon Home Choice to people seeking a home, but it does require them to be proactive. People need to:
- Find information on available homes
  - Choose between homes
  - Bid for homes
- 1.5.2 Evidence from some of the early Choice Based Letting schemes found that vulnerable<sup>1</sup> applicants could lose out.
- 1.5.3 A range of people may be vulnerable and need support to participate in Devon Home Choice. Vulnerability can be a variable state, and can occur at particular points in life such as bereavement. It can be temporary, or episodic and recurring due, for example, to mental distress. Or it can be ongoing or can increase over

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<sup>1</sup> A vulnerable adult is defined as someone aged 18 or over, who is or may be in need of support (for example from Social Services, the Community Mental Health Team or a voluntary agency) by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.

time.

- 1.5.4 For this reason every applicant will be considered as an individual. Their needs will be assessed so as to identify the barriers they may face in participating in Devon Home Choice. Having identified the barriers we will then be able to put solutions in place. The potential barriers are set out in Appendix 3.
- 1.5.5 A range of measures have been put in place to ensure that everyone can share in the benefits that Devon Home Choice offers, and that applicants who are vulnerable do not miss out. These measures are set out throughout this Policy.
- 1.5.6 Due to the high demand for housing in Devon, we can only ensure fair access to Devon Home Choice. Even though some applicants may be classed as 'vulnerable' and need support to participate in Devon Home Choice, this will not necessarily reflect a high level of current housing need. Therefore, in reality, they may not have a high chance of securing a home.
- 1.5.7 Devon Home Choice must comply with the Equality Act 2010 (which consolidates a number of previous Acts and Regulations), as well as the Human Rights Act 1998, the Freedom of Information Act 2000, the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.
- 1.5.8 An Equalities Impact Assessment was undertaken on the initial Devon Home Choice policy. Further Equalities Impact Assessments will be undertaken when we periodically and substantially revise the policy.
- 1.5.9 A Data Protection Impact Assessment (DPIA) will be undertaken for any proposed changes to the policy or procedures where those changes are likely to result in a high risk to individuals' interests to ensure we comply with the requirements of General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.
- 1.5.10 Each of the organisations involved in the Devon Home Choice Partnership has an Equal Opportunities Policy to ensure that:
  - Everyone has equal access to services
  - No one is discriminated against on the grounds of ethnic origin, disability, age, gender, sexual orientation, religion, or for any other reason
- 1.5.11 Information on ethnicity is asked for as part of the allocation process. This will be used to monitor diversity and equality in the operation of the policy. Information on disability is collected in order that future needs for adapted homes can be assessed and that any home offered is suitable for the needs of the applicant.
- 1.5.12 Any allegations or concerns that an organisation has not acted appropriately have to be made directly to that organisation. All partner landlords have a complaints policy and an independent Ombudsman.
- 1.5.13 The following sections set out:
  - How to apply for housing
  - How applications will be assessed
  - How properties will be advertised
  - How applicants can bid for available properties

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- How the successful applicants will be identified

## **2. Section 2: Access to housing**

### **2.1 How to apply**

- 2.1.1 Anyone wishing to bid for a home must apply to join the Devon Home Choice housing register. An applicant can register by any of the following methods:
- Online via our website at [www.devonhomechoice.com](http://www.devonhomechoice.com)
  - By completing a paper application form, available from any of the Devon local authorities
- 2.1.2 An advocate (for example family, friend or support agency) can complete the application form on behalf of a vulnerable person. The applicant's signature will always be required. Where forms are completed online, the signature will be required when an applicant goes to view a property they are being offered.
- 2.1.3 The application form includes questions on whether applicants need any support to complete the application form or to participate in Devon Home Choice. Local authority housing teams will provide assistance to those households who need support to complete the application form.
- 2.1.4 The application form will be available in different formats, for example large print upon request.
- 2.1.5 As set out in Section 4.18 below, any allocation made through Devon Home Choice is intended to accommodate the applicant and the confirmed household members. Applicants may be asked to provide a photograph of the adult members of their household with their application, or when updating their application, and to agree to being photographed at the time of allocation to safeguard against tenancy fraud
- 2.1.6 Please note that some partners may require applicants to undertake a housing options and assessment interview before completing an application form.
- 2.1.7 Advice and information on applying for housing is available from local authority housing offices. See the list in appendix 2 for contact details.

### **2.2 What properties are covered by Devon Home Choice?**

- 2.2.1 Most local authority and housing association homes will be advertised for let through Devon Home Choice. This will include:
- General needs housing
  - Sheltered homes
  - Homes being let at the new 'affordable rent' or that have a fixed term tenancy (e.g. for 7 years)
  - Disabled adapted properties which the landlord determines to have relatively common adaptations.

- 2.2.2 The only exceptions may be homes which have the benefit of relatively substantial and/or specialist adaptions, which may be directly offered to a household with matching needs.
- 2.2.3 A number of participating Housing Associations were subject to nomination agreements with local authorities. These agreements were replaced by the introduction of Devon Home Choice. This was subject to agreement that a Housing Association makes at least the same number of homes available through Devon Home Choice as would previously have been covered by nomination rights, and that these homes are allocated according to the eligibility and lettings criteria set out in this Policy.
- 2.2.4 Staff who occupy accommodation belonging to partner landlords of Devon Home Choice as part of their employment who need to move once they retire will be allocated accommodation outside Devon Home Choice as a direct let.
- 2.2.5 **However the scheme does not apply to the following types of tenancies:** -
- 2.2.5.1 **Non-Secure tenancies or ‘temporary accommodation’** – Any accommodation that is provided to meet an interim duty under Part VII of the Housing Act 1996.
  - 2.2.5.2 **Specialist supported accommodation** – Accommodation providing support to particular groups of people, for example for people with disabilities or mental health problems
  - 2.2.5.3 **Mutual exchanges** – If local authority or housing association tenants exchange properties with each other. Permission to undertake a mutual exchange is dealt with separately by individual partners.
  - 2.2.5.4 **Temporary decants** – Secure or introductory tenants of a local authority or assured or assured shorthold tenants of Registered Providers who need to be moved temporarily whilst major work is carried out on their home.
  - 2.2.5.5 **Demoted tenancies** - Following a successful application for a demotion order under sections 14 and 15 of the Anti Social Behaviour Act 2003.
  - 2.2.5.6 **Succession** – Where the secure tenant dies, the tenancy is a periodic one, and there is someone who qualifies for the tenancy by succession.
  - 2.2.5.7 **Assignment** – Where tenancies are ‘assigned’ to another person or to a person who would be qualified to succeed to the tenancy
  - 2.2.5.8 **Court order** – Where a court orders a tenancy to be disposed of/transferred to someone else under:
    - The Matrimonial Causes Act 1973, s.24 (property adjustment orders in connection with matrimonial proceedings)
    - The Matrimonial and Family Proceedings Act 1984, s.17(1) (property adjustment orders after overseas divorce)

- The Children Act 1989, Schedule 1, paragraph 1 (orders for financial relief against parents)
- The Civil Partnership Act 2004, Schedule 8 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc)."

2.2.5.9 **Introductory or probationary tenancies** – Where an introductory/probationary tenancy becomes a secure or assured tenancy, applicants do not need to re-apply.

2.2.5.10 **Family Intervention Tenancies** – Introduced by the Housing and Regeneration Act 2008, Family Intervention Tenancies are a form of residential tenancy without security of tenure. They may be offered by either a local housing authority or a housing association to anyone who is a tenant of a secure (or assured) tenancy subject to a possession order on the grounds of anti-social behaviour or domestic abuse or anyone who (if they had a secure or assured tenancy) could have had such a possession order made against them.

## **2.3 Who can apply for housing?**

- 2.3.1 Anyone over 16 years of age who is eligible may apply. This includes people who are already secure, assured, introductory or assured short-hold tenants of any of the member partner landlords.
- 2.3.2 Partner landlords may have different policies in dealing with persons under the age of 18 and for more details please contact the individual landlord.
- 2.3.3 Individuals can only be on 1 application. Where someone has an application in their own name (or with a partner) they cannot also be included as a household member (e.g. a non-dependent child) on another application.
- 2.3.4 Households made up of non-family members (e.g. friends wanting to share a property) can register with Devon Home Choice. However please note that some partner landlords will not grant a tenancy to households which are made up of non-family members.

## **2.4 Who is not eligible?**

- 2.4.1 The Localism Act 2011 amended the Housing Act 1996 to redefine eligibility and introduced the concept of qualifying persons (see Section 2.5 below).
- 2.4.2 The Localism Act (amending the Housing Act 1996) makes it clear that:
  - (1) A local housing authority in England shall not allocate housing accommodation:
    - (a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (2) or (4), or
    - (b) to two or more persons jointly if any of them is a person mentioned in paragraph (a).
  - (2) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by

- a local housing authority in England unless he is of a class prescribed by regulations made by the Secretary of State.
- (3) No person who is excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).
- (4) The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local housing authorities in England.
- 2.4.3 Citizens of the United Kingdom, Republic of Ireland, Channel Islands and Isle of Man who have lived abroad for a number of years will have to pass the habitual residence test. They will not be eligible if they do not pass the habitual residence test.
- 2.4.4 The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006 No.1294) ('the Eligibility Regulations'), as amended by The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861). For further details please see the Devon Home Choice Procedures Manual (available on the [Useful Information page of the Devon Home Choice website](#)).
- 2.4.5 Eligibility will be assessed at the time of application and again at the time of any offer of accommodation as advised by the Code of Guidance on allocation of social housing. Applicants need to be aware that eligibility at the time of application does not mean that they will necessarily be eligible at the time of any offer of accommodation, particularly if there has been a substantial gap of time between the two.
- 2.4.6 As stated above (para 2.4.2), the legislation prohibits a joint tenancy being granted where one member of the household is ineligible. However a tenancy can be granted to a person who is eligible where other members of their household are ineligible.
- 2.4.7 Households who are assessed as being eligible as defined above may be allocated social housing provided that they are accepted as qualifying persons (see below) by a Devon local authority.
- 2.4.8 People who are in doubt about whether they are eligible should seek detailed advice from their local authority's Housing Advice Team.
- 2.4.9 Applicants who have been denied the opportunity to register with Devon Home Choice or have had their priority reduced within Devon Home Choice will be informed in writing of:
- The decision and the reasons behind it
  - Their right to appeal and how to do this

## 2.5 Qualifying persons

- 2.5.1 The Localism Act 2011 provides local authorities with the power to determine for themselves what classes of persons are, or are not, persons qualifying to be allocated social housing in their areas.

- 2.5.2 Households assessed by one of the Devon local authorities as being guilty of unacceptable behaviour **will not** be considered as a qualifying person.
- 2.5.3 This will apply where a Devon local authority is satisfied that the applicant, or a member of their household, have been guilty of unacceptable behaviour serious enough to make the applicants unsuitable to be a tenant.
- 2.5.4 This behaviour must normally have occurred in the previous two years (see below).
- 2.5.5 Examples of unacceptable behaviour could include, but is not limited to, households who have:
- Been evicted from a tenancy due to a breach of their tenancy terms and conditions
  - Abandoned a tenancy without giving notice to the landlord
  - Ended a tenancy, or vacated a property after possession proceedings have been commenced, where they would otherwise have been evicted for any breach of that tenancy
  - Significant rent arrears (or tenancy<sup>2</sup> or mortgage related debt), or breach of tenancy obligations where no attempt is being made to repay the debt or remedy the breach (as a minimum it would be normally be expected that applicants had agreed and kept to a repayment schedule and/ or not breached their tenancy obligations for at least 3 months)
  - Made unauthorised alterations to a social rented home where retrospective permission cannot or would not be granted
  - A significant history of anti-social behaviour
  - Used accommodation or allowed it to be used for immoral or illegal purposes
  - Seriously damaged or neglected a property
  - Committed domestic, racist or homophobic abuse against people living with them or against people in their local area.
  - Knowingly given false or misleading information or withheld information that has been reasonably requested as part of their Devon Home Choice application or verification by a Devon Home Choice partner landlord
  - Been found by a court or social landlord, to have unlawfully sublet a social housing tenancy, or to have obtained a social rented home falsely
  - Been found guilty of benefit fraud
  - Threatened, or perpetrated violence or abuse against members of staff of a Devon Home Choice partner organisation.
- 2.5.6 Local authorities will use their discretion to determine what unacceptable behaviour is, and cases will be considered on an individual basis. The following criteria will be applied in determining whether an individual or household should be denied the right to register with Devon Home Choice (as non-qualifying persons), because of their behaviour:
- There must be reliable evidence of violent or anti-social behaviour, domestic, racist or homophobic abuse

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<sup>2</sup> Tenancy related debt refers to: Court costs, Rechargeable repairs, and former & current arrears. Each case will be considered individually. One factor that will be considered is whether any court costs were incurred as result of advice from a local authority.

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- The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible
  - In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer time-scale may be appropriate.
  - There must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats or there might be a history of repeat offending.
- 2.5.7 The Devon local authorities do not set out to exclude certain types of people from the Devon Home Choice register. However we do seek to exclude certain types of behaviour. Where households are willing to address their behaviour their application will be reconsidered. For example if the unacceptable behaviour was as a result of addiction problems, an application may be reconsidered if the applicant can demonstrate that they have taken positive steps to address these problems.
- 2.5.8 Exeter City Council, Teignbridge District Council and Torbay Council have agreed that they do not consider households they assess as having no housing need as qualifying persons.
- 2.5.9 Exeter City Council, Teignbridge District Council and Torbay Council will therefore not register applicants that they assess to have no housing need, and who would otherwise have had their application placed in Band E.
- 2.5.10 Applicants living in the Exeter, Teignbridge and Torbay council areas who have been assessed as having no housing need, will not be able to register with another Devon local authority, unless they have a local connection to that area.
- 2.5.11 Torbay Council have introduced additional qualification criteria for applicants wishing to join the Devon Home Choice register in Torbay. Subject to the exceptions listed below, applicants will only be able to join the Devon Home Choice register in Torbay if:
- They, or a member of their household, currently live in Torbay and have lived in Torbay continually for at least the last for 5 years
  - Work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
  - Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and nondependent children) who have themselves lived in the area for five years.
- 2.5.12 The following groups are excluded from Torbay's additional qualification criteria:
- Any tenant of a Devon Home Choice partner landlord
  - Members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
  - Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner

- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- Applicants assessed as having an Emergency (Band A) or High (Band B) housing need
- Applicants requiring Sheltered Housing
- Applicants who need to move to work in Devon, where they would otherwise need to travel more than 30 miles (each way) from home to their place of work. Work will be defined as having permanent employment with a minimum of a 16-hour contract per week.
- Existing social housing tenants in England who need to move to take up an offer of work. (Additional criteria may apply. Please see the Torbay Council Allocation Policy for details).
- Existing social housing tenants in Devon who wish to downsize
- Applicants who have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and nondependent children) who have themselves lived in the area for 5 years

2.5.13 As above, applicants living in Torbay for less than 5 years will not be able to register with another Devon local authority, unless they have a local connection to that area. Local connection is defined in Section 3.9 below.

2.5.14 For further details please contact Torbay Council.

## **2.6 Applicants with Rent Arrears**

- 2.6.1 As stated above, households with rent arrears that led to a local authority or housing association in the previous 2 years obtaining an outright possession order under section 84 of the Housing Act 1985 in relation to Grounds in Part 1 of Schedule 2 other than Ground 8 will normally be excluded from the Devon Home Choice register.
- 2.6.2 Applicants with rent arrears (or tenancy<sup>3</sup> related debt) to a social or private landlord, that were accrued in the previous two years on their current or a previous tenancy, will not normally be offered a property.
- 2.6.3 Where an applicant, or a member of their household, has rent arrears (or tenancy related debt) above £500 who have been (or would be) assessed as having accrued these rent arrears intentionally will be placed in the No housing need band (E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need. 'Intentionally' means that the applicant deliberately did something (or failed to do something) that resulted in the rent arrears. An act or omission in good faith on the part of the applicant will not be treated as deliberate if they were unaware of any relevant fact. Either sanction will apply unless there are exceptional circumstances or until:
- They clear their debt, or

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<sup>3</sup> Tenancy related debt refers to: Court costs, Rechargeable repairs, and former & current arrears.

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- The landlord is satisfied that the applicant is entitled to an amount of benefit sufficient to clear the arrears, or
- The applicant has shown a clear intention to pay. That payments are made in accordance with an agreed repayment schedule during a period of at least 3 months. In exceptional circumstances that period may be reduced with the agreement of the local authority, or
- If there are exceptional circumstances relating to need

- 2.6.4 Tenants of Devon Home Choice partner landlords who are seeking to downsize to a smaller property who have accrued rent arrears due to the bedroom tax are exempt from the normal sanction on applicants with rent arrears over £500.
- 2.6.5 Partner social landlords within Devon Home Choice have different policies relating to applicants with rent arrears. Whether a bid for home is accepted will therefore be subject to the policies of the each partner social landlord. More information is available from each Devon Home Choice partner.
- 2.6.6 Applicants who have had their rent arrears included in a Debt Relief Order, bankruptcy declaration or individual voluntary agreement (IVA) will still have their applications placed into Band E or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need, unless there is some additional and exceptional reason for not doing so.
- 2.6.7 The issue is not whether there is an enforceable debt, but whether or not the debt was accrued in the first place. This is similar to the situation with someone who has a debt relief order that covers credit card or other loan debts. The order would prevent the debt from being collected, but that would not mean that another lender would provide additional credit.
- 2.6.8 Partner local authorities in Devon Home Choice will review applications on request following the receipt of further information. This may include an applicant being able to demonstrate that there has been no further instance of such behaviour, and/or that they can show that they are engaged with support that will enable them to maintain a tenancy.

### **2.7 Applicants financial resources**

- 2.7.1 Local authority and social landlord homes provided through Devon Home Choice are for people who are considered to have insufficient resources to meet their housing need by either renting privately or buying their own home.
- 2.7.2 The resources available to each household will be assessed to determine whether they are sufficient to meet their housing need.

### **2.7.3 Household Income**

- 2.7.4 Households with a gross household income more than six times higher than the relevant Local Housing Allowance level prevailing in Devon at the time will normally be considered to be able to meet their housing need, through either renting privately or owner occupation. Such households will normally have their applications placed in the No housing need band (E) or removed from the Devon Home Choice register in those local authority areas which do not register

households with no housing need.

- 2.7.5 Given the current Local Housing Allowance levels the income thresholds for the 5 Broad Market Rental Areas (BRMA) in Devon are as follows:

BRMA Name	1 Bed Self Contained	2 Beds	3 beds	4 beds & larger
Exeter	£36,354	£44,067	£51,414	£68,213
Mid & East Devon	£30,252	£39,409	£47,268	£59,991
North Cornwall & Devon Borders	£29,088	£37,459	£43,630	£53,988
North Devon	£28,720	£35,902	£43,081	£52,560
Plymouth	£30,258	£38,176	£45,374	£56,924
South Devon	£30,236	£39,995	£47,742	£59,979

- 2.7.6 Further information on the financial assessment and the Local Housing Allowance rates that apply across Devon is available in the Devon Home Choice Procedures Manual (available on the Useful Information page of the Devon Home Choice website: [www.devonhomechoice.com](http://www.devonhomechoice.com)). Information on Local Housing Allowance rates are also available at: <https://lha-direct.voa.gov.uk/search.aspx>

- 2.7.7 When considering gross household income the following types of income are fully disregarded:

- Attendance Allowance
- Disability Living Allowance

### **2.7.8 Capital, Savings and Equity**

- 2.7.9 The capital, savings and equity available to a household will be assessed. If it is determined that a households can resolve their own housing need within their local housing market their application will normally be placed in the No housing need band (E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need. This assessment will be based on:
- The household's capital, savings and equity
  - The size and composition of the household
  - The local housing market (for example prices to buy or rent privately)

- 2.7.10 If a member of a household has a financial interest or owns any property and, having regard to the circumstances of the household, and to local housing conditions in the relevant district, the authority consider that it is "reasonable" for them to reside at the property then their application will be placed in the No Housing Need band (E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need.

- 2.7.11 Local authorities will consider each case individually. Where an applicant has specific needs the financial thresholds for income and savings set out in the Devon Home Choice Procedures Manual will not apply if it is agreed that they could not meet their own housing needs on the private market. This will include households who own their own home. For example, the applicant has mobility needs that mean they require an accessible or specially adapted home that is either not available or affordable to buy or rent, or is not eligible for, or has been declined for a Disabled

Facilities Grant.

- 2.7.12 Applicants can contact their local authority housing teams for details of how this assessment is made.
- 2.7.13 An exemption from the financial assessment will apply if the applicant(s) is a tenant of a partner landlord in Devon Home Choice.
- 2.7.14 Local authorities will not take any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need (see also 3.10 below).
- 2.7.15 Partner social landlords within Devon Home Choice have different policies relating to the levels of income and other assets of those households that they will accommodate. Whether a bid for home is accepted will therefore be subject to the policies of the each partner social landlord. More information is available from each Devon Home Choice partner.
- 2.7.16 Applicants may be required to demonstrate that they can afford the rent on any prospective tenancy before being allowed to sign for it.
- 2.7.17 The current capital, savings and equity thresholds are as follows (for more information see the Devon Home Choice Procedures Manual):

<b>Size of home required</b>	<b>General needs Housing</b>	<b>Sheltered Housing (e.g. for older people)</b>
1 Bed Shared (e.g. under 25)	£16,000	n/a
1 Bed Self Contained	£16,000	£120,000
2 Bed	£16,000	£130,000
3 Bed or larger	£16,000	n/a

## **2.8 Which Devon local authority will manage an application?**

- 2.8.1 When an applicant applies to Devon Home Choice one of the Devon local authorities will be responsible for assessing and managing their application. This will include:
- Issuing all correspondence
  - Addressing any enquiries
  - Assessing any health/ wellbeing or housing defect issues
  - Managing any reviews
- 2.8.2 For all applications received up until 4 March 2015 the local authority that managed an application was determined by asking applicants which local authority area they would prefer to live in. Whichever local authority was indicated managed the application.
- 2.8.3 Applications received from 5 March 2015 are managed by the local authority where the applicant lives.
- 2.8.4 Existing applications received up until 4 March 2015 will continue to be managed by the same local authority, until the application is reviewed or updated. At this

point management of the application will transfer to the local authority area where they are living if that local authority is not already managing the application.

- 2.8.5 Applications from households living outside Devon will continue to be managed by the local authority where the applicant said that they would prefer to live.
- 2.8.6 Where a Devon local authority has accepted a homelessness duty towards an applicant they will manage their application, regardless of which local authority area the applicant would prefer to live in.
- 2.8.7 Whichever local authority manages an application will not restrict where applicants can bid, or their chances of being housed in other local authority areas.

## **2.9 Who will make decisions about applications?**

- 2.9.1 Applications to join the Devon Home Choice register will be managed by the local authority housing team. This will include organisations that have been formally appointed to carry out this function on a local authority's behalf.
- 2.9.2 The local authority housing teams will be responsible for:
  - Processing applications
  - Ensuring that all the required information is supplied
  - Undertaking any initial verification of the information that is required (e.g. to confirm that the household is eligible to join the Devon Home Choice register)
  - Assessing and awarding priority for some applicants seeking priority due to health and wellbeing and/or housing defect grounds (see Sections 3.12 and 3.13)
  - Carrying out financial assessments of applicants (see Section 2.5)
  - Notifying applicants of the outcome of their application
  - Receiving review requests and processing these in accordance with the Policy
  - Making enquiries necessary to make homelessness decisions
  - Assisting applicants who are homeless to bid
  - Setting up automatic bidding for homeless applicants who have not been bidding for homes (see Section 4.8)
  - Discharging homelessness duties in accordance with the legislation and guidance
  - Labelling properties to be advertised, working together with Housing Associations (see Section 4.5)
  - Putting in place appropriate support for vulnerable applicants to participate in Devon Home Choice. This will involve working with a wide range of partner agencies,
  - Monitoring the Devon Home Choice register to identify those applicants who, given their priority within Devon Home Choice, may soon be successful in bidding for a home, but who require a support package to enable them to live independently. It will be vital to confirm whether such a support package is to be offered, is accepted by the applicant, and can be arranged in an appropriate timescale that will enable an applicant to take up an offer of housing. This will require close partnership working between local authorities, housing associations and partner agencies.
  - Reviewing details of applicants who have applied for homes and notifying the landlord of the applicant in the highest band who has the earliest band start

date (**Note:** some Housing Associations may undertake this role. This will be set out in the Policy)

- Explaining the reasons why an applicant has not been selected for a home (when a local authority is the landlord of the home)
- Taking a decision to depart from the published policy due to exceptional situations (see Section 2.10)

**2.9.3 Local authority Environmental Health teams will responsible for:**

- Assessing and awarding priority for some applicants seeking priority due to housing defects

**2.9.4 When an applicant is being considered for a home the landlord (either a local authority or Housing Association) will be responsible for:**

- Undertaking a detailed verification of the information the applicant has supplied in order to ensure that they are eligible
- Providing the applicant with an opportunity to view the home (if it has been determined that they are eligible)
- Making a formal offer to an applicant
- Explaining the reasons why a formal offer is not being made

**2.9.5 Multi-agency panels will be responsible for:**

- Assessing some applicants whose health and wellbeing is affected by their current housing, and awarding priority
- Assessing whether applicants are ready to move-on from supported accommodation (see Definitions set out in Appendix 1)

**2.10 Dealing with exceptional situations**

**2.10.1** In exceptional situations the Devon local authorities reserve the right to depart from any aspect of this Policy. As set out above, any decision to depart from the Policy will be taken by a local authority housing team.

**2.10.2** In order to ensure fairness to all eligible applicants, the discretion is reserved to be considered only in relation to truly exceptional situations

### **3. Section 3: How is housing need assessed?**

#### **3.1 How is housing need assessed?**

3.1.1 Once an application has been received it will be placed in the relevant Band detailed below depending upon the applicant's level of housing need, and whether or not the household has a local connection to Devon (see below).

#### **3.2 How is priority awarded?**

3.2.1 Whilst offering choice to applicants wherever possible, allocation schemes must still ensure that reasonable preference is given to applicants who fall into one of the following groups over those who do not:

- People who are homeless (within the meaning of Part 7 of the 1996 Housing Act as amended by the Homelessness Act 2002). This includes people who are intentionally homeless and those who are not in priority need
- People who are owed a (homeless) duty by ANY local authority under section 190(2), 193(2) or 195(2) of the 1996 Act or who are living in accommodation secured by ANY housing authority under section 192(3). The letter detailing the outcome of a homeless application will specify whether one of these sections applies
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who need to move on medical or welfare grounds including a disability
- People who need to move to a particular locality in Devon, where failure to move would cause hardship to themselves or others

#### **3.3 Banding**

3.3.1 The following section provides details of the bands into which applications are placed. The band in which an applicant's application is placed will be determined by their housing need as set out below.

3.3.2 Further details of the criteria are provided in the (See Appendix 1).

#### **3.4 Emergency Housing Need (Band A)**

3.4.1 Applicants will have their application placed in the Emergency housing need band (A) if their need for housing is assessed as so exceptional that they take priority over all other applicants.

3.4.2 Any application to be placed in the Emergency housing need band (A) must normally be submitted by an agency and not the applicant themselves. For example, if an applicant wants to move due to threat of violence, the police or an appropriate agency must contact a Devon local authority with evidence to support the request for an urgent move.

3.4.3 Applications to be placed in the Emergency Band will only be considered from applicants who are living within Devon. Applicants who are not living in Devon should approach their own local authority if they believe that they have an urgent housing need.

3.4.4 Individual local authorities will assess Emergency applications. Substantial evidence must be provided to the assessing authority before such priority is awarded.

3.4.5 Local authorities will assess Emergency applications in the following ways:

- Cases that are due to health and/or wellbeing needs will normally be determined by a multi-agency health and wellbeing panel. Straightforward cases that clearly fit the criteria set out in the Health and Wellbeing framework below can be determined by a local authority manager
- Cases that are due to disrepair will be awarded on the recommendation of an Environmental Health Officer following a site visit. This will cover any defects in the property that cannot be remedied within an appropriate timescale, and where the most appropriate course of action would be to serve a Prohibition Order, Emergency Prohibition Order or to carry out emergency remedial action in accordance with the housing standards enforcement system set out in Part 1 of the Housing Act 2004.
- Cases where the applicant is seeking to be rehoused to escape violence or threat of violence, serious harassment or a traumatic event (where there is immediate and serious risk to a household living in Devon) will put to a 'virtual' panel

3.4.6 The following are examples of the type of situations that would qualify:

- Urgent health/ wellbeing need: (See below)
- Emergency housing defect: (See below)
- To escape violence or threat of violence, serious harassment or a traumatic event where there is immediate and serious risk to a household living in Devon. The Police or another appropriate agency will usually provide supporting evidence that the risk exists. The person at risk may be the applicant, or a person who is a resident member of the household of the person at risk and might reasonably be expected to reside with him/her".

For households at risk of violence or serious harassment etc. Band A will only be awarded where the local authority agrees that there are no appropriate housing options available (e.g. temporary accommodation, Sanctuary scheme etc), **and** where the risk can be managed at their current home.

Please note that cases of domestic abuse and harassment that are not considered to be an emergency (e.g. the applicant(s) don't need to move urgently due to an immediate and serious risk) will be considered and assessed by the local authorities under the homelessness categories (see 'Statutory homeless households', and 'HRA Qualifying Applicants')

- National Witness Mobility Scheme: Where the Devon local authorities have accepted a household being referred under the National Witness Mobility Scheme.

- 3.4.7 Applicants will be given this priority for 4 weeks. If an Emergency housing need band (A) applicant does not make bids for suitable homes available through Devon Home Choice (or refuses a suitable offer of a property) they will have their status reviewed and may be placed in 1 of the other bands dependent on their need. In very exceptional circumstances an applicant will be allowed to remain in the Emergency housing need band (A) for longer than 4 weeks.
- 3.4.8 The decision to extend or remove the Emergency housing need band (A) status will be made by the local authority and will be based upon: -
- Whether a vacancy occurred during the 4-week period that was considered by the local authority to have met the needs of the applicant.
  - The reasons why the applicant failed to apply for the property and whether the reasons were valid.
- 3.4.9 Applications in Band A will be changed to Band D if the household is placed in temporary accommodation.
- 3.4.10 The Devon Home Choice Management Board will monitor the number of applications placed in the Emergency Band (Band A).

### **3.5 High Housing Need (Band B)**

Section 4.12 below sets out how applications in Band B will be monitored every 3 months. Applicants will be encouraged or supported to bid if they have not been bidding.

Applicants in Band B who have not placed a bid in the previous 12 months will be suspended from bidding, and will be reviewed by the relevant local authority. The review may result in their application being cancelled, placed in a different Band (if the household no longer has that level of need) or remaining in Band B (e.g. if there were no appropriate homes advertised in the previous 12 months).

#### **3.5.1 Statutorily Homeless Households**

- 3.5.1.1 Wherever possible and appropriate local authorities in Devon will seek to assist households who are homeless to secure private rented accommodation. This reflects both the provisions of the Localism Act 2011, and the severe shortage of social housing.
- 3.5.1.2 Where it is assessed that it will be possible and appropriate to find private rented accommodation for households who are assessed as being homeless, in priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002) their applications will be placed in Band D (see below). This will normally include those households who have income or capital above the Devon Home Choice financial limits (see above).
- 3.5.1.3 Where it is not considered possible and appropriate to find private rented accommodation for households who are assessed as being homeless, in

priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002) their applications will be placed in Band B.

- 3.5.1.4 Reasons why it might be considered not possible and appropriate to secure private rented accommodation may include but are not restricted to the following:
- The household require an adapted home
  - The household require accommodation of a type or size that is not available locally
- 3.5.1.5 Subject to the above provisions the following may be included in the Statutorily Homeless category:
- People fleeing domestic abuse living in refuges in Devon (including those who have escaped violence from outside Devon), or in one of the 'Places of Safety Schemes' operated by the Devon local authorities for people fleeing domestic abuse,
  - People fleeing domestic abuse from another part of the country who would be at risk in the area(s) where they have a local connection
- 3.5.1.6 Households who are assessed as being homeless, in priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002) will have their applications placed in Band B, where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories:
- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - (ii) s/he formerly served in the regular forces,
  - (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
  - (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

### **3.5.2 Homelessness Reduction Act – Qualifying Applicants**

- 3.5.2.1 Applications will be placed in this category where all of the following are met:
- It is assessed that it will not be possible and appropriate to find private rented accommodation, and
  - The household is subject to the Prevention or Relief duty of the Homelessness Reduction Act, and
  - The household is taking the actions set out in their Personalised Plan to ensure that they have, or are able to retain, suitable accommodation.

- 3.5.2.2 Reasons why it might be considered not possible and appropriate to

secure private rented accommodation may include but are not restricted to the following:

- The household require an adapted home
- The household require accommodation of a type or size that is agreed in their Personal Housing Plan

3.5.2.3 This category may include:

- People fleeing domestic abuse living in refuges in Devon (including those who have escaped violence from outside Devon), or in one of the 'Places of Safety Schemes' operated by the Devon local authorities for people fleeing domestic abuse
- People fleeing domestic abuse from another part of the country who would be at risk in the area(s) where they have a local connection.
- Prisoners who are due to be released within 56 days, have no accommodation to move to and meet the above criteria
- Agricultural workers needing to move-on from tied accommodation covered by the Agricultural Dwelling Housing Advisory Committee

3.5.2.4 Where it is assessed that it will be possible and appropriate to find private rented accommodation for households subject to the Prevention or Relief duty of the Homelessness Reduction Act their applications will be placed in Band D (see below).

3.5.2.5 Households subject to the Prevention or Relief duty of the Homelessness Reduction Act will not be placed in, or will be removed from, this category in Band B (and have their applications placed in Band D – see below) if they are assessed to be deliberately and unreasonably refusing to co-operate with the required steps set out in their Personalised Plan.

3.5.2.6 Households who are assessed as being in the Homelessness Reduction Act – Qualifying Act category will have their applications placed in Band B, where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories:

- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- (ii) s/he formerly served in the regular forces,
- (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service

**3.5.3 Severe overcrowding**

3.5.3.1 This category includes applicants who:

- Currently lack 2 or more bedrooms given the size of their household, or

- Are lacking 1 bedroom but have 2 children that lack a bedroom. For example a couple with 4 same sex children in a 2 bed home, or a single parent with 2 children under 10 in a 1 bed home, or
- Have been assessed by the Environmental Health team of a Devon local authority as a Category 1 hazard due to overcrowding, in accordance with the Housing, health and safety rating system introduced by the Housing Act 2004.

### **3.5.4 Under occupying tenants of Devon Home Choice partner landlords**

3.5.4.1 If the applicant is a tenant of a Devon Home Choice partner and wishes to move to a property with fewer bedrooms.

3.5.4.2 Please note that this priority will only be awarded where the applicant has:

- At least 1 vacant bedroom within their current home, and
- Has been living in their current home for at least 12 months. This condition may be waived if the local authority assess that there are exceptional circumstances.

### **3.5.5 High health/ wellbeing need**

3.5.5.1 See below – Health & Wellbeing section

### **3.5.6 High Housing Defect**

3.5.6.1 See below – Housing Defect section

### **3.5.7 Ready for move on from supported accommodation within Devon**

3.5.7.1 Where the applicant is living in supported accommodation in Devon and a multi-agency Move-On Panel has confirmed that they are ready to move on. This will include young people leaving care who are assessed by the local authority or a multi-agency panel as ready for independent living.

Note: Applicants living in supported accommodation who are not assessed as being ready to move-on to independent living will remain in the No housing need band (Band E), as they are adequately housed, unless they qualify for another band due to other needs (for example health and wellbeing needs). In those local authority areas that do not register households with no housing need applicants living in supported accommodation will only be registered when they have been assessed by the local authority or a multi-agency panel as ready for independent living.

3.5.7.2 Applications will be placed in this category where it is assessed that it will not be possible and appropriate to find private rented accommodation. Reasons why it might be considered not possible and appropriate to secure private rented accommodation may include but are not restricted to the following:

- The household require an adapted home
- The household require accommodation of a type or size that is not available locally

- 3.5.7.3 Households living in supported accommodation in Devon assessed as being ready to move on, and that it will be possible and appropriate for them to find a private rented home will have their applications placed in Band D (see below).
- 3.5.7.4 Households living in supported accommodation in Devon assessed as being ready to move on will have their applications placed in Band B, where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories:
- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - (ii) s/he formerly served in the regular forces,
  - (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
  - (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- 3.5.7.5 Where supported accommodation is being decommissioned, residents will only have their application placed in Band B for move-on if it is assessed that they are ready for independent living. Those applicants who are not assessed as being ready for independent living will have their application assessed by their local authority in line with the Devon Home Choice policy
- 3.5.7.6 There is no standard definition of supported accommodation. Local authorities will determine what they consider to be supported accommodation in their area. This will be based on those projects that the local authority, including Devon County Council, works with to meet strategic needs.
- 3.5.8 Social need or to support the delivery of another service**
- 3.5.8.1 This applies to applicants who, for exceptional reasons, fall outside of the rest of Devon Home Choice Assessment Policy, and need to be found secure alternative accommodation. This may include child risk or concern issues where children would otherwise be accommodated by social services<sup>4</sup>.
- 3.5.8.2 This category includes applicants who are being considered by Devon County Council, Plymouth City Council or Torbay Council as prospective foster parents or for adoption, where a larger property is required in order

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<sup>4</sup> Where Devon County Council, Plymouth City Council or Torbay Council identify that a child is, or is likely to be, subject to the Children Act 1989 (sections 17(6), 20 31, 43)

for them to be approved. It will also include households who have been approved by an independent agency used by Devon County Council, Plymouth City Council or Torbay Council.

- 3.5.8.3 Households who are seeking to foster or adopt will also have the size of property they are assessed as needing increased by an additional bedroom. Please note that this is a maximum of 1 additional bedroom in order to be consistent with benefit rules.
- 3.5.8.4 Exceptional cases may also be considered where there is a combination of factors or special circumstances, which make the overall effect disproportionately worse than any of those factors might normally be assessed as being.

### **3.5.9 Effective management of social housing within Devon**

- 3.5.9.1 This priority will be awarded in a number of situations set out below to aid the efficient management of social housing stock. Further detail is provided in Appendix 1.

- **To release high need properties**

Social rented housing is a scarce resource. There will be times when it is not being used to its full potential. Re-housing will enable a ‘high need’ property to be released or to aid the wider management of the social rented housing stock.

This might include where applicants have no particular priority, but are occupying a property that is of a type in very limited supply and is needed to be returned to the stock of social housing for letting to meet an immediate and pressing need. An example would be a household occupying a property that has been extensively adapted, but where they have no further need of that type of accommodation. Given the need for accessible and adapted properties, it has been agreed that in such cases the household’s Band Start Date will be backdated to the date they moved into that accommodation, to enable them to move as soon as possible.

- **As a management tool to resolve issues affecting a block or estate**

This priority may also apply where it was agreed as an appropriate solution to resolve an issue affecting a block or estate, but where all other tools available to the Social Landlord had proven ineffective. For example to move a victim of anti-social behaviour where all other courses of action (including action against the perpetrator) have been exhausted.

- **Demolition**

This need is recognised where there is a programme of regeneration which will require the re-housing of households whose homes will be demolished. This will be awarded once the demolition plans have been confirmed by the applicant’s social landlord.

- **Major works**

Applicants in social housing who require permanent alternative accommodation as a result of major works needing to be carried out on their home.

- **Staff of Devon Home Choice partners who occupy tied accommodation**

Staff of Devon Home Choice partner local authorities and housing associations who occupy tied accommodation and need to move upon retirement.

### **3.6 Medium Housing Need (Band C)**

#### **3.6.1 Medium health/ wellbeing need**

3.6.1.1 See below

#### **3.6.2 Lacking 1 bedroom**

3.6.2.1 Applicants who currently lack 1 bedroom given the size of their household, where this is their permanent address. This may include applicants staying with friends/ family, but only where this is not a short-term temporary arrangement and where this has been declared for Council Tax purposes.

3.6.2.2 Applicants who are rough sleeping, have no fixed abode or are 'sofa surfing' with different friends/ family will be placed in Band D – see below.

3.6.2.3 As stated above, where there are 2 children who are lacking a bedroom applications will be placed in Band B.

#### **3.6.3 Children under 8 years old living on or above the fourth floor**

3.6.3.1 Where the applicant's household includes a child under the age of eight, offers of accommodation would not normally include properties on or above the fourth floor. This priority is awarded to reflect the difficulties that may be faced by applicants with young children who are living in accommodation on or above the fourth floor

#### **3.6.4 Members or former members of the armed forces in urgent housing need**

3.6.4.1 Households where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories, who would otherwise have had their application placed in Band D:

- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- (ii) s/he formerly served in the regular forces,
- (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

### **3.6.5 Moves for work**

3.6.5.1 Applicants who need to move to work in Devon, where they would otherwise need to travel more than 30 miles (each way) from home to their place of work. Work will be defined as having permanent employment with a minimum of a 16-hour contract per week. Proof of employment, or an offer of employment, will be required.

## 3.7 Low Housing Need (Band D)

### 3.7.1 No Permanent Home

3.7.1.1 This category includes households who are homeless (as set out in Part 7 of the Housing Act 1996) or at risk of homelessness. This includes:

- Households who are assessed as being in priority need and unintentionally homeless where it is assessed that a private rented home is appropriate (see Band B above). This includes those households who have income or capital above the Devon Home Choice financial limits, or have turned down a suitable final accommodation offer or Part 6 offer made during the section 189b(2) relief stage, or have been given notice under section 193B(2) due to their deliberate and unreasonable refusal to co-operate
- Households who are assessed as being owed the prevention or relief duties under the Homelessness Reduction Act 2017 (e.g. they are assessed as being at risk of becoming homeless within 56 days or are assessed as being homeless), where it is assessed that:
  - It will be possible and appropriate for them to find a private rented home, or
  - They are deliberately and unreasonably refusing to co-operate with the required steps set out in their Personalised Plan (see Band B above).
- People who have no permanent address, including those people who are staying with friends/ family on a very temporary basis and this has not been declared for Council Tax purposes. Applicants who are staying with friends/ family on a more permanent basis and where this has been declared for Council Tax purposes, will have their applications placed in Band C – see above.

3.7.1.2 This category also includes households living in supported accommodation in Devon assessed as being ready to move on, and that it will be possible and appropriate for them to find a private rented home.

3.7.1.3 Households who are:

- Assessed as being homeless, in priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002), or
- Assessed as being in the Homelessness Reduction Act – Qualifying Act category, or
- Living in supported accommodation in Devon assessed as being ready to move on

will have their applications placed in Band B, where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories:

- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
- (ii) s/he formerly served in the regular forces,

- (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
- (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

### **3.7.2 Low health/ wellbeing need**

3.7.2.1 See below

### **3.7.3 Shared facilities (for example toilet, bath, shower or kitchen)**

3.7.3.1 Where an applicant has accommodation but shares facilities with other persons. This will include applicants living with family that are not part of their household on their application, lodging or renting a room in a shared house with communal facilities.

### **3.7.4 Local Priority**

3.7.4.1 Households who meet a local priority agreed by the local authority managing their application. Any local priorities are set out below:

- 3.7.4.2 Teignbridge District Council will use this category to provide priority to households making a 'community contribution' in rural areas. This will apply where a member of a household is working in a rural area and seeking affordable housing there and they have been working 16 hours or more a week continuously for a minimum period of 12 months.
- 3.7.4.3 The Teignbridge Band D award for community contribution only applies in the rural area in Teignbridge where the applicant is making the community contribution. Applicants will be considered as Band E if they bid for properties in any other areas.

### **3.7.5 Households with a housing need but no local connection to Devon**

3.7.5.1 [See 3.9 below](#)

### **3.7.6 Households who have been assessed as having deliberately worsened their circumstances**

3.7.6.1 Deliberate worsening of circumstances will arise where local authorities decide that an applicant has given up accommodation that was suitable for their needs where there was no requirement or obligation to do so, or in circumstances where the authority considers it was not reasonable to do so. To reduce the likelihood of applicants moving into poorer accommodation in order to qualify for higher priority and quicker re-housing, applicants who are deemed to have deliberately worsened their circumstances will normally be placed in the Low housing need band (Band D).

3.7.6.2 This decision can be reviewed after 12 months.

- 3.7.6.3 Examples of deliberate worsening of circumstances might include:
- Households assessed to be intentionally homeless (as set out in Part 7 of the Housing Act 1996)
  - Selling a property that is affordable and suitable for an applicant's needs
  - Moving from a secure Assured Tenancy to insecure, overcrowded accommodation with family or friends, where there is no good reason for this move
  - Where there is evidence that it was reasonable that an applicant could have remained in their original accommodation
- 3.7.6.4 Where an applicant has no, or no effective, control over their move to alternative accommodation, this should not be considered as a deliberate worsening of circumstances.
- 3.7.6.5 An exception will be made for households where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories. Such households will have their application placed in Band C under the 'Members or former members of the armed forces in urgent housing need' category
- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - (ii) s/he formerly served in the regular forces,
  - (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
  - (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

### **3.8 No Housing Need (E)**

- 3.8.1 Applicants with no housing need at the time of assessment. This will normally include the following:
- Applicants who live in a property that is adequate to meet their housing need in terms of property type, size and facilities.
  - Applicants who do not meet the housing need criteria within any of the other bands (Emergency, High, Medium or Low housing need)
- 3.8.2 If an applicant has a legal, proprietary, financial or beneficial interest in a property where the authority considers that it is reasonable to expect them to reside in that property then their application will be placed in the No Housing Need band (E).
- 3.8.3 As set out in the 'Qualifying Persons' section above, Exeter City Council, Teignbridge District Council and Torbay Council will not register applicants that they assess to have no housing need, and who would otherwise have had their

application placed in Band E.

- 3.8.4 Applicants living in the Exeter, Teignbridge and Torbay council areas who have been assessed as having no housing need, will not be able to register with another Devon local authority, unless they have a local connection to that area.
- 3.8.5 Applicants living in the Teignbridge Council area who answer 'No' to all of the questions in Section 1 of the application form, thereby indicating that they do not have a housing need, will be prevented from completing the remainder of the online application. Applicants will be advised to contact Teignbridge District Council for housing advice.

### **3.9 No local connection to Devon**

- 3.9.1 Applicants who have no local connection to Devon will have their application placed in either:
- The Low housing need band (D) if they are assessed as having a housing need (whether this be high, medium or low need), or
  - The No housing need band (E) if they are assessed as having no housing need
- 3.9.2 Households applying to Exeter City Council, Teignbridge District Council or Torbay Council who have no local connection to Devon and are assessed as having no housing need will not be registered.
- 3.9.3 However exceptions to this will include where:
- They have been accepted by one of the Devon local authorities as statutorily homeless, and the requirement of a local connection has been waived for specific reasons
  - Persons from outside of Devon fleeing domestic abuse and who are at the time of application living in Devon, in a refuge or other similarly provided emergency accommodation
  - People fleeing domestic abuse from another part of the country who would be at risk in the area(s) where they have a local connection
  - They need to move to Devon to give or receive support where failure to do so would cause hardship
  - There are special circumstances such as health or support needs that are only available within Devon
  - An applicant has no local connection in any district within the United Kingdom, then they will be deemed to have a local connection to Devon
  - They are tenants of a Devon Home Choice partner landlord (see further below)
  - They are members of the Armed Forces and former Service personnel, where the application is made within five years of discharge (see further below)
- 3.9.4 In such circumstances applicants will be banded in line with the above policy, regardless of the fact that they have no local connection to Devon.
- 3.9.5 To demonstrate a local connection (defined in Part VII of the Housing Act 1996) with Devon applicants will:

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- Normally be resident in Devon. Local Government Association guidelines define this as having resided in the area for six of the last twelve months, or three out of the last five years, where residence has been out of choice. In line with the Housing and Regeneration Act (2008) service personnel who have been based and living in Devon will be considered to have local connection with Devon. Their local connection will be to the local authority area where they are based or where they have been assessed.
  - Work in Devon. The Local Government Association guidelines define this as employment other than of a casual nature. For the purposes of this policy this will be defined as having had permanent work with a minimum of a 16 hour contract per week for the previous 6 months, and without a break in the period of employment for more than three months.
  - Have family connections in Devon. The Local Government Association guidelines define this as immediate family members (parents, siblings and non-dependent children) who have themselves lived in the area for five years.
- 3.9.6 Applicants will be required to provide proof of their local connection to Devon before their banding is assessed.
- 3.9.7 A number of housing associations with homes in Devon (who are partners in Devon Home Choice) operate across a wider regional or national area. Tenants of such associations may on occasion wish to transfer to Devon from outside the county, but will not meet the local connection criteria (e.g. they do not have a local connection to Devon). In such cases the local connection to Devon criteria shall not be applicable. In such circumstances the tenant will be placed in the band determined by their housing needs, in the same way as applicants with a local connection to Devon. They will then be able to bid for homes in the same way as other applicants.
- 3.9.8 Section 315 of the Housing and Regeneration Act 2008 amended section 199 of the Housing Act 1996 so that someone serving in the Armed Forces will be able to establish a local connection through residence or employment in an area, in the same way as a civilian person, as set out in paragraph 3.9.5 above but subject to what follows below.
- 3.9.9 The Localism Act 2011 provides local authorities with the power to decide who qualifies for social housing. The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012 confirms that the local connection criteria cannot be applied to the following people when deciding who is, or is not, a qualifying person:
- (a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
  - (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner (where the death was attributable, wholly or partly, to their service)
  - (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service
- 3.9.10 In addition, the local connection criteria will not be applied to divorced or separated

spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of Defence.

- 3.9.11 The local connection to Devon criteria will not therefore be applied to any households set out in the two paragraphs above. This, in line with the guidance from Government, recognises the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements; as well as those injured reservists who may need to move to another local authority district to access treatment, care or support.
- 3.9.12 Following the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 that came into force on 20th April 2015, the local connection criteria cannot be applied to existing social tenants seeking to transfer from another local authority district in England who:
- (a) have reasonable preference under s.166(3)(e) because of a need to move to the local authority's district to avoid hardship, and
  - (b) need to move because the tenant works in the district, or
  - (c) need to move to take up an offer of work
- 3.9.13 The definition of a 'local connection' for young people leaving care was amended by the Homelessness Reduction Act 2017 so that a young homeless care leaver has a local connection to the area of the local authority that looked after them. Additional provision is made for care leavers who have been placed in accommodation, under section 22A of the Children Act 1989, in a different district to that of the children's services authority that owes them leaving care duties. If they have lived in the other district for at least 2 years, including some time before they turned 16, they will also have a local connection with that district until they are 21.
- 3.9.14 Care Leavers<sup>5</sup> who have been looked after by Devon County Council, Plymouth City Council or Torbay Council will be considered to have a local connection to each of the Devon local authorities.
- 3.9.15 If a home is subject to more specific local connection criteria however these will still apply to tenants of partner and other social landlords with no local connection to Devon, including those who need to move to Devon for work. For example Section 106 planning conditions that mean the home can only be let to someone with a local connection to a specific local area.

## **3.10 Members of the Armed and Reserve Forces**

- 3.10.1 The local connection provision will not apply to members of the armed forces and some former service personnel etc. In addition, the local connection criteria will not be applied to divorced or separated spouses or civil partners of Service personnel who are required to move out of accommodation provided by the Ministry of

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<sup>5</sup> A care leaver is defined as a person aged 25 or under, who has been looked after by a local authority for at least 13 weeks since the age of 14; and who was looked after by the local authority at school-leaving age or after that date

Defence (see above).

- 3.10.2 The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 came into force in November 2012, requiring local authorities to provide additional preference to households who fall within one or more of the reasonable preference categories (see above) and who have urgent housing needs, where the applicant or a resident member of their household who might reasonably be expected to reside with them satisfies one of the following categories:
- (i) s/he is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
  - (ii) s/he formerly served in the regular forces,
  - (iii) s/he has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service, or
  - (iv) s/he is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- 3.10.3 The Devon local authorities have agreed to apply this legislation by placing the application of the types of person set out in 3.10.2 in Band C, where they would otherwise have been placed in Band D. This ensures that such applicants are provided with additional preference over those applicants in Band D, who are provided with reasonable preference only.
- 3.10.4 Under Devon Home Choice Bands A, B and C are for applicants in the reasonable preference categories (see above) who the Devon local authorities have agreed to provide with additional preference, given their housing need.
- 3.10.5 After careful consideration of the legislation and the government's guidance on allocations, the Devon local authorities have agreed not to award respective priority to service applicants in Bands A, B or C over those who have not served.
- 3.10.6 Applicants who have served in the UK armed forces will continue to have their application placed in Band A or Band B where a Devon local authority assess that their housing need meets one of the categories of either band.
- 3.10.7 Households in any of the following categories of person listed in 3.10.2 who are assessed as being homeless, in priority need and unintentionally homeless (under Part VII of The Housing Act 1996, as amended by the Homelessness Act 2002) or are assessed as being in the Homelessness Reduction Act – Qualifying Act category, or living in supported accommodation in Devon assessed as being ready to move on will have their applications placed in Band B.
- 3.10.8 The Devon local authorities have agreed not to award additional priority to serving or former service personnel who are assessed to have no housing need (e.g. where their application is placed in Band E). In line with other applicants, former service personnel applying to Exeter City Council, Teignbridge District Council or

Torbay Council who are assessed to have no housing need will not be registered.

- 3.10.9 As well as awarding additional preference to serving and former members of the armed forces and their families in urgent housing need (see above), Devon Home Choice partner local authorities and landlords will agree locally whether to set aside a proportion of properties for former members of the Armed Forces under a local lettings policy (see also 4.7 below). Such a decision will be determined by locally agreed priorities and an assessment of the local housing market.
- 3.10.10 Local authorities will not take into account any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service into account when assessing whether they have sufficient resources to meet their own housing need (see 2.6 above).

### **3.11 Victims of domestic abuse**

3.11.1 This section clarifies the approach taken by the Devon Home Choice partners to victims of domestic abuse.

3.11.2 Domestic abuse is unacceptable. Perpetrators of domestic abuse will not be eligible to register with Devon Home Choice (see Qualifying Persons section above).

3.11.3 Every application is considered individually, but applications from victims of domestic abuse could be placed in Band A, Band B or Band D as follows:

- Band A would be appropriate where there is clear evidence of an immediate and serious risk to a household living in Devon, there are no appropriate housing options available, such as temporary accommodation or Sanctuary scheme measures etc., and where the risk can be managed at their current home.
- People fleeing domestic abuse living in refuges in Devon (including those who have escaped violence from outside Devon), or in one of the 'Places of Safety Schemes' operated by the Devon local authorities for people fleeing domestic abuse, or people fleeing domestic abuse from another part of the country who would be at risk in the area(s) where they have a local connection may be included in either the Statutorily Homeless or HRA Qualifying Applicants categories in Band B, where it is assessed that private rented accommodation is not appropriate or available.
- Where someone's health and wellbeing has been severely affected by domestic abuse, and they need to move on from a refuge (or other similarly provided emergency accommodation) in order to build a stable life, they would be assessed to have a high health and wellbeing need, and their application would be placed in Band B (see the health and wellbeing framework below).
- Victims of domestic abuse who have been accommodated in supported accommodation could have their application placed in Band B if it is assessed that they are ready to move on to independent living, and that private rented accommodation is not appropriate or available.

- Where it is assessed that private renting is an appropriate and available option, victims of domestic abuse will have their application placed in Band D.

3.11.4 The local connection provision will not apply to persons from outside of Devon fleeing domestic abuse and who are at the time of application living in Devon, in a refuge or other similarly provided emergency accommodation, or people fleeing domestic abuse from another part of the country who would be at risk in the area(s) where they have a local connection.

### **3.12 Households with more than 1 need**

3.12.1 Where an application has more than 1 need from different bands, the application will be placed in the highest band.

3.12.2 No additional priority will be provided if a household has 2 or more needs from the same band.

### **3.13 Band Start Date**

3.13.1 Applicants who have bid for properties will be prioritised:

- Firstly by their band. For example those applicants in the High housing need band (B) will be listed above applicants in the Medium housing need band (C), and
- Secondly **within** each band in order of their band start date, with the applicant with the earliest band start date at the top.

3.13.2 Where 2 or more applicants within the same band apply for the same property, it will be awarded to the applicant with the earliest band start date. Where two or more applicants within the same band have the same band start date, it will be awarded to the applicant recorded as having the earliest time on that band start date on the Devon Home Choice register.

3.13.3 The band start date is the date that the housing register application was received for assessment, unless any of the following apply:

#### **3.13.3.1 Applicants whose housing need and/or circumstances changes**

Applications that are re-assessed (e.g. because their circumstances have changed) and are placed in a higher band will have their band start date reset (see also Section 3.15). The band start date reflects how long they have had the higher level of housing need.

The band start date will remain unchanged for applications that are re-assessed and are placed in a lower band. This recognises the length of time that households have been on the housing register.

The band start date will also remain unchanged for applications that are re-assessed and remain in the same band, but for a different reason.

- 3.13.3.2 **Homeless applicants accepted under Part VII of the Housing Act 1996:** The band start date will be the date the applicant was first owed the relief duty under the Homelessness Reduction Act 2017.

During the Prevention and Relief stages of the Homelessness Reduction Act 2017 the applicant will be placed in the High housing need band (Band B) or the Low housing need band (Band D) as set out above.

If the homeless applicant was already placed in the High housing need band (Band B) or the Low housing need band (Band D) as a result of some other need (for example due to a high health/ wellbeing need), their band start date remains the same and does not change to the date they were first owed the relief duty under the Homelessness Reduction Act 2017.

Applicants who have their application placed in the High Housing Need Band (Band B) in the HRA Qualifying applicants' category will keep the same band start date if a full homeless duty is accepted

- 3.13.3.3 **Move on applicants (from Supported Housing):**  
Applicants living in supported accommodation within Devon who have been assessed as ready for 'move-on' into independent accommodation will have their band start date backdated to either the date that they first<sup>6</sup> moved into the supported accommodation or the date they first became a homeless prevention case to a Devon local authority, whichever is the earliest. This approach is taken in order to free up scarce supported accommodation.

- 3.13.3.4 **Young people leaving care**  
Young people leaving care who are assessed by the local authority or a multi-agency panel as ready for independent living will have their band start date backdated to their 17th birthday. This approach is taken in order to free up scarce care placements, and to give effect to the 'Care Leaver's Charter' and to 'The Children Act 1989 Guidance & Regulations. Volume 3: planning transition to adulthood care leavers'

## 3.14 People leaving prison

- 3.14.1 If an applicant is being held in custody pending trial or sentencing, or has to stay somewhere that is not their home as a condition of bail, they will remain in their

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<sup>6</sup> The date someone first moved into supported accommodation refers to the date they started their current, continuous stay in supported accommodation. This will include people who have moved from high support to low support accommodation.

People who have had breaks in their stay in supported accommodation will have their Band Start Date backdated to the date that they moved into their current supported accommodation.

previous band and keep their Band Start date for up to 52 weeks.

- 3.14.2 Similarly, if an applicant is sentenced to prison for up to 13 weeks they will remain in their previous band and keep their Band Start date.
- 3.14.3 If an applicant is sentenced to prison for more than 13 weeks they will be suspended from bidding. If the applicant wishes to remain on the Devon Home Choice register they, or their advocate, can contact their local housing team from 56 days prior to release to request that their application is re-activated, so that they can bid for homes. Any changes in circumstances will be taken into account when re-assessing the application. If an applicant's circumstances remain the same as they were before going to prison their application will remain in the same Band and retain the Band Start date.
- 3.14.4 People in prison can apply to the Devon Home Choice register. However their application will be placed in Band E (No housing need) in those local authority areas that register households with no housing need and they will be suspended from bidding until 56 days prior to release.
- 3.14.5 In those local authority areas that do not register households with no housing need people in prison will only be registered from 56 days prior to release, where it is assessed that the applicant has a housing need.
- 3.14.6 Please note that it is the responsibility of the applicant, or an advocate acting on their behalf, to contact their local housing team to confirm the release date is within 56 days. The local authority will then re-assess the application to determine the appropriate band, as set out above, given the applicant's circumstances when they leave prison.
- 3.14.7 Before any known offender is offered housing, full consultation will be undertaken with the relevant support agencies to assess the risk involved

### **3.15 Changes in circumstances**

- 3.15.1 Applicants must provide information about their current housing circumstances of the applicant and their household so that the following can be assessed:
  - The band they are placed in
  - What size, and where appropriate, what type of property they can bid for
- 3.15.2 Applicants must inform their local authority housing team of any changes in their housing need and/or circumstances straight away (such as any change of address or change in the composition of their household etc). This includes any change that may affect the priority which has been afforded to their application. .
- 3.15.3 Applicants have the right to apply for their priority to be reviewed if there is a material change of housing need and/or circumstances.
- 3.15.4 If a person successfully bids for a property and it is later found that the housing circumstances of the applicant and their household was different from the details provided when the application was made the offer might be withdrawn.

### **3.16 Moving bands following a change in circumstances**

- 3.16.1 Applicants whose housing need and/or circumstances changes will be reassessed. This may change the band their application has been placed in.
- 3.16.2 Those applicants moved to a lower band will keep their existing band start date which will determine their comparative priority within the new lower band.
- 3.16.3 Those applicants moved to a higher band will have their band start date changed to the date their change of circumstances request was received, which resulted in their move into the higher band. This is so that other applicants who have been in this higher band for a longer time will remain above applicants who have joined that band on a later date.
- 3.16.4 If it is accepted by 1 of the local authorities following a review that an applicant should have been placed in a higher band, their band start date will be backdated.

### **3.17 Notification**

- 3.17.1 Once an application form has been entered online or received by a Devon local authority housing team it will be assessed and the information entered onto the Devon Home Choice register. The applicant will receive a letter confirming their application details within 20 working days of the local authority housing team receiving all of the required information.
- 3.17.2 All applicants will be notified of:
  - The 'band' in which their application has been placed and brief details of why this decision has been made
  - The size property the applicant is eligible for
  - Their 'band start date'
  - A unique reference number
  - How their mobility needs have been assessed, and the category of home that they have been assessed as needing
  - Information on how Devon Home Choice works, including where to find information on available homes and how to bid
  - Information on sources of further advice and assistance
  - A reminder of the need to notify any change in circumstances immediately
  - Information on the review procedure
- 3.17.3 Applicants will also receive notification of their application details within 20 working days if they have provided details about their change of circumstances.

### **3.18 Size of property**

- 3.18.1 Applications will be assessed to determine the size of property that their household requires. A household is defined as "any other person who normally resides with the applicants as a member of his/her family or any other person who might reasonably be expected to reside with the applicant" (Housing Act 1996).
- 3.18.2 Under Devon Home Choice a separate bedroom is allocated to each:
  - married or cohabiting couple

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- adult aged 16 years or more
- pair of adolescents aged 10-15 years of the same sex
- pair of children aged under 10 years regardless of sex

3.18.3 Any unpaired person aged 10 to 15 years is paired, if possible, with a child aged under 10 years of the same sex or, if that is not possible, given a separate bedroom. The same applies to any unpaired child aged less than ten years.

3.18.4 Examples of the property sizes that households are able to bid for are set out below:

<b>Size of Property</b>	<b>Who is eligible?</b>
Bedsit (not sheltered)	Single people under the age of 35.  Please note that different eligibility criteria apply to sheltered bedsits.
1 Bedroom	Single people or couples with no children  Single people with regular access to children, but who do not normally live with them (see below)
2 Bedroom	Applicants with 1 child or who are pregnant  Applicants with 2 children of the same sex (or different sexes but who are both under 10 years old)
3 Bedroom	Applicants with 2 children of different sexes, with at least 1 child over 10 years of age  Applicants with 3 children  Applicants with 4 or more children
4 Bedroom	Applicants with 4 or more children (where at least 1 of the children is a different sex to the others and, either that child or the youngest of the other children is at least 10 years old)

- 3.18.5 **Please note:** This is not an exhaustive list. Applicants with a larger number of household members may require larger properties. The size of home required will be calculated as set out in paragraph 3.17.2 above.
- 3.18.6 Given the severe shortage of larger homes, applicants assessed as needing a home with more than 4 bedrooms will be enabled to bid for 4 bedroom homes, wherever this does not lead to a category 1 overcrowding hazard<sup>7</sup> and where this is in line with the landlord's allocation policy. This will be done by landlords when advertising 4 bed homes that can accommodate larger households (e.g. by setting the maximum bed need of applicants who can bid for homes to 5 or 6).
- 3.18.7 **Please note:** Individual landlords letting policies or local planning policies may affect the size of households that may apply for particular properties. Any such restrictions will be included in the property advert.
- 3.18.8 These property sizes will not apply to existing tenants of a social landlord who are seeking to move to a home that is at least 1 bedroom smaller. For example a single person living in a 4 bedroom local authority or housing association home will be able to move into a 2 bedroom property. This is to make the most effective use of social housing and free up family accommodation.
- 3.18.9 Where households have particular needs (for example due to health issues) these will be taken into account in determining the size of property that they are eligible to apply for. In exceptional cases an additional bedroom may be awarded.
- 3.18.10 To be awarded an additional bedroom the applicant must meet at least one of the following criteria:
- Medical problems result in the applicant having such disturbed nights that the partner is unable to get essential sleep and having 2 single beds will not solve the problem.
  - Partner is full time carer and needs separate bedroom to get sufficient sleep in order to continue in caring role.
  - The applicant has an unstable condition that requires someone to stay overnight in case of emergency. This has to be frequent, i.e. every night or for prolonged periods of time throughout the year. Confirmation of the condition and the need for overnight care will be required from a relevant health professional. Where an applicant has family members to stay occasionally when not well it would be reasonable to expect them to make temporary arrangements.
  - The applicant has a package of care including a night sleeper and a bedroom is required for the care assistant. A copy of the care package will be required to evidence this.
  - A separate room is needed for medical treatment that has to be kept totally hygienic. Evidence will be required.

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<sup>7</sup> Housing Act 2004 Housing Health & Safety Rating System

- A separate room is needed for medical equipment that is so large or numerous that it cannot reasonably be stored elsewhere. Evidence will be required.
- If a child is disabled and can't share a bedroom with another child because of their disability. The following conditions must be met:
  - o The disabled child must be entitled to the middle or higher rate care component of Disability Living Allowance, and
  - o The local authority must be satisfied that the child's disability means they can't share a bedroom with another child. Evidence will be required from secondary care health professionals (e.g. Child and Adolescent Mental Health Services or consultant level) to confirm this.

3.18.11 If an applicant takes in a child (e.g. cousin, nephew/ niece etc.) that they do not think can share with existing children in the household these will be considered on case by case.

3.18.12 If an extra bedroom is awarded local authorities need to make it clear that this assessment has been made for Devon Home Choice and will not affect their housing benefit claim.

3.18.13 Because of the very high demand for properties within Devon, children who do not have their primary residence with the applicant due to shared parenting and/or contact and/or other arrangements will be excluded when determining the size of property the applicant requires. Such decisions will be made on a case-by-case basis and will be determined by the local authority's decision as to which parent or guardian the child is dependent on in terms of their primary day-to-day care, and with whom the child would therefore be expected to ordinarily reside. One indication may be drawn, for example, by checking circumstances such as which parent receives the Child Benefit.

### **3.19 How is health and wellbeing priority awarded?**

3.19.1 If an applicant needs re-housing because their health or welfare is being affected by their current housing they must complete a health and wellbeing assessment form.

3.19.2 Health and wellbeing priority is only awarded if a Devon local authority (or appropriate agencies working on their behalf) has determined that:

- An applicants health and/ or wellbeing is made worse by their current home, or lack of a home
- An applicant's health means that their current home is unsuitable e.g. they cannot manage stairs up to the bedroom or bathroom

3.19.3 Health and wellbeing priority **will not** be awarded in the following circumstances:

- Health problems that are not affected by housing or cannot be improved by moving
- Housing defects that can be rectified (these are covered below)
- Neighbour disputes

- Anti social behaviour<sup>8</sup>
- Homeless households who have been provided with temporary accommodation<sup>9</sup>
- Overcrowding
- Time-related medical problems (e.g. pregnancy-related problems or a broken leg)
- Disability of someone who is not on the Devon Home Choice application
- If the situation can be resolved by equipment or minor adaptations which are immediately available

3.19.4 Health and wellbeing priority will only be given if the applicant agrees to move to a more suitable home unless there are exceptional circumstances. For example, if an applicant cannot manage stairs they will only be considered for an accessible home or a bungalow, unless appropriate adaptations can be put in place (that aren't possible in the applicant's current home).

3.19.5 Applicants who require housing support to live independently will only be placed in the Emergency or High housing need bands as a result of a health and wellbeing assessment if an appropriate package of support has been put in place.

3.19.6 Applicants will not be placed in either the Emergency or High housing need bands unless supporting evidence is provided by a relevant health professional.

3.19.7 Each local authority, working together with partner agencies, will use the following guidelines for assessing health and wellbeing applications. This process can recommend access to a property size or type outside of the normal rules if there are special health or wellbeing needs.

3.19.8 Applicants are informed in writing of the outcome of their health and wellbeing assessment, and brief reasons explaining why the decision was made. If they disagree with the assessment there is a right to review but they must state the reasons for review in writing and provide any additional health and wellbeing evidence so the case can be reconsidered. The review procedure is set out below (see 4.20).

3.19.9 Each individual on the application with a health or welfare problem will be assessed. If there is more than 1 member of the household whose health and/or wellbeing is being affected by their housing, their application will be awarded the need relating to the severest problem.

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<sup>8</sup> The only exceptions will be cases where the local authority is satisfied that landlord, police, Anti Social Behaviour team, or Environmental Health etc have done everything possible to resolve the anti social behaviour. An example might be where the landlord has a possession order but there will be some time before the offender is evicted, and there is a need to move the victim to avoid any further impact on their health and wellbeing. Any cases will need significant evidence from landlord, police, Anti Social Behaviour team, or Environmental Health etc, and of the impact on the applicant's health and wellbeing.

<sup>9</sup> Any health and wellbeing issues arising from temporary accommodation provided by a Devon local authority should be challenged on the suitability of the accommodation

3.19.10 Where an individual has more than 1 health and wellbeing need (for example physical and mental health problems), an assessment will be made of whether the combination of these factors should result in the person being placed in a higher band.

3.19.11 Where:

- Applicants have been placed in the Emergency housing need band as a result of a health and wellbeing assessment, this will be reviewed every 3 months
- Applicants have been placed in the High housing need band as a result of a health and wellbeing assessment, this will be reviewed every 6 months

3.19.12 The review will determine whether the level of priority is still appropriate. The review may involve a phone-call to the applicant and/ or support agency, or a home visit.

3.19.13 Applicants must inform their local authority housing team straight away of any changes in their circumstances. This includes any change that may affect the priority that has been afforded to their application. A further health and wellbeing assessment will then be undertaken.

3.19.14 A network of multi-agency panels is in place across the county. These panels provide the assessments on cases referred by housing officers. These cases will either be those that are likely to result in the award of high priority (e.g. either Emergency or High housing need bands) or require specialist input.

3.19.15 The make-up of the panels has not been prescribed but guidance has been provided on the types of agencies/ specialisms expected as a minimum. The panels use the framework, criteria and examples to make an assessment, thereby ensuring consistency across the county. The panels are be able to co-opt people from particular specialisms to help decide particular cases

### **3.20 Health and Wellbeing Assessment Framework**

3.20.1 Please note: 'Health' refers to both physical and mental health, people with learning disabilities etc.

3.20.2 A summary of why applications are placed in the different health and wellbeing categories is set out immediately below, whilst the tables that follow over the next three pages set out the criteria which staff will use to make an assessment.

- **Urgent/ Emergency health and wellbeing priority (Band A)**

The current accommodation is so completely unsuitable that should the applicant remain in it or return to it the affect on their health would be critical. This can only be averted by a move to alternative accommodation in the shortest time possible

- **High health and wellbeing priority (Band B)**

The housing situation is so severely affecting the applicant's health and wellbeing that it is resulting in them being completely housebound, at risk of injury, relapse or unable to live independently. Alternative housing is required to prevent serious risks to their health and wellbeing.

- **Medium health and wellbeing priority (Band C)**

The housing situation is seriously affecting the applicant's health and wellbeing and is having an unacceptable impact on their ability to live independently. Alternative housing is required to prevent a significant and serious deterioration to their health and wellbeing.

- **Low health and wellbeing priority (Band D)**

The housing situation is having a negative impact on the applicant's wellbeing but it is not causing any significant deterioration to their health or ability to live independently.

- **No health and wellbeing priority (Band E)**

Whilst it is recognised that there may be a health and wellbeing issue, this is not affected by the current accommodation. The applicant's health and wellbeing would not be improved by a move to alternative accommodation. Therefore no housing need actually exists.

**Criteria by which to make an assessment:**

<b>Urgent/ Emergency</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>No</b>
Will include: <ul style="list-style-type: none"><li>- Where there is a significant threat to life</li><li>- Where there is a significant risk of serious and permanent injury and/or permanent disability</li><li>- Where someone cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in.</li></ul>	Will include: <ul style="list-style-type: none"><li>- Someone who's housing has rendered them housebound and has little or no support available</li><li>- Where a move would avoid the need for another service (e.g. Social Services) from having to provide a significant level of support. This might include for example residential care; overnight care provision, or other support with similar resource implications</li><li>- Where a move would avoid the continued inappropriate use of residential care</li><li>- Where someone's health &amp; wellbeing has been severely affected by domestic abuse, and they need to move on from a refuge (or other similarly provided emergency accommodation) in order to build a stable life.</li></ul>	Will include: <ul style="list-style-type: none"><li>- Would be housebound, but where a sufficiently high level of support is available to enable them to get out of the house and reduce to a significant degree the impact of their circumstances</li></ul>	Will include: <ul style="list-style-type: none"><li>- Can access their home, but is unable to do so without appreciable difficulty, pain or other discomfort. Not completely housebound but there will be a significant reduction in the person's frequency of leaving and entering their home due to these circumstances. Often these cases may involve liaison with the Social Services team dealing with adaptations. Where adaptations are later provided and this improves the circumstances of the person concerned, then any earlier health/ wellbeing award should be removed and a new assessment carried out</li></ul>	Will include: <ul style="list-style-type: none"><li>- Mobility issues (regardless of severity) where current property and locality unlikely to be bettered in terms of accessibility.</li><li>- Where there is no perceived link between the current accommodation and a person's condition.</li></ul>

**Criteria by which to make an assessment (Continued):**

<b>Urgent/ Emergency</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>No</b>
- Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition	Will include: <ul style="list-style-type: none"> <li>- Where someone is unable to return home (due to its unsuitability) from residential care or supported housing</li> <li>- Where it is impossible for the person to use essential facilities within the home and no adaptation is possible</li> <li>- Inability to cope is solely and directly related to the housing situation. It is causing a breakdown in essential relationships and is requiring urgent mental health intervention</li> <li>- Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. The layout of the accommodation, for example the number and nature of steps, stairs or other hazards is a major factor in increasing the risk of serious injury</li> </ul>	Will include: <ul style="list-style-type: none"> <li>- Can access their home, but is unable to access normal day-to-day facilities within it (e.g. bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. Where an adaptation is possible, practical and affordable this should always be pursued before any health &amp; wellbeing priority is sought. If the adaptation is possible but will not be undertaken in the short term, this priority will be awarded in the interim. (The priority would be removed once the adaptation is undertaken)</li> <li>- The person is suffering from a mental illness and that situation has existed for a significant period of time, and is being exacerbated by housing. There is usually not only GP involvement, but also other specific mental health intervention.</li> </ul>	Will include: <ul style="list-style-type: none"> <li>- Mobility issues - where current property is suitable, but location is likely to have detrimental effect upon the individual, e.g. unable to access any transport, shops, or other essential services.</li> <li>- Mental health - where the layout, location, or environment around home is a contributory factor. These will frequently be less severe conditions. They are likely to be prescribed medication, but not often be in receipt of ongoing support other than from their GP.</li> </ul>	

**Criteria by which to make an assessment – People needing to move to give or receive support:****Note:**

- These criteria apply to the person requiring support, whether they need to move to receive support or a family member/friend needs to move to provide support to them (please note that in the latter example the priority is given to the person who will be moving to provide support rather than the applicant with the health & wellbeing need).
- Each case would need to be reviewed to assess which areas are appropriate for an applicant seeking to move to give/receive support to bid for. They will only receive any priority for this need for homes in the agreed area(s).

<b>Urgent/ Emergency</b>	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>No</b>
	<p>Will include:</p> <ul style="list-style-type: none"> <li>- Applicant's or their immediate carer's health or safety are at risk unless they move to a location that enables family (or other significant support network, such as a support service, hospital or long established friend) to provide vital and support at least 3 times a week to minimise their risk. This support will avoid the need for:           <ul style="list-style-type: none"> <li>- residential care</li> <li>- hospital admission</li> <li>- a large use of social care</li> <li>- a breakdown in essential relationships and/ or urgent mental health intervention</li> </ul> </li> <li>- The support is not available in their current location.</li> </ul>	<p>Will include:</p> <ul style="list-style-type: none"> <li>- Applicant's independence would be significantly improved by living in a location that enables family (or other significant support network, such as a long established friend) to provide support at least 3 times a week to enable this.</li> <li>- The support is not available in their current location.</li> </ul>	<p>Will include:</p> <ul style="list-style-type: none"> <li>- Quality of life would be greatly enhanced by living in a location that would allow family (or other significant support network, such as a long established friend) to provide social support at least 3 times a week. The support will enable for example the person to access transport, shops, or other essential services</li> <li>- The support is not available in their current location.</li> </ul>	

### **3.21 How is priority awarded due to housing defects?**

- 3.21.1 An Environmental Health Officer may be asked to investigate the defects that are reported by an applicant where the problem might lead to the award of Emergency or High housing need bands. The main objective of the Environmental Health Officer is to help bring sub standard homes up to an acceptable standard.
- 3.21.2 Where a housing defect exists applicants are expected to have already raised the problem with the landlord in writing before an Officer visits. This will give the landlord the opportunity to carry out the necessary improvements before involving the local authority and possible enforcement action. Applicants should be made fully aware that if an Officer visits and identifies serious defects (Bands A and B) the officer is under a statutory duty to take appropriate steps to ensure that the defects are remedied and this will involve contacting the landlord and/or agent.
- 3.21.3 Where applicants are living in a property in a poor condition where defects are a potential risk to the health and safety of occupants, priority will be awarded as follows. Please note that applicants will not receive any additional priority if remedial action is planned to rectify the defect(s). In such circumstances applicants may be re-housed temporarily if necessary until any works are complete. Priority will only be awarded where remedial action is not possible (or not possible within an appropriate timescale)
- 3.21.4 It should be noted that overcrowding is dealt with by other sections of the Devon Home Choice Policy (see Section 3.3: High housing need band & Medium housing need band) and is not covered by this section.

#### **3.21.5 Emergency housing need band (Band A)**

This will only be given in an emergency, on the recommendation of an Environmental Health Officer following a site visit. This will cover any defects in the property that cannot be remedied within an appropriate timescale, and where the most appropriate course of action would be to serve a Prohibition Order, Emergency Prohibition Order or to carry out emergency remedial works.

#### **3.21.6 High housing need band (Band B)**

This will only be given where an Environmental Health Officer has inspected the property and identified serious health and safety issues within the property and the most appropriate course of action would be to serve an Improvement Notice. These are most likely to be a Category 1 hazard and the Officer has a statutory duty to take appropriate steps to rectify the problem and will contact the landlord and/or agent. Priority will only be awarded where remedial action is not possible (or not possible within an appropriate timescale). Any priority will be removed when the hazard is rectified.

Applications awarded this priority will be reviewed every 3 months. Priority will be removed in cases where the applicant is preventing the

landlord from undertaking the required repairs.

### **3.21.7 Local authority and Registered Social Landlord tenants**

Tenants of local authorities and Registered Social Landlords will not normally be given any additional priority due to disrepair. There are other policies and procedures that will be used by the individual landlord to assist where there is disrepair in these properties.

## **3.22 Tenants of Partner Landlords on Fixed Term Tenancies**

- 3.22.1 Tenants of Devon Home Choice partner landlords subject to a fixed term tenancy that is not being renewed will be assessed in line with the Devon Home Choice policy (e.g. if they are lacking a bedroom their application will be placed in Band C or if they are underoccupying their application will be placed in Band B etc.). Landlords will encourage such tenants to bid for homes via Devon Home Choice, and could extend their tenancy if required to provide more time for them to find an alternative home.

## **3.23 Pets**

- 3.23.1 Households registering with Devon Home Choice are asked to confirm whether they have pets, and if so, what these are. This is because pets are not allowed in some homes that are advertised on Devon Home Choice.
- 3.23.2 Service animals (e.g. guide dogs for the blind, hearing dogs etc.) are not classified as pets. Service animals should not be included as a pet on applications. Evidence of the need for a service animal is required from secondary health services or the charity that provided the animal. Feedback from a GP would generally not be seen as sufficient.

## **3.24 Review of the Devon Home Choice register**

- 3.24.1 All local authorities in Devon will review the applicants on the housing register at least once every 3 years in order to:
- Confirm that the details on the register are still correct
  - Check whether there have been any changes in an applicant's circumstances
  - Confirm that the applicant wants to stay on the housing register.
- 3.24.2 If an applicant not identified as being vulnerable does not reply to either of the 2 review letters it will be assumed that housing is no longer required and the application will be cancelled. The applicant will have to apply again if they later want re-housing. In such cases an applicant will lose their previous band start date and their band start date will be determined by their fresh application.
- 3.24.3 Where applicants who have been identified as vulnerable do not reply to either of the 2 review letters, the local authority will seek to contact them again and/ or any advocate (e.g. family, friend or support agency) working with them. This is so that that vulnerable people are not removed from the register inappropriately. If this final attempt to

contact the applicant and/ or their advocate fails their application will be cancelled.

- 3.24.4 Only in exceptional circumstances will an application be reinstated with the previous band start date. For example an applicant was in hospital and the review letters did not come to their attention.

### **3.25 Cancelling applications**

- 3.25.1 An application will be cancelled from Devon Home Choice in the following circumstances:
- At the request of an applicant
  - Where an applicant does not respond to an application review, within the specified time limit
  - Where a local authority or a Registered Provider has housed the applicant
  - When a tenant on the housing register completes a mutual exchange
  - Where the applicant moves and does not provide a contact address
  - Where the applicant has died
  - Where the applicant has not supplied the relevant information requested within 28 days
- 3.25.2 Where an applicant has been highlighted as potentially vulnerable, the local authority will contact the applicant, or agency that they are working with if appropriate, to check their circumstances before cancelling the application.
- 3.25.3 Any applicant whose application has been cancelled has the right to ask for a review of the decision.

### **3.26 Rejoining Devon Home Choice**

- 3.26.1 Where an applicant wishes to re-join Devon Home Choice at a later date their new band start date will be determined by the date they re-apply. Their housing need will be reassessed and they will be placed in the appropriate band as set out above.

## **4. Section 4: Applying for properties**

### **4.1 Finding a home**

4.1.1 Once applicants have received notification that they have registered with Devon Home Choice they can start applying for homes for which they are eligible.

### **4.2 Moves between local authorities in Devon**

4.2.1 A key aim of Devon Home Choice is to provide people seeking housing with choice and the ability to move within Devon. For example to access work or move closer to support networks.

4.2.2 As set out below, some homes may only be advertised to certain groups of applicants. For example where planning conditions apply, or a home has particular adaptations. Any restrictions as to who is eligible for a particular property will clearly be set out in the advert. To maximise choice and potential mobility for applicants within Devon, anyone registered with Devon Home Choice will be able to apply for the remaining properties for which they are eligible (e.g. according to the number of bedrooms they need) .

4.2.3 In order to ensure that moves between local authorities do not adversely impact on one or more local authority areas, these moves will be monitored each month. In particular the following will be monitored:

- (A) The number of households moving into a local authority area in the previous month who have no local connection with that area
- (B) The number of households moving out of that local authority area in the previous month who have no local connection to their new local authority area
- (C) The balance between these figures (e.g. A – B)

4.2.4 Where the cumulative balance of these figures (C) in that year (1 April – 31 March) accounts for 2% or more of the number of lets made within that local authority area in the previous year, homes in that local authority area may be labelled in the following month(s) so as to provide preference to applicants with a local connection to that particular local authority<sup>10</sup>. If no applicants with a local connection to the local authority bid for a home, applicants from other areas will be considered.

4.2.5 When the balance of these figures (C) goes back below 2% of lets within that local authority area, homes in that local authority area will again be advertised without being labelled as preference to applicants

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<sup>10</sup> Unless a landlord specifically requests, and it is agreed by the local authority, that certain properties (e.g. hard to let properties) are advertised without a local connection preference.

with a local connection (unless this is required for another reason set out above or below).

- 4.2.6 Tenants of Devon Home Choice partner landlords are excluded from the calculation of, and any restrictions on, cross border moves. For the avoidance of doubt, following the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015, this includes those tenants who need to move between local authorities in Devon for work.
- 4.2.7 Existing tenants of other social landlords living outside Devon who need to move to Devon for work must similarly be considered for any homes advertised with a preference to applicants with a local connection to a particular local authority.
- 4.2.8 As stated above (Section 3.9) however, if a home is subject to more specific local connection criteria these will still apply to tenants of partner and other social landlords with no local connection to Devon, including those who need to move to Devon for work. For example Section 106 planning conditions that mean the home can only be let to someone with a local connection to a specific local area.

### **4.3 Accessing Information**

- 4.3.1 We provide:
  - The Devon Home Choice User Guide is available on the Devon Home Choice website. This explains what Devon Home Choice is and how it works. The guide will be sent to those applicants who cannot access the internet
  - A range of information on the Devon Home Choice website explaining how the scheme works and setting out the full range of housing options
  - Awareness raising sessions and training for councillors, parish councillors and partner organisations
- 4.3.2 We provide information in a range of different formats on request, for example:
  - Large print
  - Braille
  - Information in a range of community languages
  - Use of symbols, pictograms and photos
- 4.3.3 Research has found that even though help and information was available in community languages in some choice based letting schemes, some applicants were unaware that it existed. We will work closely with both the Devon and Plymouth Racial Equality Councils, and other community organisations to ensure that we publicise the availability of information in a range of community languages and language line interpretation services appropriately and effectively.
- 4.3.4 We will test information with different groups of people to ensure that it is easy to use and understand.

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- 4.3.5 Information will be available from a wide range of sources. For example:
- Local Authorities
  - Housing associations
  - Support agencies
  - Parish councils
- 4.3.6 As well as advertising available local authority and housing association homes, other housing options such as low cost home ownership opportunities and private rented homes will be included in Devon Home Choice. The tenure of a property will be made very clear. Information will be provided on people's rights in different tenures.
- 4.3.7 The key barrier preventing people in Devon from accessing social housing is the overall shortage of homes. Choice Based Letting in itself will not increase the number of available homes. However it is clear that Devon Home Choice will improve the way that homes are let. It will be made clear in all the information provided on Devon Home Choice that there is very high demand for social housing in Devon and that most of the people who register are unlikely to be successful and should therefore consider other housing options as well.
- 4.3.8 Despite this some applicants may have their expectations raised about getting housed (for example due to the fact that they will be able to see the available homes to let). This may impact on some groups who are encouraged to access the scheme, but do not have enough priority to be housed. Some applicants may find this more difficult than others, and may lack the knowledge or capacity to find other solutions to their housing need. All of the local authorities across Devon have developed a housing options approach to help such people. Staff will be able to discuss a whole range of options with applicants including private renting and low cost home ownership, as well as sources of support.

### 4.4 Advertising of properties

- 4.4.1 Homes are advertised each week in the following ways:
- Online at the Devon Home Choice website
  - On the Devon Home Choice Smartphone App, which is available to download from the Devon Home Choice website
  - On newsletters that will be widely distributed across Devon. Details of where newsletters can be collected are available from local authority housing teams
  - Personalised information will be sent to applicants who have been identified as vulnerable and who are in either the Emergency housing need, High housing need and Medium housing need bands
- 4.4.2 All documentation, adverts and the website will be fully accessible to all community groups within Devon.
- 4.4.3 Homes are advertised on a weekly cycle, from 12.00 a.m. on

Wednesday to 11.59 p.m. the following Monday. No homes are advertised on Tuesdays.

#### **4.5 Property Descriptions**

4.5.1 Properties advertised will include a photograph of the home and a full description. The description will include:

- Type of property
- Whether the home is being let at an 'affordable rent' or on a fixed term tenancy
- Any age restrictions
- Any special criteria (e.g. local letting plans/ sensitive lets)
- Number of bedrooms
- The maximum size of household that can apply (for example '3 bed, maximum 5 person house')
- Location of property (street & city/town/village)
- Floor level (if appropriate)
- Any adaptations (for example disabled facilities) – see further information below
- Access to the property (for example the number of steps, whether there is a ramp or lift)
- Type of parking (if any)
- Heating type
- Rent charged per week (& number of rent weeks per year)
- Any service charges
- Type of tenancy
- Information about the surrounding area (for example whether local shops and public transport are easily accessible)
- Services provided (for example warden, caretaker, cleaning)

#### **4.6 Accessible Housing Register**

4.6.1 Many applicants who register with Devon Home Choice have mobility issues that mean they require accessible accommodation. However, there is a shortage of such accommodation across Devon.

4.6.2 In order to make the most effective use of homes that meet the needs of people with mobility issues an assessment is made of:

- The accessibility need of each household registering with Devon Home Choice
- The accessibility of each property advertised through Devon Home Choice (e.g. whether they can meet the needs of applicants with mobility needs which requires accessible accommodation)

4.6.3 Depending on the assessment that is made applicants and properties will be assigned to one of the following accessibility categories:

<b>Accessibility Category</b>	<b>Applicant requires property with the following/ Property can meet the needs of applicants with the following requirements:</b>
Wheelchair Accessible	<p>Applicant requires wheelchair accessible accommodation, into and throughout the property.</p> <p>Applicant is likely to be a full time or regularly use a wheelchair for prolonged periods.</p>
Step-Free	<p>Applicant is able to mobilise but cannot use steps without close supervision and assistance.</p> <p>Applicants who use a wheelchair outside, but do not need one indoors, should normally be assessed as needing step-free accommodation. However applicants with a long term progressive condition who currently only use a wheelchair outdoors would be more appropriately assessed as needing a wheelchair accessible home.</p> <p>Applicant will normally use a mobility aid (such as a walking stick or walking frame).</p>
Maximum of 3 steps	Applicant is able to manage only up to 3 steps. Applicant will often require less specialist walking aids such a stick or crutch.
General Needs	Applicant does not have any severe mobility issues

- 4.6.4 When a property is advertised the landlord will confirm the accessibility category of the property.
- 4.6.5 Preference for accessible homes will be given to those who have been assessed as needing that type of home, and this will normally be highlighted in adverts. Households with a need for a home in one of the three accessibility categories will therefore be considered before other applicants in higher bands and/ or with longer Band Start dates for properties that meet their mobility needs.

#### **4.7 Labelling Properties**

- 4.7.1 In some cases homes may be advertised to certain groups of applicants, or to provide preference to certain groups. This will be agreed locally between local authorities and partner landlords. Should there be any disagreement between local authorities and landlords as to how a home (or homes) should be advertised, they will seek to resolve this as set out in the Local Tenancy Strategy.
- 4.7.2 For example:
  - Where a home meets the needs of people with mobility needs it will be advertised with preference to people who have those

- needs. This is to make the most effective use of accessible housing.
- Where, due to planning restrictions or a local authority's Allocation Policy, applicants are required to have a local connection to a particular area within Devon
  - Where a preference is being given to existing tenants who wish to transfer, including those who wish to move to a smaller property
  - Where a preference is being given to households who have been accepted as homeless by a specific Devon local authority (also see below – Section 4.9)
  - Where a preference is being given to other groups such as:
    - o Working households (please note that households who cannot work e.g. due to disability etc. should not be automatically skipped because they are not working), or
    - o Households who are making a positive community contribution to that rural area
    - o Former members of the regular UK armed forces.
- 4.7.3 Where a Devon local authority is seeking to reduce the numbers of homeless households in temporary accommodation within its area, it will be able to advertise certain properties in its area as 'Preference to households who've been accepted homeless by xxx Council'. Where the local authority is not the landlord this will be subject to agreement with the housing association.
- 4.7.4 Where a property is advertised with preference to certain groups as set out above, applicants in those specified groups will be considered before other applicants in higher bands and/ or with longer Band Start dates. See the Accessible Housing Register section above for more details of how accessible homes will be allocated.
- 4.7.5 There may also be occasions where 'local letting policies' need to be applied by Devon Home Choice partners.
- 4.7.6 Local letting policies may include a system to ensure a mix of household types, for example the number of children in order to ensure that there are not too many within a particular area. Where agreements have been reached adverts will clearly state how such schemes will be allocated and the applicants eligible to bid.
- 4.7.7 Local letting policies may be introduced where a new estate has been built in order to help create a new community. Alternatively, a local letting policy may be required where there are issues that have occurred within an established community, and action is required to assist that community to improve or encourage sustainability.
- 4.7.8 The decision to undertake a local letting policy will be made by the partners involved including the local authority's housing department.
- 4.7.9 Whilst being designed to reflect local needs, local letting policies will still be compatible with the aim of meeting housing need in Devon as well as the requirements of relevant 'Codes of Guidance.'

4.7.10 The use of local letting policies should not lead to vulnerable households being disadvantaged but lead to increased tenancy sustainability.

4.7.11 Further information can be obtained from the relevant local authority.

#### **4.8 Sensitive letting – individual properties**

4.8.1 Occasionally there may be a requirement to assist in dealing with issues that impact on a small, specific location that may be only 1 dwelling within an estate. This may be to:

- Reduce the concentration of certain needs groups which is impacting on housing management
- Promote a more balanced community by seeking to select/not select households with particular characteristics

4.8.2 This will be agreed by a process between the local authority housing department and the housing association (where the local authority is not the landlord itself).

4.8.3 The decision to apply particular requirements will be undertaken by the relevant Devon Home Choice Partners.

4.8.4 The success of this will be the sensitive matching of a household to the vacant home where some flexibility has been identified.

#### **4.9 Bidding for a home**

4.9.1 Where an applicant meets the criteria for a home set out in the advert they may bid for that home within the deadline given.

4.9.2 Applicants may bid for homes:

- Online at the Devon Home Choice website  
[www.devonhomechoice.com](http://www.devonhomechoice.com)
- Using the Smartphone App, which is available to download from the Devon Home Choice website
- In person at the offices of any of the Devon local authorities

4.9.3 The staff within the Local authority housing offices will be available to explain to applicants how to bid. They will also encourage applicants to make use of all the bidding options available to them, so if their circumstances change, and one method will no longer be available to them, they will be able to use another.

4.9.4 Advocacy bidding will be allowed to make use of existing networks of support from family, friends, neighbours, and support agencies. To bid an advocate will need the applicant's reference number and their

consent to make a bid<sup>11</sup>.

- 4.9.5 Applicants who are unable to bid will be offered the opportunity for bids to be placed automatically on homes they are eligible for. These applicants will be identified in a number of ways:
- Through the application process
  - Analysis of bidding patterns amongst high priority applicants
  - A request from the applicant themselves<sup>12</sup>
  - Representation from an agency.
- 4.9.6 Applicants can bid for 3 homes each week.
- 4.9.7 Please note that normal weekly advertising cycle may be altered over Xmas and New Year. This will be clearly advertised.
- 4.9.8 In the event that they have the highest band and earliest band start date for more than 1 home, applicants will be required to choose which home they wish to be considered for. In order to ensure effective housing management applicants will not be able to be considered for more than 1 home at any one time.
- 4.9.9 Applicants who apply and are put forward for sheltered housing will have their support needs assessed by a member of the local authority's or housing association's sheltered housing team.

#### **4.10 Deadlines for Bids**

- 4.10.1 Homes will be advertised each week. The advert will indicate the deadline by which time applications for homes must be received (normally this will be Monday at 11.59 p.m.). Any applications received after the deadline has been reached will not be considered.

#### **4.11 Automatic Bidding**

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<sup>11</sup> When there is a formal advocacy role, for example from a Council team or another agency, a form will need to be signed by the applicant to ensure compliance with the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.

<sup>12</sup> Automatic bidding will only be available for those people who **cannot** apply themselves. It will not be available to those people who would reasonably be expected to bid for homes themselves (except for households who've been accepted as statutorily homeless and have not been bidding for homes).

- 4.11.1 Households who have been accepted as statutorily homeless by a Devon local authority, those placed in the ‘Homelessness Reduction Act – Qualifying Applicants’ category and those assessed as being ready to move on from supported accommodation (all High housing need band) will be advised in their initial registration letter or email that they may be placed on autobid, where the local authority managing their application determines that this is appropriate. This could include households being placed on autobid as soon as they are placed in one of these three categories.
- 4.11.2 When assessing whether to place households on autobid local authorities will take into account whether doing so would mean that households would be less likely to become homeless, or that households in temporary accommodation could secure permanent accommodation more quickly.
- 4.11.3 Households in these three categories, who are not initially placed on autobid, may also be placed on autobid if they are not bidding for all available appropriate homes
- 4.11.4 Before automatic bids are placed the relevant local authority will carry out an assessment as to what type of property would be suitable. This may include location. Automatic bids will be limited to the local authority area managing the application.
- 4.11.5 If an automatic bid is successful the household will be expected to accept the offer of accommodation unless there is good reason why they should refuse a property. Any ‘unreasonable’ refusal of such an offer will lead to a local authority discharging any applicable duty under the homelessness legislation.
- 4.11.6 This requirement and the associated procedure will be clearly set out in the decision letter sent to households when they have been assessed as being statutorily homeless.

#### **4.12 Review of Applications in Band B**

- 4.12.1 Applications in Band B will be monitored every 3 months. Applicants will be encouraged or supported to bid if they have not been bidding.
- 4.12.2 Applicants in Band B who have not placed a bid in the previous 12 months will be suspended from bidding, and will be reviewed by the relevant local authority. The review may result in their application being cancelled, placed in a different Band (if the household no longer has that level of need) or remaining in Band B (e.g. if there were no appropriate homes advertised in the previous 12 months).

#### **4.13 Selection procedure**

- 4.13.1 Applicants who have bid for homes will be prioritised:
  - Firstly by their band. For example those applicants in the High housing need band (Band B) will be listed above applicants in the Medium housing need band (Band C), and

- Secondly **within** each band in order of their band start date, with the applicant with the earliest band start date at the top.
- 4.13.2 For each home advertised the successful applicant will be the one who is eligible for the home, meets any preferences that have been stated on the advert where appropriate, is in the highest band and has the earliest band start date.
- 4.13.3 Each successful applicant's details will be checked to ensure they are eligible for the home and that there has been no material change of circumstances since their banding was assessed. Only those applicants who meet the criteria at the time that the offer is made can be offered the home.
- 4.13.4 Before making a final decision on the offer, the applicant will be able to view the property. As set out above, where an applicant has the highest band and earliest effective band for more than 1 home in any 1 week, they will be required to choose which home they wish to be considered for. In order to ensure effective housing management applicants will not be able to be considered for more than 1 home at any one time.
- 4.13.5 If an applicant confirms that they wish to be considered for a home they will not be able to bid on any other further homes, whilst they are being considered. Any open bids that an applicant has on other homes will be not be progressed (e.g. landlords will 'bypass' the applicant and move to the next applicant. The 'Bypass reason' will be recorded as 'Applicant offered on another shortlist') whilst they are being considered for a home.
- 4.13.6 Landlords will make contact with the applicant being considered for the property to arrange a time for them to view the property. This will normally be within 3 working days, but is at the discretion of the landlord depending upon the circumstances.
- 4.13.7 Partners in Devon Home Choice will be able to offer advice to applicants to help them make an informed choice. It will be important however that any guidance offered does not override an applicant's own choices.
- 4.13.8 Applicants offered a home will normally be expected to make a decision whether to accept the offer within 24 hours of the formal offer being received by them. Where an applicant requires additional support or time to make such a decision this can be offered by the local authority and/ or housing association, or a support agency.
- 4.13.9 Where applicants have indicated that they are working with a support agency and are happy for information to be shared with the agency, the support agency will be informed if they are being put forward for a property. This will enable the agency to offer support to the applicant in deciding whether to accept an offer.

#### **4.14 Verification of eligibility**

- 4.14.1 Local authorities will undertake an initial check and verification of the information supplied by an applicant when they apply to join the Devon Home Choice register.
- 4.14.2 When an applicant has bid for a home and they are in the highest priority band and have the earliest band start date, there will be a further check on their application (normally undertaken by the landlord) to ensure that they are eligible for the home.
- 4.14.3 If an applicant with the highest priority and earliest band start date is not considered to be eligible for a home this will be recorded on the Devon Home Choice website, together with the reason for this decision. This information will be accessible to the applicants themselves.
- 4.14.4 A more detailed verification and eligibility check will then be undertaken by the landlord of the home (either a local authority or Housing Association) before a formal offer is made.
- 4.14.5 There will be clear grounds for refusals or bypassing applicants by landlords agreed with partner landlords. A landlord will inform an unsuccessful applicant of the reason behind their decision. This may include suggested action that the applicant take in order to improve their chances of successfully finding a home through Devon Home Choice.
- 4.14.6 All offers of accommodation with landlords will be subject to the policies of the individual organisation. The landlord may require additional criteria to be met. The letting policies of partner landlords are available on the Partners page of the Devon Home Choice website.
- 4.14.7 Where it is found that an applicant's circumstances have changed from the information held on the Devon Home Choice register, or are incorrect, their application will be re-assessed. If this re-assessment finds that their priority band is reduced they will not be offered the property if they are no longer the applicant with the highest priority band. Cases may referred to the relevant lead on fraud for the local authority managing the application.
- 4.14.8 The detailed verification check will include assessing whether applicants are still eligible for social housing (see Section 2.4) and qualifying persons (see Section 2.5). Applicants found to be ineligible or no longer a qualifying person since registering with Devon Home Choice will be removed from the register, and will not be offered the home.
- 4.14.9 The verification process will also involve a check on an applicant's rent account where appropriate. Applicants with rent arrears to a social landlord, that were accrued in the previous two years on their current or a previous tenancy, will not normally be offered a property. Those

applicants with rent arrears above £500 will be placed in the No housing need band (Band E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need. Further details are set out above (see 'Applicants with rent arrears').

- 4.14.10 Applicants with rent arrears to a private landlord will be considered on a case-by-case basis by Devon local authorities. Applicants who have rent arrears to a private landlord over £500 who have been (or would be) assessed as having accrued these rent arrears intentionally will be placed in the No housing need band (Band E) or removed from the Devon Home Choice register in those local authority areas which do not register households with no housing need. 'Intentionally' means that the applicant deliberately did something (or failed to do something) that resulted in the rent arrears. An act or omission in good faith on the part of the applicant will not be treated as deliberate if they were unaware of any relevant fact. Further details are set out above (see 'Applicants with rent arrears').
- 4.14.11 If the verification process highlights issues (set out above) that lead to a reduction in an applicant's priority band, they will not be offered the property if they are no longer the applicant with the highest priority band.
- 4.14.12 Applicants who have their priority reduced within Devon Home Choice will be informed in writing of:
  - The decision and the reasons behind it
  - Their right to appeal and how to do this
- 4.14.13 Each applicant's circumstances will be considered on a case-by-case basis, for example if an emergency move is needed or serious harm would result then their priority may be maintained, enabling the move to progress. The tenant would be charged and expected to pay back the cost of any work needed to put right wilful damage or neglect.
- 4.14.14 Transfer applicants need to check with their landlords on the criteria they should meet before being offered a transfer to alternative accommodation. Social landlords can prevent a transfer in certain situations, for example if the applicant has outstanding rent arrears.
- 4.14.15 Partners in Devon Home Choice reserve the right to prevent an offer going ahead where the home is not considered to be suitable for the applicant.
- 4.14.16 This may include issues of public safety, risk, or sustainability of the tenancy. An offer may not be made or may even be withdrawn if the support needs of the applicant are such that the landlord, in consultation with the local authority deems that the applicant will be unable to maintain an independent tenancy. This decision may also be informed by the input from other partner agencies involved in a case.
- 4.14.17 In these circumstances there must be a sufficient care or floating support package available to ensure that the tenancy is likely to be

successfully maintained.

#### **4.15 Refusals**

- 4.15.1 A refusal of a property is considered to have occurred if the applicant has either:
- Failed to respond to contact from a landlord, or
  - Failed to turn up for a viewing, or
  - Declined the initial suggested match when contacted by a landlord, or
  - Declined a formal offer<sup>13</sup>.
- 4.15.2 If an applicant decides to refuse an offer of a home it will be offered to another applicant who is eligible and has the next highest band and/or earliest band start date and, where appropriate, meets any preferences specified on the advert.
- 4.15.3 Applicants who have been accepted as statutorily homeless by a Devon local authority are still able to exercise choice through Devon Home Choice, to apply for those homes they feel meet their needs. However, if they refuse a formal offer of accommodation, the refusal will be referred to the local authority managing the case. They will investigate whether or not the refusal is 'reasonable' and inform the landlord within 24 hours. If the refusal is 'reasonable' then the second placed applicant will be made an offer of the home. However, if the refusal is deemed 'unreasonable' then the applicant will be advised by the local authority that their duty will be discharged and the applicant re-offered the home.
- 4.15.4 Homeless applicants will also be advised that if they refuse an offer, the home will be offered to another household with the next highest band and/or earliest band start date who applied. Rather than refusing an offer of accommodation, homeless households will therefore be advised to accept the offer and request a review of suitability once they have been accommodated. Further advice and information is available from each of the Devon local authorities.
- 4.15.5 If an Emergency housing need band (A) applicant refuses a suitable offer of a property through Devon Home Choice, they will have their status reviewed and may be placed in one of the other bands dependent on their need. In very exceptional circumstances an applicant will be allowed to remain in the Emergency housing need band (A) for longer than 4 weeks.
- 4.15.6 Applicants who refuse 3 homes that are considered reasonable by the local authority managing their case will have their priority reduced to No housing need (Band E) or be removed from the Devon Home Choice register in those local authority areas which do not register

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<sup>13</sup> Applicants who have been accepted as statutorily homeless by a Devon local authority will only be considered to have refused a home, if they refuse a formal offer of accommodation (see paragraph 4.14.3)

households with no housing need for 12 months. Local authorities will review each case individually, in order to ensure that there are sufficient safeguards for vulnerable applicants (e.g. who may have refused a property due to mental health issues or learning disabilities etc.).

#### **4.16 Feedback**

- 4.16.1 An important part of Devon Home Choice will be to provide feedback on properties that have been let.
- 4.16.2 Personalised feedback will also be available to each applicant on the 'My CBL' section of the Devon Home Choice website to let them know the outcome of their applications for properties. This will help to inform any future choices they make about applying for homes. Feedback will also be available from local authority housing teams.
- 4.16.3 This information will help applicants understand where properties are more likely to become available and their chances of success.

#### **4.17 Difficult to let properties**

- 4.17.1 If a vacancy cannot be filled through Devon Home Choice then the property can be let in any way deemed appropriate by the landlord. This may include re-advertising the property and removing any restrictions previously attached, or making a direct offer.
- 4.17.2 Details (for example the number, type and location) of properties that are difficult to let will be monitored each quarter. Information will be fed into the Devon Home Choice Management Board.

#### **4.18 Fraud**

- 4.18.1 S.171 Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a housing authority of its functions under Part VI:
  - To knowingly or recklessly give false information
  - To knowingly withhold relevant information which the housing authority has reasonably required the applicant to give in connection with the exercise of those functions.
- 4.18.2 The circumstances in which an offence is committed could include providing false information:
  - On the Devon Home Choice application form
  - When updating a Devon Home Choice application
  - In response to a request for further information in support of the application
  - During a review proceeding

- 4.18.3 This may include any applicant who fails to notify the local authority of any relevant change in their circumstances which may affect their application.
- 4.18.4 Any applicant found guilty of such an offence may:
- Be liable to a fine, which could currently be as much as £5000
  - Have their application refused or withdrawn from the Devon Home Choice register
  - Have any offers made withdrawn
- 4.18.5 Ground 5 in Schedule 2 to the Housing Act 1985 (as amended by s.146 of the 1996 Act) enables the landlord to take action to repossess any tenancy obtained by the provision of false information or by the withholding of relevant information, by the tenant or a person acting at the tenant's instigation.
- 4.18.6 All Devon Home Choice partner landlords are committed to taking legal action against any applicant found to have gained a tenancy based on false information in their application form.
- 4.18.7 The Prevention of Social Housing Fraud Act 2013 identifies tenant fraud as a criminal matter and local authorities have the power to prosecute those who unlawfully sublet their social housing
- 4.18.8 Any allocation made through Devon Home Choice is intended to accommodate the applicant and the confirmed household members. Applicants may be asked to provide a photograph of the adult members of their household with their application, or when updating their application, and to agree to being photographed at the time of allocation to safeguard against tenancy fraud.
- 4.18.9 Any applications where there are concerns that the applicant has knowingly or recklessly made a statement which is false, or knowingly withheld information should be reported to the relevant lead on fraud for the local authority managing the application.

#### **4.19 Data Protection**

- 4.19.1 In accordance with our legal obligation under the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018, the Privacy Notice that is available on the Devon Home Choice website and application, sets out how we will process applicants' personal data, the lawful basis for doing this, and the rights that applicants have.
- 4.19.2 All personal data will be processed in accordance with the requirements of the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018.
- 4.19.3 The Privacy Notice on the Devon Home Choice website ([www.devonhomechoice.com](http://www.devonhomechoice.com)) explains what personal data we collect from you and how we use it.

4.19.4 Personal data will be deleted 7 years after an applicant has been housed, or their application is cancelled or rejected.

#### **4.20 Policy review**

4.20.1 The Devon Home Choice scheme is reviewed annually. The Devon Home Choice Management Board will agree any changes that need to be made to the policy and/ or operation of the scheme as a result of the policy review.

4.20.2 Changes will only be made to the Devon Home Choice policy following the annual review, except in exceptional circumstances (e.g. new government legislation etc.).

#### **4.21 Reviews**

4.21.1 Any applicant has the right of review of the following decisions:

- They have been denied the right to register
- The priority and band start date they have been awarded
- They have had their priority reduced
- A decision not to allocate a property for which the applicant has bid and has the highest priority and earliest band start date
- Their application has been cancelled
- That they have been assessed as having deliberately worsened their own circumstances

4.21.2 Once an applicant has been notified in writing of the band in which they have been placed, or their ineligibility, they will have a right of review against the assessment. Requests for reviews must be submitted in writing, to the local authority housing office within 21 days of the date on the notification letter and include the reason why the applicant believes their banding or ineligibility is wrong together with any additional information that the applicant believes is relevant.

4.21.3 Requests for reviews of a decision not to allocate a property for which the applicant has bid and has the highest priority and earliest band start date should be submitted to the landlord that has taken the decision.

4.21.4 All requests for reviews for any of the other reasons listed above must be submitted in writing to the local authority housing office.

4.21.5 Where an applicant requests a review of their priority awarded as a result of a health & wellbeing assessment:

- If the original decision was taken by the local authority, a senior officer in the local authority who played no part in the original assessment will carry out a review of the case and respond in writing, to the applicant within 56 days of the receipt of the request for review letter
- If the decision was made by a multi-agency panel, the review will be carried out by a multi-agency panel in another area of Devon. A response will be provided to the applicant in writing within 56 days of the receipt of the request for review letter

- 4.21.6 The local authority or landlord will acknowledge the review request within 7 days. A Senior Officer who played no part in the original assessment will carry out a review of the case and respond in writing, to the applicant within 56 days of the receipt of the request for review letter. Following the review, the applicant will be informed in writing of the outcome together with the reasons for the decision.
- 4.21.7 If an applicant is dissatisfied with the review decision they are advised to seek advice from a solicitor or the Citizens Advice Bureau etc.
- 4.21.8 Any complaints regarding the operation of the scheme should be directed initially to a local authority housing office. Details of applicants, allocations and complaints will be monitored in relation to diversity to ensure equality of access.

## **4.22 Monitoring**

- 4.22.1 Effective monitoring is in place and will be regularly reviewed to ensure that Devon Home Choice is accessible, and is working as fairly and effectively as possible.
- 4.22.2 The monitoring system includes information on:
  - The participation and outcomes for vulnerable groups
  - The number of applicants stating that they wish to be supported (for example with completing the application form or with bidding), why, and how this support was provided
  - Applicants who have been awarded a high priority (for example Emergency, High or Medium Housing Needs Bands) but haven't been bidding or haven't been bidding effectively. This will be followed up to assess the reasons why and whether any additional support is required
  - How applicants have accessed information on available homes
  - How applicants have bid for homes
  - How long applicants who have been accepted as statutorily homeless take to move into permanent accommodation
  - The number of applicants who have been bypassed or refused by partner landlords, and the reasons for these decisions
  - The occasions when, and reasons why local authorities have used their residual discretion to depart from of the Policy due to exceptional circumstances
  - The number and type of homes diverted by partner landlords for lettings outside Devon Home Choice, and the reasons for this
- 4.22.3 A range of questions have been included on the application form that will enable equal opportunities monitoring. This information will help reveal whether there are certain groups within the community who are not accessing information about Devon Home Choice and not participating in the scheme.

- 4.22.4 As with any monitoring it will only serve a purpose if the results are used effectively to develop and further improve Devon Home Choice to ensure that applicants who are vulnerable do not lose out.
- 4.22.5 Similarly good practice from other schemes and guidance from central government will be incorporated into Devon Home Choice.

#### **4.23 Partnership working**

- 4.23.1 A wide range of agencies across the statutory and voluntary sectors work with people who may require support to participate in Devon Home Choice.
- 4.23.2 Local authorities monitor the housing register to identify those applicants who, given their priority within Devon Home Choice, may soon be successful for a property, but who require a support package to enable them to live independently. It will be vital that such a support package is put in place, or can be arranged in an appropriate timescale that will enable an applicant to take up an offer of housing. This requires close partnership working between local authorities, housing associations and partner agencies.
- 4.23.3 Research has shown that Choice Based Letting schemes have not always engaged well with partner agencies. Many support agencies have not been fully aware of how schemes work and therefore have not been well placed to support the applicants they work with to participate. It will be important that we continue to work, on an ongoing and regular basis, with a wide range of agencies to raise awareness of Devon Home Choice in order:
  - That partner agencies are aware of how Devon Home Choice works, and are able to support applicants to participate
  - That understanding of the scheme is not lost with changes in staff
  - That the scheme is developed taking on the views of applicants who may require support to participate and the agencies who work with them
- 4.23.4 We recognise that all agencies, statutory and voluntary, have pressures on their time and resources. As a result not all agencies will be able to assist in supporting applicants to participate in Devon Home Choice. However it is only through an open and honest discussion with partner agencies that this will become apparent.
- 4.23.5 As well as explaining how Devon Home Choice works it will be important to ensure that partner agencies are given a realistic view of the demand for social housing in Devon, and information on the full range of housing options. This will be achieved through briefing and training events, and information produced specifically for support agencies. This will help to make sure that applicants who may require support do not build unrealistic expectations that they will be successful, and that they are guided through all housing options.

4.23.6 Each week local authorities email or send out details of the available homes to partner agencies and advocates across the county.

**4.24 Training**

4.24.1 Ongoing training will be provided to ensure that staff in local authorities, housing associations and other partner organisations are:

- Able to identify applicants who may require support to participate
- Able to put in place the support required
- Fully making use of the resources to help vulnerable applicants

## 5. Appendix 1: Definitions

### 5.1 Efficient management of social housing stock within Devon (High housing need band [Band B])

5.1.1 This priority will be awarded in a number of situations set out below to aid the efficient management of social housing stock.

- **To release high need properties**

As social rented housing is a scarce resource there will be times when it is not being used to its full potential. Re-housing will enable a 'high need' property to be released or to aid the wider management of the social rented housing stock.

This will include:

- o 'High need' property

Where the re-housing of a tenant or household would assist with the better use of social rented housing. This might include where applicants have no particular priority, but are occupying a property that is of a type in very limited supply and is needed to be returned to the stock of social housing for letting to meet an immediate and pressing need. An example would be a household occupying a property that has been extensively adapted, but where they have no further need of that type of accommodation. Given the need for accessible and adapted properties, it has been agreed that in such cases the household's Band Start Date will be backdated to the date they moved into that accommodation, to enable them to move as soon as possible.

- o Persons left in occupation

If a person is left in occupation after the death of a tenant, they will usually be expected to leave the property and find their own home. Where a tenancy is ended by the tenant it is the tenant's responsibility to ensure that the property is handed back to the social landlord.

There are some exceptions to this: -

- o Upon the death of a social tenant, if person(s) left in the home are legally entitled to be a 'successor', then the situation will be dealt with in accordance with the law. Sometimes this may mean that they are able to stay and in others it may mean that they are offered an alternative home
- o When a social tenant leaves the home and ends the tenancy, there are some cases in which a potential 'successor' may qualify as above
- o A 'Carer left in Occupation'. A person will only be seen as a 'Carer' when there is clear medical evidence of that care being essential and that the applicant has been providing care at the time the tenant left (e.g. to go into residential care) and/or had been providing care for at least 12 months.

- Where the person left in the home has been living there for most, if not all, of their lifetime and has been dependent upon the tenant for support. If as a result they have become vulnerable and less able to find their own home, then they may be made an offer of accommodation. The age, length of residence, life skills and experience of the person left in the home will be the deciding factors.
- **As a management tool to resolve issues affecting a block or estate**

This priority may also apply where it was agreed as an appropriate solution to resolve an issue affecting a block or estate, but where all other tools available to the Social Landlord had proven ineffective. For example to move a victim of anti-social behaviour where all other courses of action (including action against the perpetrator) have been exhausted

A decision on these grounds would normally only be made where leaving the particular household in their existing property would seriously and negatively impact upon the quiet enjoyment of the tenant or neighbouring residents. Where agreed it should normally be seen as part of a package of support measures for that particular household, but only rarely would it be the only support measure being employed to achieve a solution. Typically it will arise out of a multi-agency strategy.

It should not be used as an alternative to enforcement action for anti-social behaviour, nuisance, or any other breaches of tenancy.

A completed Devon Home Choice application form will accompany all such requests. The applicant will be able to identify their own preferred housing solutions in the normal way, however it will need to be recognised that where restrictions are made as to the type or location of properties which may be acceptable, that this may well reduce the prospects of such accommodation becoming available.
- **Demolition**

This need is recognised where there is a programme of regeneration which will require the re-housing of households whose homes will be demolished. This will be awarded once the demolition plans have been confirmed by the applicant's social landlord.
- **Major works**

Applicants in social housing who require permanent alternative accommodation as a result of major works needing to be carried out on their home.
- **Staff of Devon Home Choice partners who occupy tied accommodation**

Staff of Devon Home Choice partner local authorities and housing associations who occupy tied accommodation and who need to move upon retirement. This will not apply to staff who need to move because they have found a new job, resigned or been dismissed.

This will only apply to those members of staff of Devon Home Choice partners who occupied tied accommodation on or before 31 December 2009.

**5.2 Escape violence or threat of violence, serious harassment or traumatic event (Emergency housing need band [Band A])**

- 5.2.1 In exceptional circumstances it will be appropriate to support the removal of households from the risk that they are facing by remaining in their current home. This will assist in ensuring that the household does not become homeless for this reason. The decision will be subject to regular reviews and could lead to the status being withdrawn if there is a change in circumstances.
- 5.2.2 This need will be awarded to applicants where there is immediate risk to the household, and usually with evidence from the police or another appropriate agency. The person at risk may be the applicant, or another person who might be reasonably expected to reside with them.
- 5.2.3 The purpose of this need is the removal of applicants from the risk that they are facing.
- 5.2.4 The definition of this risk will be where the person concerned is suffering from violence or threats of violence that are likely to be carried out. This would need to be an **imminent** threat of significant physical or mental harm to the applicant or a member of their household.
- 5.2.5 Band A will only be awarded where the local authority agrees that there are no appropriate housing options available (e.g. temporary accommodation, Sanctuary scheme etc), **and** where the risk can be managed at their current home.
- 5.2.6 Where the request relates to anti-social behaviour, it will only qualify where there is a serious risk of physical or psychological harm to the applicants due to violence or anti-social behaviour. It will also need to be clear that the landlord or appropriate agency have tried all approaches to prevent such behaviour within their anti-social behaviour policy.
- 5.2.7 Harassment is defined as personalised, deliberate, unwanted acts of violence (verbal or physical) or other behaviour that is designed to cause harm or damage to people or property which is suffered by individuals or groups. This may include harassment on the grounds of age, disability (including HIV status) faith or belief, gender, race, ethnic or national origin, sexual orientation, or specific individual or family circumstances.
- 5.2.8 To achieve this level of priority there must be a significant assessed level of harassment and a consequent risk to the household, and that this cannot be reduced or resolved to an acceptable level within a

reasonable timescale.

- 5.2.9 This is likely to arise where either there is an immediate risk to the household or where there has been prolonged harassment that is causing a serious impact on the well-being of the household.

**5.3 Overcrowding (High housing need band [Band B] or Medium housing need band [Band C])**

- 5.3.1 Overcrowding refers to the situation where there are not enough bedrooms to satisfactorily accommodate the number of people that make up a household.
- 5.3.2 The Severe Overcrowding category (Band B) includes applicants who:
- Currently lack 2 or more bedrooms given the size of their household, or
  - Are lacking 1 bedroom but have 2 children that lack a bedroom. For example a couple with 4 same sex children in a 2 bed home, or a single parent with 2 children under 10 in a 1 bed home, or
  - Have been assessed by the Environmental Health team of a Devon local authority as a Category 1 hazard due to overcrowding
- 5.3.3 Where a household is assessed as lacking 1 bedroom given their household size, they will be placed in Medium housing need band (Band C). As stated above, where there are 2 children who are lacking a bedroom applications will be placed in Band B.
- 5.3.4 The best use should be made for the bedroom resources available so that, for example, a bedroom used for storage should be counted as a bedroom.
- 5.3.5 The number of bedrooms required for households of different sizes is set out in the [Size of property](#) section above. The following assessments will normally be made under Devon Home Choice about the ages and sex of children who can share a bedroom, or who need separate bedrooms (except in exceptional circumstances):
- 2 children of the same sex (up to 16 years of age) can share a bedroom
  - A boy & girl who are both under 10 years old can share a bedroom
  - A boy & girl, where at least 1 is over 10 years old need separate bedrooms
- 5.3.6 No additional priority will be awarded for overcrowding if the applicant is assessed to have deliberately worsened their circumstances (see Section 3.7.6. above).

**5.4 Social need or supporting delivery of another priority service (High housing need band [Band B])**

- 5.4.1 This need applies to applicants whom, for exceptional reasons, fall outside of the rest of Devon Home Choice assessment framework, and need to be found secure alternative accommodation.

- 5.4.2 This may include child risk or concern issues where children would otherwise be accommodated by social services.
- 5.4.3 This category includes applicants who are being considered by Devon County Council, Plymouth City Council or Torbay Council as prospective foster parents or for adoption, where a larger property is required in order for them to be approved. It will also include households who have been approved by an independent agency used by Devon County Council, Plymouth City Council or Torbay Council.
- 5.4.4 Households who are seeking to foster or adopt will also have the size of property they are assessed as needing increased by an additional bedroom (please note that this is a maximum of 1 additional bedroom in order to be consistent with benefit rules).
- 5.4.5 Exceptional cases may also be considered where there is a combination of factors or special circumstances which make the overall effect disproportionately worse than any of those factors might normally be assessed as being.
- 5.4.6 This should not be used to prioritise applicants who could be assessed under the Health and Wellbeing Assessment process set out above, or whose problems relate to such issues as overcrowding that are assessed and banded separately.
- 5.4.7 Requests for acceptance into the above need should be referred to a Devon local authority's Housing Department.

## **5.5      Urgent Management Move**

- 5.5.1 In exceptional circumstances partner landlords within Devon Home Choice may need to make an urgent management move and allocate a home outside of Devon Home Choice. Situations when a landlord might need to make an urgent management move include:
  - To escape serious violence or the threat of serious violence
  - To escape serious harassment
  - To resolve issues affecting a particular area or block
- 5.5.2 The situations will be such that an immediate move is required.

## 6. Appendix 2: Devon Home Choice Partners

### 6.1 Local authorities

<b>East Devon District Council</b> Blackdown House Border Road Heathpark Industrial Estate Honiton Devon EX14 1EJ  T: (01395) 517469 E: <a href="mailto:devonhomechoice@eastdevon.gov.uk">devonhomechoice@eastdevon.gov.uk</a> W: <a href="http://eastdevon.gov.uk/">http://eastdevon.gov.uk/</a>	<b>Exeter City Council</b> Civic Centre Paris Street Exeter Devon EX1 1JN  T: (01392) 265881 E: <a href="mailto:devonhomechoice@exeter.gov.uk">devonhomechoice@exeter.gov.uk</a> W: <a href="http://exeter.gov.uk/">http://exeter.gov.uk/</a>
<b>Mid Devon District Council</b> Phoenix House Phoenix Lane Tiverton Devon EX16 6PP  T: 01884 255255 E: <a href="mailto:devonhomechoice@middevon.gov.uk">devonhomechoice@middevon.gov.uk</a> W: <a href="https://www.middevon.gov.uk/">https://www.middevon.gov.uk/</a>	<b>North Devon District Council</b> Lynton House Commercial Road Barnstaple Devon EX31 1DG  T: 01271 388870 E: <a href="mailto:customerservices@northdevon.gov.uk">customerservices@northdevon.gov.uk</a> W: <a href="http://www.northdevon.gov.uk">www.northdevon.gov.uk</a>
<b>Plymouth City Council</b> Housing Options Floor 3 Ballad House West Hoe Road Plymouth PL1 3BJ  T: 01752 305496 E: <a href="mailto:housingneeds@plymouth.gov.uk">housingneeds@plymouth.gov.uk</a> W: <a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>	<b>South Hams District Council</b> Follaton House Plymouth Road Totnes Devon TQ9 5NE  T: 01803 861234 E: <a href="mailto:devonhomechoice@southhams.gov.uk">devonhomechoice@southhams.gov.uk</a> W: <a href="http://www.southhams.gov.uk">www.southhams.gov.uk</a>

## Local authorities

<p><b>Teignbridge District Council</b> Forde House Brunel Road Newton Abbot Devon TQ12 4XX</p> <p>T: 01626 361101 E: <a href="mailto:devonhomechoice@teignbridge.gov.uk">devonhomechoice@teignbridge.gov.uk</a> W: <a href="http://www.teignbridge.gov.uk">www.teignbridge.gov.uk</a></p>	<p><b>Torbay Council</b> Town Hall Castle Circus Torquay TQ1 3DR T: 01803 208723 E: <a href="https://forms.torbay.gov.uk/HousingEnquiry">https://forms.torbay.gov.uk/HousingEnquiry</a> W: <a href="http://www.torbay.gov.uk">www.torbay.gov.uk</a></p>
<p><b>Torridge District Council</b> Riverbank House Bideford Devon EX39 2QG</p> <p>T: 01237 428700 E: <a href="mailto:devonhomechoice@torridge.gov.uk">devonhomechoice@torridge.gov.uk</a> W: <a href="http://www.torridge.gov.uk/article/12059/Residents">http://www.torridge.gov.uk/article/12059/Residents</a></p>	<p><b>West Devon Borough Council</b> Kilworthy Park Tavistock Devon PL19 0BZ</p> <p>T: 01822 813600 E: <a href="mailto:devonhomechoice@westdevon.gov.uk">devonhomechoice@westdevon.gov.uk</a> W: <a href="http://www.westdevon.gov.uk">www.westdevon.gov.uk</a></p>

## 6.2 Registered Providers operating in Devon

<b>Aster</b> Genesis Building Office 37 235 Union Street Plymouth PL1 3HQ  0333 400 8222 <a href="http://www.aster.co.uk">www.aster.co.uk</a>	<b>Clarion Housing</b> 12 Elstree Way Borehamwood Herts WD6 1JE  02082357000 <a href="http://www.clarionhg.com">www.clarionhg.com</a>
<b>Cornerstone</b> Cornerstone House Western Way Exeter EX1 1AL  01392 273462 <a href="mailto:mail@cornerstonehousing.net">mail@cornerstonehousing.net</a> <a href="http://www.cornerstonehousing.net">www.cornerstonehousing.net</a>	<b>Falcon Rural Housing Ltd</b> Falcon House 3A South Street Wellington Somerset TA21 2NR  01823 667343 <a href="http://www.falcontruralhousing.com">www.falcontruralhousing.com</a>
<b>Guinness</b> Hillfields House (Ground Floor) Matford Court Sigford Road Exeter EX2 8NL  01392 822900 <a href="http://www.guinnesspartnership.com">www.guinnesspartnership.com</a>	<b>Hanover Housing Society</b> Hanover House 1 Bridge Close Staines Middlesex TW18 4TB  01480 475069 <a href="http://www.hanover.org.uk">www.hanover.org.uk</a>
<b>Hastoe Housing Association Ltd</b> Fleur de Lis Middlemarsh Street Poundbury Dorchester Dorset DT1 3GX  0845 601 8865 <a href="mailto:southwest@hastoe.com">southwest@hastoe.com</a> <a href="http://www.hastoe.com">www.hastoe.com</a>	<b>LiveWest</b> 1 Wellington Way Skypark Exeter EX5 2FZ  01392 814550 <a href="mailto:lettings@livewest.co.uk">lettings@livewest.co.uk</a> <a href="http://www.livewest.co.uk">www.livewest.co.uk</a>
<b>Magna Housing Association</b> Hollands House Poundsbury Road Dorchester Dorset DT1 1SW  01305 216000 <a href="mailto:hollands@magna.org.uk">hollands@magna.org.uk</a> <a href="http://www.magna.org.uk">www.magna.org.uk</a>	<b>North Devon Homes</b> Westacott Road Barnstaple Devon EX32 8TA  01271 312500 <a href="mailto:webresponse@ndh-ltd.co.uk">webresponse@ndh-ltd.co.uk</a> <a href="https://www.ndh-ltd.co.uk/">https://www.ndh-ltd.co.uk/</a>

## Registered Providers operating in Devon

<p><b>Plymouth Community Homes</b></p> <p>Plumer House Tailyour Road Plymouth PL6 5DH</p> <p>Tel: 0800 694 3101  <a href="http://www.plymouthcommunityhomes.co.uk">www.plymouthcommunityhomes.co.uk</a></p>	<p><b>Sanctuary</b></p> <p>Woodview House Torbay Business Park Woodview Road Paignton TQ4 7HP</p> <p>Or</p> <p>21 Elliott Road Prince Rock Plymouth PL4 9NJ</p> <p>0800 083 9283  <a href="http://www.sanctuary-housing.co.uk">www.sanctuary-housing.co.uk</a></p>
<p><b>South Devon Rural Housing Association Ltd</b></p> <p>South Devon House Babbage Road Totnes Devon TQ9 5JA 01803 863550  <a href="mailto:info@southdevonrural.com">info@southdevonrural.com</a>  <a href="http://www.southdevonrural.co.uk">www.southdevonrural.co.uk</a></p>	<p><b>South Western Housing Society</b></p> <p>Eastbridge House Pill Road Rooksbridge Axbridge Somerset BS26 2TN 0845 290 3366  <a href="mailto:info@swhs.org.uk">info@swhs.org.uk</a>  <a href="http://www.swhs.org.uk">www.swhs.org.uk</a></p>
<p><b>Sovereign</b></p> <p>Unit 2 Orchard Court Heron Road Sowton Industrial Estate Exeter Devon EX2 7LL</p> <p>01392 888000  <a href="mailto:enquiries@sovereign.org.uk">enquiries@sovereign.org.uk</a>  <a href="http://www.sovereign.org.uk">www.sovereign.org.uk</a></p>	<p><b>Stonewater</b></p> <p>For former Jephson tenants: 450 Woodlands Court Ash Ridge Road Bradley Stoke Bristol BS32 4LB</p> <p>For Raglan tenants: Unit 4 Vincent Court 89 Soundwell Road Staple Hill Bristol BS16 4QR</p> <p>0800 011 6420  <a href="http://www.stonewater.org">www.stonewater.org</a></p>

## Registered Providers operating in Devon

<b>Tamar Housing Society</b> Mayflower House Armada Way Plymouth PL1 1LD  01752 250902 <a href="http://www.tamarhs.org">www.tamarhs.org</a>	<b>Teign Housing</b> Millwood House Collett Way Newton Abbot TQ12 4PH  01626 322722 <a href="mailto:info@teignhousing.co.uk">info@teignhousing.co.uk</a> <a href="http://www.teignhousing.co.uk">www.teignhousing.co.uk</a>
<b>Westward Housing Group</b> Templar House Templar's Wharf Collett Way Newton Abbot TQ12 4PH  0300 100 1011 <a href="http://www.westwardhousing.org.uk">www.westwardhousing.org.uk</a>	<b>Yarlington Housing Group</b> Lupin Way Yeovil Somerset BA22 8WN  01935 404 500 <a href="http://www.yhg.co.uk">www.yhg.co.uk</a>

## **7. Appendix 3: Potential barriers to participating in Devon Home Choice**

There are considered to be five key areas where applicants may face barriers participating in Devon Home Choice (these lists are not exhaustive):

### **7.1 Accessing information**

7.1.1 Some applicants may have difficulty accessing information because they:

- Have literacy problems
- Don't speak English as their first language
- Have a chaotic lifestyle
- Have negative perceptions of the service and likely the outcome
- Don't know about the scheme or where to find information or support
- Are visually and/ or hearing impaired
- Have learning difficulties
- Have mobility issues
- Are geographically isolated
- Currently live outside Devon
- Have mental health issues
- Are suffering a crisis
- Don't have access to the internet

### **7.2 Completing the Application Form**

7.2.1 Some applicants may have difficulty registering for Devon Home Choice because they:

- Have literacy problems
- Don't know how to register and/ or where to get information
- Are visually impaired
- Don't have access to the internet

### **7.3 Bidding for homes**

7.3.1 Some applicants may have difficulty bidding for homes because they:

- Have a chaotic lifestyle
- Have learning difficulties
- Are visually and/ or hearing impaired
- Are geographically isolated
- Have mental health problems
- Have literacy problems
- Don't speak English as their first language
- Don't have access to the internet

### **7.4 Decision making**

7.4.1 Some applicants may have difficulty deciding whether to bid for a property or accepting an offer because they:

- Lack general life skills
- Lack confidence
- Have a chaotic lifestyle
- Have learning difficulties
- Have mental health problems

## **7.5 Appeals**

- 7.5.1 Some applicants may have difficulty in making an appeal (for example if they don't agree with the band they've been placed in) because they:
- Lack general life skills
  - Lack confidence
  - Have a chaotic lifestyle
  - Have a learning difficulties
  - Have mental health problems
  - Don't know that they are able, or how, to appeal