**Devon Home Choice**
**Procedures Manual version 7.0 (January 2020)**


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## 1. Introduction

1.1 Version Control for Devon Home Choice Procedures Manual

| Author | Version | Date | Comment |
|---|---|---|---|
| RW | 0.1 | June 09 | Initial draft for comment |
| RW | 0.2 | September 09 | Second draft for comment & development |
| RW | 0.3 | October 09 | Comments taken on board following comments made on v0.2 |
| RW | 0.4 | January 10 | Amended in light of comments on v0.3 |
| RW | 0.5 | April 10 | Amended in light of further comments |
| RW | 0.6 | May 10 | Taking on further comments and including contents table |
| RW | 0.7 | June 10 | Updated following comments on draft procedures |
| RW | 0.8 | July 10 | Updated following comments on draft procedures & the development of new sections |
| RW | 0.9 | August 10 | Updated following comments on draft procedures & the development of new sections |
| RW | 1.0 | September 10 | Numbering added. Additional comments taken on board |
| RW | 1.1 | February 11 | Additional information added following agreements made at Management Board meetings |
| RW | 1.2 | May 11 | Additional comments incorporated |
| RW | 1.4 | September 12 | Amendments made following the Policy Review |
| RW | 1.5 | November 12 | Additional comments incorporated |
| RW | 1.6 | April 13 | Updated cross move limits, Income thresholds and other comments |
| RW | 1.8 | October 13 | Updated following policy changes |
| RW | 1.9 | November 13 | Change to Band A procedure |
| RW | 2.0 | November 13 | Updates agreed |
| RW | 2.1 | March 14 | Updates agreed |
| RW | 3.1 | November 14 | Updated following policy changes and new IT system |
| RW | 3.2 | December 2014 | Updated User Administration section |
| RW | 3.3 | March 2015 | Updated following policy review and agreed changes to which local authority manages an application |
| RW | 3.4 | May 2015 | Updated following policy review changes and Right to Move guidance |
| RW | 3.9 | April 2016 | Annual update of cross move targets and income thresholds |
| RW | 4.0 | April 2016 | Amendments to the health & wellbeing and Band A procedures |
| RW | 4.1 | June 2016 | Amendments to the Band A, Move-on and Shortlisting procedures to clarify particular issues |
| RW | 4.2 | July 2016 | To reflect changes to Exeter City Council approach re Band E households |
| RW | 4.3 | January 2017 | To reflect changes agreed as part of the 2016 |

| | | | |
|---|---|---|---|
| | | | Policy review |
| RW | 4.4 | April 2017 | Annual update of cross move targets |
| RW | 4.5 | May 2017 | Update to Lacking 1 bedroom to confirm assessment made using current room & space standards |
| RW | 4.6 | November 2017 | Updated following 2017 Policy Review |
| RW | 4.7 | April 2018 | Following the introduction of the Homelessness Reduction Act |
| RW | 4.8 | April 2018 | Annual update of cross LA targets & financial limits |
| RW | 5.0 | May 2018 | Updated for the introduction of the General Data Protection Regulation (GDPR) and Data Protection Act 2018 |
| RW | 5.1 | July 2018 | Added procedures for award to extra bedroom and amended band start date for homeless applicants following introduction of Homelessness Reduction Act |
| RW | 5.2 | September 2018 | Clarification on changing accessibility category for applicants. Adding further information on awarding an additional bedroom. Clarification re bed need for students away at university |
| RW | 6 | February 2019 | To reflect changes agreed as a result of the 2018 Policy Review |
| RW | 6.1 | February 2019 | Updated following the launch of the Veterans Card |
| RW | 6.2 | March 2019 | To reflect changes made to the policy to clarify the policy re: HRA Qualifying applicants & Move On |
| RW | 6.3 | March 2019 | Correcting errors in previous version re: members of the armed forces/ veterans & HRA Qualifying applicants |
| RW | 6.4 | May 2019 | Annual update of cross LA targets & financial limits |
| RW | 6.5 | August 2019 | Update re: alerts for adaptations & applicants who need to move to provide or receive support, obtaining information from MARAC (Band A), shortlisting/ local connection, landlord sanction and Cross Border Moves |
| RW | 6.6 | October 2019 | Removal of Torbay's local connection policy |
| RW | 6.7 | October 2019 | Updated Band A form |
| RW | 7.0 | January 2020 | Amended following 2019 Policy Review and legal advice on eligibility and victims of domestic abuse |

1.2 Policy

Devon Home Choice is a Choice Based Letting scheme that covers the whole of Devon. Council and housing association homes available to let in Devon are advertised through Devon Home Choice each week. People on the Devon Home Choice register can bid for homes that suit their requirements. Homes will be offered to those assessed as being in the most need.

The Devon Home Choice policy is available at: www.devonhomechoice.com

1.3 Aims and objectives of Devon Home Choice

The aims of Devon Home Choice are

- To provide choice for people seeking housing and the ability to move within Devon
- To develop a common scheme across Devon that is transparent, easy to understand and accessible to all

1.4 Purpose of these procedures

These procedures are designed to show staff in both local authorities and Registered Providers (RPs) what to do to ensure that Devon Home Choice operates fairly, efficiently and consistently across Devon in line with the policy.

Specifically, the procedures set out what actions staff need to take at each stage of Devon Home Choice. This will include:

- The promotion of Devon Home Choice
- Registration of people wishing to join the Devon Home Choice register
- Assessment of applications
- Contact with applicants
- Advertising available homes
- Bidding
- Shortlisting

A full list can be found in the Index above.

1.5 Related procedures

Each partner local authority and RP will have a number of procedures that are related to these Devon Home Choice procedures. These may include:

- Anti-social behaviour
- Rent arrears
- Downsizing
- Complaints
- Local allocation policies

1.6 Risk management

There are a number of key business, financial and health and safety risks associated with Devon Home Choice.

A separate Devon Home Choice risk register is maintained.

1.7 Staff responsibilities

Overall responsibility for the implementation of the Devon Home Choice policy lies with the Devon Home Choice Management Board.

Each partner local authority will be responsible for the fair and efficient operation of Devon Home Choice in its area.

Partner RPs will be responsible for ensuring that they work in accordance with the Devon Home Choice policy and the procedures set out in this manual.

## 2. Applications to Devon Home Choice

2.1 Anyone over 16 years of age who is eligible (see Eligibility sections below) may apply to join the Devon Home Choice register. The following methods can be used to apply:

- Online at www.devonhomechoice.com
- By completing a paper application form

2.2 An advocate (for example family, friend or support agency) can complete the application form on behalf of a vulnerable person.

2.3 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.

2.4 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.

2.5 **Procedure:**

2.6 Advise people on the options for applying

2.7 Ask applicants if they require support to complete the application and, if so whether they have an advocate to help them complete the form. If an advocate is completing the application form, the applicant's signature will always be required.

2.8 Encourage online applications wherever possible and appropriate

2.9 Advise applicants that they will need to have the following information available when completing their application:

- Their current address including postcode
- Contact details of their landlord if renting
- Date of birth for everyone on the application
- National Insurance Numbers for anyone over 16 years old
- Any other address(es) of the main and joint applicant (where appropriate) over the last 5 years including postcode, and contact details of landlord(s) if renting
- Details of any properties owned or in which anyone on the application has a financial interest
- The total annual income for everyone on the application
- Contact details of anyone who provides the applicant or members of the household with support (for example Social Services or a voluntary agency)
- If the applicant's health and wellbeing is affected by their current accommodation they will be asked for contact details of your Doctor

2.10 If an applicant is using the online application advise them that:

- They can save their part-completed form at the end of each section and return to it at a later date, but that it must be completed and submitted within 10 days otherwise it will be deleted.

- Their signature will be required if they go to view a property they are being offered

2.11 If a paper application form is required:

- The team receiving the initial enquiry is responsible for sending out the application form where required, even if the applicant wants to live in another area of Devon
- Advise applicants to read the Guidance notes carefully before completing the application form
- Advise applicants that the application form is available in alternative formats if required
- Make it clear to applicants that they will need to provide any proofs/ evidence requested in the application otherwise their application will not be processed.

2.12 **Please note:** Where an applicant provides information on their application which indicates that they may be at risk of becoming homeless this should be passed to the relevant local authority homelessness/ housing options team, so that proactive advice/ assistance can be offered.

## 3. Which Devon local authority will manage the application?

3.1 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

3.2 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.

3.3 Applications received from 5 March 2015 are managed by the local authority where the applicant lives.

3.4 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.

3.5 Applications from households living outside Devon will be managed by the local authority where the applicant said that they would prefer to live.

3.6 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 lived in, or would prefer to live in.

3.7 It will be made clear that whichever local authority manages an application will not restrict where applicants can bid, or their chances of being housed in other local authority areas.

3.8 **Procedure**:

3.9 Where the applicant lives in another Devon local authority area, the staff member who has been assigned the application will need to change the response to the question in Section 2 (Main applicant) 'Which local authority area in Devon do you live in?' so that it matches the local authority area where the applicant lives and then reset eligibility. Resetting eligibility will change the local authority managing the application.

3.10 For existing applications that have been reviewed or updated, and live in another local authority area, the staff member who has been assigned the application will need to change the response to the question in Section 2 (Main applicant) 'Which local authority area in Devon do you live in?' so that it matches the local authority area where the applicant lives and then reset eligibility. Resetting eligibility will change the local authority managing the application.

3.11 In addition to transferring the application to the new local authority it is also necessary to reassign it to a user at that local authority.

3.12 This can be done via the Admin – Assignment tab on the Housing Register system. To do this: find the application using the Application ID search, then select the user from the drop down list and click the 'Assign' button.

3.13 A list of users from each local authority to whom applications can be reassigned has been circulated.

3.14 It is important that an email is sent to the local authority that will take over the management of the application to ensure that they are aware that the application has been allocated to them.

## 4. Initial Verification of Applications to join the Devon Home Choice register

4.1 To be undertaken by local authorities

4.2 Online Application forms: The Local Authority will need to:

- Review all online applications that have been completed

4.3 Paper application forms: The Local Authority will need to:

- Confirm that all mandatory questions have been answered. If any mandatory questions have not been answered the form should be returned to the applicant for completion
- Confirm that any required additional documents have been attached
- Confirm that the declaration has been signed

4.4 Both paper and online application form: The local Authority will need to:

- Assess whether any additional information is required from the applicant before the application can be progressed
- Notify the applicant if further documentation or information is required

4.5 The application will not be progressed until all of the required information has been provided.

4.6 The exception to this is where an applicant has provided all other information but has indicated that their health and wellbeing is affected by their current accommodation. In such cases the application should be banded and a Health & Wellbeing Assessment Form sent out. This may affect the applicant's banding if it is returned but they should be registered with the initial information they have supplied on the application form.

4.7 If any evidence of identity is provided or required at application stage, the local authority officer should take a photocopy of the evidence provided and then sign, print name, print position and date under a statement which reads 'I can confirm this photocopy is a true and accurate photocopy of the original document'.

4.8 Evidence to support the eligibility and identification checks performed on an application, and the subsequent authorisations, should be attached to the application. A record of the action taken should also be entered onto the Notes tab.

4.9 If an applicant has indicated that they have:

4.9.1 Criminal convictions due to arson, offences involving violence (including domestic abuse), offences of a sexual nature or convictions due to possession, supply or possession with intent to supply any illegal drugs, or offences relating to social housing fraud or benefit fraud the officer reviewing the application will contact the relevant lead Housing Authority officer (e.g. Single Point of Contact for MAPPA cases). They in turn will seek advice from the MAPPA lead officer where appropriate.

4.9.2 Family connections with members of Devon Home Choice, the application should be reviewed by an appropriate member of the local housing team (e.g. someone that is not linked to the applicant) and the relevant Devon Home Choice partner should be notified.

4.10 For both online and paper applications, ensure that the following is specified in the back office:

- The Application Category (Homeless, Transfer or General)
- The Application Mobility category of the applicant. (See Accessible Housing Register procedures below)
- Specify if the applicant requires the auto-bidding function (only to be used where an applicant cannot bid themselves and does not have an advocate to bid on their behalf)
- Confirm whether the applicant is vulnerable and needs the newsletter sent to them (only to be used where the applicant cannot access information on available homes and does not have an advocate to assist with this)
- Confirm any relevant 'Housing Need Criteria' (last section of the application). This is vital as it is this section that will determine the band of the applicant. Please note that fields that have been greyed out are calculated automatically by the system (e.g. Lacking a bedroom)

## 5. Eligibility: Age

5.1 In order to join the Devon Home Choice register applicants must be aged 16 years of age or over.

5.2 Applicants aged 16 or 17 years must be advised that some landlords have different policies in dealing with applicants under 18 years. Some landlords may not make offers to people under 18, whilst others may a guarantor or Trustee for people under 18.

## 6. Eligibility: Nationality

6.1 Rules on eligibility are complex and subject to change. The following provisions are only a guide, and all cases will be considered in the light of current legislation and Immigration Rules and government policy. Nothing in this policy or the procedure manual can make you eligible for an allocation if you are not eligible in law.

6.2 Certain people from abroad with limited rights to remain in the United Kingdom are not eligible to join the Devon Home Choice register

6.3 If any evidence of identity is provided or required at application stage, the local authority officer should take a photocopy of the evidence provided and then sign, print name, print position and date under a statement which reads 'I can confirm this photocopy is a true and accurate photocopy of the original document'.

6.4 Evidence to support the eligibility and identification checks performed on an application, and the subsequent authorisations, should be attached to Home Connections within the 'Application overview' screen under the 'upload documents' tab. A record of the action taken should also be entered onto the Notes tab.

6.5 The following **are eligible** to join Devon Home Choice:

6.6 People who are citizens of, and habitually resident in any of the following:

- United Kingdom
- Republic of Ireland
- Channel Islands
- Isle of Man

6.7 If applicants indicate that they are a British/ UK or Irish national they will not need to provide a copy of their passport on application. However this may be required by a landlord if shortlisted.

6.8 Citizens of the above countries 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.

6.9 The following **are also eligible** to join Devon Home Choice:

- Persons from abroad who are not subject to immigration control (e.g. because they have the right to reside in the UK) are eligible for an allocation if they are not deemed ineligible by the Regulations.
- Categories of persons from abroad who are eligible (because they have the right to reside, are not subject to immigration control and not deemed ineligible by the Regulations) includes European Economic Area (EEA) nationals who
    a. are workers or self-employed persons who have a right to reside in the UK (or are people are treated as workers under regulations); or
    b. have a permanent right to reside in the UK; or
    c. are family members of such persons

d. have a derivative right to reside in the UK and are not expressly deemed ineligible under the Regulations

- The categories of persons who do have the right to reside in the UK without being subject to immigration control but are excluded by the regulations are set out below. For example, EEA nationals such as jobseekers have the right to reside in the UK but are expressly deemed ineligible by the Regulations.

- EEA nationals who have been granted settled status are eligible even if they do not have any other right to reside (e.g. even if they are not working). Settled status automatically gives them eligibility.

- Pre-settled status does not automatically make an applicant eligible unless they are a transition case. The transition cases are in a small category of EEA nationals who are eligible because they (i) are jobseekers or family members of a jobseeker, (ii) have pre-settled status, and (iii) applied for an allocation before 7 May 2019 ('transition cases').

- Some persons from abroad who are subject to immigration control are eligible because they fall within a category in Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 as amended ('the Allocation Regulations'). The categories include for example some refugees and people who have leave to enter or remain in the UK and who satisfy the criteria

- Some people who have been deported to the UK may be eligible for an allocation

6.10 Please note that Irish citizens do not need to apply to the EU Settlement Scheme to protect their rights in the UK, though they are able to do so if they wish. Non-Irish family members of Irish citizens will need to apply to the EU Settlement Scheme if they wish to remain in the UK after 31 December 2020

6.11 The following **are not eligible** to join Devon Home Choice:

- Persons from abroad who are not habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland.

- Persons from abroad who are subject to immigration control are not eligible for an allocation. Examples of people who are subject to immigration control include

  - Persons from abroad who require permission (a visa) to enter or reside in the UK, even if they have such permission.

  - Note that EEA nationals who do not have a right to enter or reside in the UK (e.g because they are not workers, jobseekers etc) will not be eligible unless they fall within one of the categories Regulation 3 of the Allocation Regulations).

These people will be ineligible unless they fall within Regulation 3 of the Regulations.

- Even if the applicant does not require permission to enter or reside in the UK and is not subject to immigration control, they may be deemed ineligible under the Allocation Regulations. Some people are deemed ineligible under Regulation 4(1) of the Allocation Regulations if

  - Their only right to reside in the UK is because they are jobseekers or family members of a jobseeker or have the initial right to reside (the first three months)

  - They have a derivative right to reside, or are exercising Treaty rights (but there are exceptions under the Allocation Regulations so that some people with derivative rights are eligible).

- EEA nationals whose only right to reside in the UK derives from having pre-settled status are not eligible (unless they are a transition case, i.e. applied before 7 May 2019 and are also job seekers or family members of a jobseeker – see above).

6.12 **Procedure:**

6.13 If applicants indicate that they are **not** a British/ UK or Irish national they will need to provide a copy of their passport on application, together with proof of their immigration status.

6.14 Offers can be made to applicants who have been granted the right to remain. If the right to remain has expired, or is within 3 months of expiring, at time of offer, the landlord should contact the local authority managing the application, who in turn will request confirmation from the applicant that the re-application is in progress or that further leave to remain has been granted.

6.15 It is the responsibility of the landlord to ensure that all tenants have the right to rent. For more information please see: https://www.gov.uk/government/collections/landlords-immigration-right-to-rent-checks

6.16 **Please note:** Applicants from abroad who are eligible to join Devon Home Choice will be required to provide evidence of any savings, privately owned property etc. that they have in their previous country of residence. Please see Financial Assessment section below.

6.17 Any other **groups** of people not covered above are **not eligible** to join Devon Home Choice. Applicants should be advised that:

- They are not eligible to join Devon Home Choice
- If they are an asylum seeker, they may be entitled to help from the UK Border Agency (www.bia.homeoffice.gov.uk)
- If they have children or special support needs they may be able to get help from Social Services

6.18 Immigration law is a complicated area. Further information can be found on the Housing Rights Information website (http://www.housing-rights.info) provided by hact and the CiH.

6.19 If there is any doubt as to the applicant's immigration status and eligibility for social housing, the team managing the application should contact the Home Office to confirm their status.

## 7. Who is not eligible?

7.1 The Localism Act 2011 amended the Housing Act 1996 to redefine eligibility and introduced the concept of qualifying persons (see Section 7 below).

7.2 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.

7.3 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.

7.4 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').

7.5 Eligibility will be assessed at the time of application and again at the time of any offer of accommodation as by the advised 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.

7.6 As stated above, 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.

7.7 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.

7.8 People who are in doubt about whether they are eligible should seek detailed advice from their local authority's Housing Advice Team.

7.9 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

## 8. Qualifying persons

8.1 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.

8.2 Households assessed by one of the Devon local authorities as being guilty of unacceptable behaviour **will not** be considered as a qualifying person.

8.3 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.

8.4 This behaviour must normally have occurred in the previous two years (see below).

8.5 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[1] 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). See Section 9 below for further detail on rent arrears
- 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.
- Been served with a domestic abuse protection notice or order

[1] 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.

- 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.

8.6 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
- 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.
- 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.

8.7 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.

8.8 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.

8.9 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.

8.10 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.

8.11 **Procedure**:

8.12 An applicant should be contacted if they have stated that they or anyone who needs to be rehoused with them has:

- Rent arrears over £500 from either their current or previous accommodation in the last 2 years
- Been evicted in the last 2 years

- Stated that the reason for leaving one of their previous addresses as eviction, behaviour, rent arrears, noise nuisance, asked to leave, damaged property etc.
- Declared any criminal convictions
- Had legal action taken against them as a result of anti-social behaviour

8.13 Applicants should also be contacted or further information gathered if the local housing team has reason to believe that they are guilty of unacceptable behaviour.

8.14 Enquiries should be made with relevant organisations (e.g. current/ previous landlords) to assess whether the applicant has been guilty of unacceptable behaviour.

8.15 Any such applicants must remain as 'Assigned' until relevant information is received that enable a decision to be made as to whether the applicant has been guilty of unacceptable behaviour.

8.16 The applicant must be notified that further enquiries are being made to confirm whether they can be registered for housing.

8.17 If, on completion of the enquiries, there is no evidence of unacceptable behaviour the application should be processed as normal.

8.18 If there is evidence of unacceptable behaviour the applicant will be notified in writing that exclusion from the register is being considered. They will be given 28 days to provide any additional information to assist in the decision making. The application will remain as 'pending enquiries' during this period.

8.19 At the end of the 28 day period the local housing team should consider the information/ evidence available and make a decision.

8.20 Cases must be considered on an individual basis. The following criteria should be applied in determining whether an applicant should be denied the right to register with Devon Home Choice, because of their behaviour:

- There must be reliable evidence of violent or anti-social behaviour, or domestic abuse rather than hearsay
- The behaviour need not have led to possession, prosecution or other enforcement action by a statutory agency, provided there is reasonable probability that, had the applicant been a tenant, it would have been sufficient to meet one of the grounds for possession in Schedule 2 (part 1) of the Housing Act 1985.
- The behaviour must have been within the applicant's control
- 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.

8.21 If it is found that the applicant or a member of their household has not been guilty of unacceptable behaviour, or there is not sufficient evidence to prove this, the application should be processed as normal.

8.22 If it is found that an applicant or a member of their household has been guilty of unacceptable behaviour the application will be cancelled. A letter should be sent to the applicant notifying them of the decision, the reasons for it and their right to request a review of the decision

## 9. Applicants with Rent Arrears over £500

9.1 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.

9.2 Applicants with rent arrears (or tenancy[2] 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.

9.3 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. Each case will be considered individually. Examples of when arrears will not be considered as deliberate include (this list is not exhaustive):

- An act or omission in good faith on the part of the applicant if they were unaware of any relevant fact.
- Victims of domestic abuse who have been subject to controlling behaviour, and have accrued rent arrears as a result

9.4 **Procedure**:

9.5 Applicants should be contacted if they have indicated that they, or anyone who needs to be rehoused with them have rent arrears over £500 from their current tenancy or a previous tenancy over the last two years.

9.6 All cases should be considered on a case-by-case basis.

9.7 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

[2] Tenancy related debt refers to: Court costs, Rechargeable repairs, and former & current arrears.

be treated as deliberate if they were unaware of any relevant fact. Either sanction will apply unless there are exceptional circumstances or until:

- The debt is cleared, or
- 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 have been 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

9.8 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.

9.9 Where it is assessed that the arrears to a private landlord were accrued unintentionally (e.g. through no fault of the applicant), their application will be banded as normal.

9.10 **Please note:** 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.

9.11 **Debt Relief Orders/ Bankruptcy/ IVA**

9.12 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.

9.13 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.

9.14 The other issue that would need to be considered is whether or not the applicant had been guilty of behaviour that would have resulted in their eviction had they been a secure tenant at the time in accruing the arrears. As stated above (see Section 6) such applicants can be excluded from the Devon Home Choice register.

## 10. Applicants at risk of homelessness

10.1 Where an applicant provides information on their application which indicates that they may be at risk of becoming homeless this should be passed to the relevant local authority homelessness/ housing options team, so that proactive advice/ assistance can be offered.

## 11. People leaving prison

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

11.2 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.

11.3 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.

11.4 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.

11.5 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.

11.6 Being in prison does not give an applicant a local connection to Devon, if the applicant is from outside Devon, or to the local authority area where the prison is situated. If the applicant was previously a Devon resident then they should normally be referred back to the local authority where they lived before entering prison. If they are not from Devon and are homeless upon release then they should be assessed as homeless

11.7 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.

11.8 Before any known offender is offered housing, full consultation will be undertaken with the relevant support agencies to assess the risk involved

## 12. People subject to Multi Agency Public Protection Arrangements (MAPPA)

12.1 **Please note that this section of the procedures is taken from the Protocol for housing offenders managed under Multi Agency Public Protection Arrangements (MAPPA). Please refer to the full protocol for further details**

12.2 Multi Agency Public Protection Arrangements (MAPPA) are the statutory arrangements for managing sexual and violent offenders. MAPPA is not a statutory body in itself but is a mechanism through which agencies can better discharge their statutory responsibilities and protect the public in a coordinated manner.

12.3 In the interests of public protection it is essential that the Police and the Probation Service (in particular) are able to control and monitor the behaviour and activities of offenders managed under MAPPA. It is clearly undesirable for either of these agencies and not in the interest of public protection if such offenders do not have a fixed address, or are housed in circumstances that make it difficult for the agencies to monitor them appropriately.

12.4 Under the Criminal Justice and Court Services Act 2000 as amended by the Criminal Justice Act 2003, the Police, Probation and Prison services must work together to protect the public from the risk posed by sexual and violent offenders. They are the 'Responsible Authorities'.

12.5 Section 325(3) of The Criminal Justice Act 2003 imposes a 'Duty to Cooperate' with MAPPA on various organisations providing public services including Local Housing Authorities. This being so, housing authorities have a vital role to play in assisting the responsible authorities in the field of public protection.

12.6 The aim is to ensure effective inter-agency work which enables all relevant service providers to consider the needs of the offender and take account of the type, and level, of risk they may present to the community, with the long term aim of influencing the successful accommodation and resettlement of the offender, thus minimising the risk of re-offending whilst protecting victims and potential victims. This process does not guarantee the provision of a tenancy.

12.7 This section of the procedures is targeted at a specific group of offenders whose offence, behaviours/actions and intents, have resulted in their being identified as MAPPA cases. Any other referral from the Probation Service will be governed by the individual housing authorities' own internal policies.

12.8 Offenders managed under MAPPA are identified through a criteria checklist. There are three categories:

12.8.1 **Registered Sexual Offenders (Category 1):** Registered Sexual Offenders who are required to notify the Police of their name, address and personal details under the terms of the Sexual Offences Act 2003. The length of time an offender is required to register with the Police can be any period between 12 months to life, depending on the age of the offender, the age of the victim and the nature of the offence and the sentence they receive.

12.8.2 **Violent Offenders (Category 2):** Violent offenders who have been sentenced to 12 months or more in custody or to detention in hospital and who are now living in the community subject to Probation supervision. There is a schedule of specified offences covered by the Criminal Justice Act 2003.

12.8.3 **Other Offenders likely to pose a risk of serious harm (Category 3):** Other dangerous offenders who have committed a sexual or violent offence in the past and are considered to pose a risk of serious harm to the public.

12.9 **Assessment of Risk**

12.9.1 The Police and Probation services assess the risks posed by each individual. Housing authorities can therefore be assured that a rigorous assessment has been undertaken prior to any referral being made. When a referral has been made housing authorities will be invited to participate in regular multi agency meetings and be privy to more detailed information about the level and nature of risk than they would be through a self referral. Clearly the management of this risk by the PPT and the police is greatly assisted when the offender is provided with settled accommodation.

12.10 **Housing Authorities Role**

12.11 The role of the local housing authority is to help in delivering the fundamental aim of public protection by providing access to the type of accommodation most suitable to an offender, depending on the seriousness of the crime.

12.12 As a duty to cooperate agency local housing authorities are required to cooperate in so far as is compatible with their existing statutory duties under the Housing Act 1996, as amended by the Homelessness Act 2002.

12.13 Local housing authorities contribute to the risk assessment, management and supervision process with their specialist knowledge, including:

- Housing options
- Support
- Local knowledge of particular areas and types of accommodation
- Housing rights
- Advice on anti-social behaviour and rent arrears policies
- Advice on exclusions

12.14 **Single Point of Contact**

12.15 In line with MAPPA Guidance each partner agency has identified a named single point of contact.

12.16 The Single Point of Contact (SPOC) is expected to provide general and specific advice, identify agency representatives to attend MAPPA meetings and ensure the agency carries out its responsibilities in ways which complement the work of other agencies in assessing and managing the risks posed by high risk offenders; but also identifies the processes surrounding information sharing, and the secure storage and access to MAPPA documentation.

12.17 The contacts are provided below.

12.18 **Referral Process**

12.19 Referrals may only be initiated from MAPPA responsible authorities (Prison/Probation/Police). The Lead Officer is the Police or Probation Officer responsible for the offender he/she is subject to MAPPA.

12.20 Where a housing authority has concerns that an applicant should/might be subject to MAPPA contact should be made with the local MAPPA Chair to clarify the applicant's status and raise any concerns around risk.

12.21 The Lead Officer will consider MAPPA level 2 and 3 cases at least 3 months before release from prison or the end of an approved premises placement. Accommodation needs should be identified at commencement of any custodial sentence. While this time scale may not be achieved with short sentences the designated SPOC should be contacted as soon as possible if housing or related support needs have been identified.

12.22 Where the Lead Officer assesses that a local authority housing department may be able to assist in meeting the accommodation need, a referral will be made and the nominated SPOC will be invited to the MAPPA meeting relating to that case. This will involve liaison with the relevant Probation Service Managers and MAPPA Managers/meetings and, on occasions, out of county negotiation. In some cases the offender will have housing related support needs. Where a housing related support worker is working with the offender or a referral for housing related support has been made the support worker will also be invited to any relevant MAPPA meetings.

12.23 The Lead Officer will specify, following risk assessment, what restrictions, if any, should be placed on the type and location of accommodation. The referral will not generally be prescriptive in terms of the geographical areas to be offered (except to avoid victims, their relatives etc), but may restrict offers to ensure that, for example, a child sex offender is not offered inappropriate accommodation. Victim information will also be provided when necessary.

12.24 The SPOC should accept the risk assessment from the Lead Officer, from this point onward the Lead Officer and the identified SPOC will maintain regular contact and monitor the progress of the referral.

12.25 There will be a continuing dialogue between the Lead Officer, the SPOC, and support worker where appropriate, about the housing options and any potential accommodation identified.

12.26 **Sharing Information on successful Applicants**

12.27 Where a local authority refers a case on to a Housing Association through a successful bid to Devon Home Choice, advice should be sought from the Lead Officer who may consult the MAPPA Chair to determine what information can be shared and the appropriate level of disclosure to assist the receiving housing provider in managing risk. Where appropriate the Housing Association will be invited to any further MAPPA meetings relating to the case.

12.28 Where an application to Devon Home Choice includes information about convictions due to arson, offences involving violence (including domestic abuse),

offences of a sexual nature or convictions due to possessions, supply or possession with intent to supply any illegal drugs, the officer processing the application form will contact the relevant housing authority SPOC. They in turn will seek advice from the MAPPA Lead Officer.

12.29 All potential offers should be made in association with the Lead Officer and not direct to the offender. This will enable appropriate final checks to be made before the offer is passed on to the offender.

12.30 No information should be disclosed outside the MAPPA meeting unless this had been agreed at the MAPPA meeting. If after the meeting it is felt that disclosure needs to take place then permission is required from the Chair of the meeting. In cases for MAPPA level 1s where there is NOT a panel meeting, advice should be sought from the Lead Officer.

12.31 When disclosure is required the following important issues need to be considered when sharing information, in particular, ensuring that personal information is:

- Obtained and processed fairly and lawfully
- Only disclosed (shared) in appropriate circumstances
- Accurate, adequate and kept up to date
- Kept and shared safely and securely and
- Not kept longer than is necessary

12.32 The relevant law to consider when making a disclosure decision is:

- The common law power for the police to share information for policing purposes (for the prevention and detection of crime)
- General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018
- Human Rights Act (1998)
- Children Acts (1989) and (2004) and
- Criminal Justice and Immigration Act (2008)

12.33 MAPPA minutes should not be photocopied or the contents shared outside the meeting without the agreement of the Chair. Minutes should be kept in the RESTRICTED or CONFIDENTIAL section of the agency files and stored in a locked cabinet.

12.34 **Contacts**

| **HOUSING AUTHORITIES** | | |
|---|---|---|
| **Local Authority** | **Single Point of Contact** | **Contact Number** |
| East Devon District Council | Housing Needs & Strategy Manager | 01395 517469 |
| Exeter City Council | Housing Needs Lead | 01392 265722 |
| Mid Devon District Council | Housing Options Manager | 01884 234934 |
| North Devon District | Service Lead – Housing Options | 01271 388357 |

| | | |
|---|---|---|
| Council | & Homelessness | |
| Plymouth City Council | Operational Manager | 01752 304440 |
| South Hams District Council | Housing Specialist | 01803 861234 |
| Teignbridge District Council | Housing Needs Lead | 01626 215442 |
| Torbay Borough Council | Housing Needs Manager | 01803 208724 |
| Torridge District Council | Housing Options Team Leader | 01237 428843 |
| West Devon Borough Council | Housing Specialist | 01822 813600 |
| MAPPA | | |
| Exeter | MAPPA Chair | 01392 421122 |
| North Devon | MAPPA Chair | 01271 321681 |
| Plymouth | MAPPA Chair | 01752 827500 |
| Torbay | MAPPA Chair | 01803 213535 |

**REGISTERED PROVIDERS**

| **Registered Providers** | **Single Point of Contact** | **Contact Number** |
|---|---|---|
| Affinity Sutton | Head of Operations North | 0300 100 0303 |
| Aster | Regional Manager | 0333 400 8222 |
| Cornerstone | Housing Manager | 01392 273462 |
| DCH | Head of Lettings Services | 01872 267313 |
| Falcon Rural | Managing Director, or<br><br>Housing Officer | 01823 667343 |
| Guinness | Lettings Team Manager | 01908 544743 |
| Hanover | Area Manager | 01364 644666 |
| Hastoe | Regional Manager (West) | 01305 216948 |
| Magna | | |
| North Devon Homes | Neighbourhood Services Manager | 01271 312500 |
| Plymouth Community Homes | Senior Housing Choices Officer | 0808 230 6500 |
| Sanctuary | Area Manager, or<br><br>Lettings Manager | 0800 131 3348 |

| | | |
|---|---|---|
| South Devon Rural | Operations Director | 01803 863550 |
| South Western Housing Society | Operations Director | 01934 750780 |
| Sovereign | Housing Services Manger | 01392 888030 |
| Stonewater | Allocations Manager - South | 01926 456864 |
| Tamar | Operations Director | 01752 250902 |
| Teign Housing | Neighbourhood Services Manager | 01626 322722 |
| Westward | Housing Services Manager – North | 0300 100 10 10 |
| Yarlington | Lettings Team Leader | 01935 404608 |

## 13. People who pose a risk to staff/ others or themselves

13.1 Where there is evidence to believe that an applicant poses a risk to staff, others or themselves, this will be detailed in the Alert field by the lead local authority.

13.2 The Alert should be removed if it is felt that the applicant no longer poses a risk to staff, others or themselves.

## 14. Number of bedrooms

14.1 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).

14.2 Under Devon Home Choice a separate bedroom is allocated to each:

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

14.3 Any unpaired person aged 10 to 16 years is paired, if possible, with a child aged under ten 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.

14.4 The IT system will automatically calculate the number of bedrooms that a household requires based on these rules.

14.5 **Please note: Pregnant household members.** It has been agreed to recognise an unborn child as an additional member of the household. Where a household includes someone who is pregnant this could increase their bed need (and in turn could affect their banding if it results in them being overcrowded).

14.6 However whether or not the bed need is affected this will depend on the age and gender of any other children that they may have. **Where it is assessed that the bed need should be increased the bed need will need to manually overridden.** For example a pregnant household member will increase the bed need by 1 bedroom of households with:

- No children
- 2 children of the same sex
- 2 children (a boy & girl) under 10
- 4 children of the same gender
- 4 children, 2 boys & 2 girls

14.7 However it will not change the bed need of households with:

- 1 child
- 2 children (a boy & a girl), where one is over 10 years old
- 3 children
- 4 children, of which 3 are the same gender
- 5 children

14.8 This assumes that the unborn child is of the right gender to share a bedroom wherever possible. When the child is born the household member details will need to be updated with the baby's gender and date of birth. This could affect the bed need if the newborn child is not able (in terms of the Devon Home Choice policy) to share a room with a sibling.

14.9 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[3] and where this 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).

14.10 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, whether it is a permanent/ regular arrangement rather than a temporary arrangement, 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. Normally only one parent will be allocated a bed need sufficient to accommodate their child(ren). This follows the precedent set down in Holmes-Moorehouse v Richmond.

14.11 Children who are studying at university will be considered as part of the household, and allocated a bedroom, if their university accommodation has to be left during holidays and is only temporary whilst they are studying.

14.12 **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 and/ or detailed in full on the Devon Home Choice website.

14.13 Existing tenants of a partner social landlord who are seeking to move to a home that is at least 1 bedroom smaller will be exempt from the above rules. 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, where agreed by the new landlord. This is to make the most effective use of social housing and free up family accommodation.

14.14 In exceptional circumstances these rules can be over-ridden. For example where a local authority or multi-agency health and wellbeing panel agree that a member of the household requires a separate bedroom due to health issues, or that there is a need for an additional bedroom for a regular overnight carer (see below). In these cases the overridden bedroom need field must be completed.

14.15 **Updating applications where someone has recently turned 10 or 16 years old**

[3] Housing Act 2004 Housing Health & Safety Rating System

14.16 The ‘Bedroom/ Band review’ section on the Housing Register Dashboard shows those applications that include someone who will turn 10 or 16, or who’s due date is in the next 7 days.

14.17 As can be seen from above, these are key ages as they have an affect on the bed need and possibly on banding (due to overcrowding).

14.18 **It will therefore be necessary for each LA to check this folder at least once a week and update the applications.**

14.19 Where the bed need and/ or band has been affected a letter will need to be sent to the applicants.

## 15. Accessibility need of an applicant

15.1 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.

15.2 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)

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

| **Accessibility Category** | **Applicant requires property with the following/ Property can meet the needs of applicants with the following requirements:** |
|---|---|
| Wheelchair Accessible | Applicant requires fully wheelchair accessible accommodation, into and throughout the property.<br><br>Applicant is likely to be a full time or regularly use a wheelchair for prolonged periods.<br><br>**Note: Applications should only be placed in this category where there is appropriate supporting evidence (e.g. from a GP or an Occupational Therapist etc.)** |
| Step-Free | Applicant is able to mobilise but cannot use steps without close supervision and assistance.<br><br>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.<br><br>Applicant will normally use a mobility aid (such as a walking stick or walking frame). |
| 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 |

15.4 Local authorities should make it clear to applicants that they need to be very clear about their mobility needs. If applicants are assessed as needing an accessible

home they will not be considered for homes that do not meet their stated mobility needs

15.5 It is not appropriate to change an applicant's accessibility criteria on their request so that they can bid for more, or different properties. This should only be done if appropriate evidence is provided to confirm the change to the accessibility criteria.

15.6 If an applicant needs adaptations the local authority managing the application should add an alert confirming the adaptations needed (evidence for this needs to be provided by an appropriate health professional). The alert should also confirm whether the applicant has been granted funding (or has their own funds) to adapt a property if they are successful. This will avoid applicants with mobility needs being automatically skipped for properties where adaptations may be possible.

15.7 For details of how accessible homes are shortlisted please see the Accessible Housing Section below.

15.8 See also the Financial Assessment section below for details of the approach to applicants with mobility needs who are over the financial thresholds but who cannot meet their own housing need.

## 16. How to report a case of suspected Social Housing Fraud

16.1 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 person at the local authority managing the application.

## 17. Award of Emergency housing need band (Band A)

17.1 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.

17.2 Any application for an applicant to be awarded 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 serious domestic abuse or other violence, the police or an appropriate agency must contact a Devon local authority with evidence to support the request for an urgent move.

17.3 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.

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

17.5 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 serious domestic abuse or other 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

17.6 Any cases that are put to the virtual panel will be anonymised to ensure that the applicant cannot be identified.

17.7 The Panel will be made up of 5 representatives from the Devon Home Choice Operational Group. This will include the local authority managing the application, 2 other local authorities and 2 RPs. A RP will not be included on the panel if the application is from one of their tenants. A majority decision will be accepted.

17.8 Each member of the Devon Home Choice Emergency Band Panel will ensure that their out of office email response is on if they are unavailable, and will ideally nominate a colleague who will take over from them in situations where leave or sickness meant they were unable to respond.

17.9 Applicants will have their application placed in the Emergency housing need band (A) for 4 weeks initially. If an 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.

17.10 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 met the declared needs of the applicant.
- The reasons why the applicant failed to apply for the property and whether the reasons were valid.

17.11 Applications in Band A will be changed to Band D if the household is placed in temporary accommodation.

17.12 Where there is evidence that a Band A applicant needs to move to another local authority area because of serious domestic abuse, other violence or harassment (or fear of) this will over-ride the 2% limit on cross border moves and any other preference that has been given to applicants with local connection to the other local authority area (e.g. as a result of a local allocation policy). These cases will still be counted towards the 2% though. Section 106 restrictions will still apply.

17.13 **Accessible Properties**

17.14 Emergency band applicants will only be considered for wheelchair accessible or part-wheelchair properties if they have a requirement for such a property.

17.15 For all other properties, including step free & those with a maximum of 3 steps, the Emergency band applicant will take priority over other applicants (except where a local connection is required as set out above).

17.16 **Procedure**:

17.17 Applications for the award of the Emergency Housing Need Band will be assessed as set out above depending on the reason for the application.

17.18 Those cases where the applicant is seeking to be rehoused to escape serious domestic abuse, other violence or the threat of violence, serious harassment or a traumatic event (where there is immediate and serious risk to a household living in Devon):

- Must have had an Emergency Housing Need Band Form (see below) completed by the police or another agency
- Will be put to a ‘virtual’ panel made up of members of the Devon Home Choice Emergency Band Panel

17.19 If required by the referring agency (e.g. the Police, landlord etc.) applicants must complete the consent (below) to provide permission for that agency to complete the Emergency Housing Assessment Form on their behalf.

17.20 It is the responsibility of the local authority receiving the request to ensure that sufficient information has been provided by the referring agency to enable the panel to make a decision, and to request any further information it feels should be provided before the request is circulated to the panel. This should include ensuring that the referring agency has clarified which areas are considered to be safe or unsafe, and the reasons for this, and ensuring that any other housing options that have been considered are detailed, and that it is clearly explained why these are not considered appropriate.

17.21 If information is required from MARAC, it is the responsibility of the referring agency to obtain consent from the MARAC Chair to share this information with the panel, and to ensure that the information is redacted so that it can be shared.

17.22 If significant additional information is received once the case has been put to panel members this may be treated as a new application and referred to a new panel.

17.23 The lead local authority will email an anonymised version of the form to 4 other Devon Home Choice partners (2 local authorities and 2 RPs), within 24 hours of receiving the form. The email will be copied to the Devon Home Choice Coordinator and the Devon Home Choice Support Officer.

17.24 The form should be sent using the High Importance flag on Outlook, to flag the email up to recipients as a high priority.

17.25 The Band A form and any other supporting evidence should be attached to the application so that there is a clear audit trial of the information panel members received.

17.26 If a partner RP has made the Emergency Band request, they should not be included in the panel.

17.27 Panel members should ensure that their out of office email response is on if they are unavailable.

17.28 Panel members assessing such cases should consider the following:

- In domestic abuse and harassment cases evidence would normally be provided from the Police as to the severity of the case and the level of risk faced. However it is recognised that not all victims of domestic abuse are willing to approach the Police and so in exceptional circumstances the evidence could come from a support agency alone.
- 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 expected to reside with him/her.
- In all cases there will be a need to prove that all other avenues have been exhausted, and that the award of the Emergency Housing Needs band is the most appropriate option. For example, Sanctuary schemes in the case of domestic abuse. If temporary accommodation has been offered and rejected applications should not normally be placed in Band A unless there are exceptional reasons.
- Band A will not normally awarded to households that have moved out of their home (e.g. to temporary accommodation, to family etc.), and therefore away

from immediate risk, except in exceptional circumstances (e.g. households seeking Band A as a result of a traumatic event)

- In cases of anti-social behaviour Landlords have to demonstrate what has been done to try and alleviate the situation, and that no other options exist (including action against the perpetrator). Information will normally also be required from other agencies, such as the Police to prove it is an extreme case.
- In cases being put forward due to the threat of serious domestic abuse or violence/ harassment panel, whether the applicant(s) are responsible for their circumstances to an extent that would render them intentionally homeless. An example might be someone who has themselves carried out an assault, and as a consequence been targeted themselves by others. In such cases the Emergency Housing Need band should not be awarded
- Applications should only be placed in the Emergency Housing Need Band as a result of a 'traumatic event' where this would result in their current accommodation being so completely unsuitable that should the applicant remain or return to it the effect on their health, wellbeing or safety would be critical.

17.29 In cases where the Emergency Housing Need band has been awarded due to threat of serious domestic abuse or violence/harassment, the expectation will be that the applicant will move to another area rather than being able to stay in the same locality. Guidance should be sought/ provided by the Police and/ or supporting agency as to areas that would be appropriate for the applicant to move to. The areas considered unsafe for the applicant should be clearly detailed in the Alert field of their application. Applicants will be advised by the lead local authority that they will not be considered for homes in areas considered unsafe.

17.30 Where the evidence from the Police and/ or supporting agency is that the applicant would not be safe to remain in their local authority area, members of the panel will confirm whether this evidence is accepted in their assessment of the application.

17.31 Where the panel members agree, given the evidence presented, that it would be unsafe for the applicant to remain in their own local authority:

- This will be clearly detailed in the Alert field of their application
- Applicants will be advised by the lead local authority that they will not be considered for homes in the lead local authority area
- This will override any preference provided to applicants with local connection in other local authority areas (except for Section 106 properties).

17.32 Please note however that there is no blanket requirement that all Emergency Housing Need band applicants fleeing serious domestic abuse or violence/ harassment have to move to another local authority area.

17.33 Members of the panel will confirm whether or not they accept the Band A request within 2 working days. Panel members should confirm:

- The reasons why they accept or reject the Band A referral (e.g. it is not sufficient to simply state 'I agree/ reject ...')
- Whether they feel that it would be unsafe for the applicant to be rehoused within their local authority area.

17.34 A majority decision from the panel members will be accepted. Please note that where a panel member adds a condition to their acceptance of a Band A request

(e.g. that the applicant needs to move to another local authority area) this should be counted as a rejection unless the condition is met.

17.35 The lead local authority must notify the police/ agency of the decision of the panel before notifying the applicant. This is particularly important where it has been decided not to place the application in the Emergency Housing Need Band.

17.36 The lead local authority must also inform the panel members of the final decision and circulate the feedback received to each of the panel members, and the Devon Home Choice Coordinator and Devon Home Choice Support Officer.

17.37 Where an Emergency Band request is turned down, and the police/ agency request a review of the decision, the information (together with any further evidence supplied) will be sent to 5 members of the band A panel who were not involved in the original decision (3 local authorities and 2 RPs) for a final decision.

17.38 Where a review is requested of a Band A condition that the applicant(s) move area (e.g. due to the perceived risk of remaining in their local authority area) this will also be referred to a new panel. The new panel will review the award of the Emergency Band as well as whether they should move to another area (e.g. there is a risk that the applicant could lose the Emergency Band).

17.39 The Emergency Band form will be scanned and attached to the application

17.40 If an applicant has bid for a property they cannot then refuse it without risking the withdrawal of the Emergency Housing Need band.

**Emergency Housing Need Assessment Form – Consent**

I give permission for _____ (organisation name) to complete the Devon Home Choice Emergency Housing Need Assessment Form on my behalf.

I understand that the Privacy Notice on the Devon Home Choice website explains how my personal data will be used.

Name: _____

Signed: _____

Date: _____

# Guidance for completing the Band A Form

This form is to be used in cases where the applicant is seeking to move to escape serious domestic abuse or other violence, or the threat of serious violence, serious harassment or a traumatic event. This form should not be used for cases of urgent health & wellbeing, or emergency disrepair.

The purpose of Band A in these cases is to enable households who are at immediate and serious risk, but where this risk can be managed safely in their current for a short timescale, to find a home as soon as possible.

Households will only have their applications placed in Band A if:

- ✓ There is clear evidence of immediate and serious risk
- ✓ The household live in Devon
- ✓ The risk can be safely managed within their current home.

Band A will not normally be awarded where it is assessed that the risk cannot be safely managed in their current home, or the household has moved to emergency or temporary accommodation.

This form must be submitted by an agency and not the applicant themselves. For example, by a domestic abuse support service or the police.

The referring agency must ensure that sufficient evidence is provided to confirm that the risk exists. Evidence would normally be expected from the police. The person at risk may be the applicant, or another person who might be reasonably expected to reside with them.

If information is required from MARAC, it is the responsibility of the referring agency to obtain consent from the MARAC Chair to share this information with the panel, and to ensure that the information is redacted so that it can be shared.

## Important: Please ensure that you:

- ✓ **Complete all sections of this form fully:** Any forms that are not fully completed will not be accepted.
- ✓ **Confirm why Band A is the best option for this household.** E.g. that the risk can be safely managed, why Band A is more appropriate than seeking temporary accommodation etc.
- ✓ **Use the last page of this form to record the personal details of the applicant, their household and the perpetrator.** This will not be circulated to the virtual panel.
- ✓ **Do not use any names on the form, except the last page.** Only refer to 'the applicant', 'the applicant's partner', 'the applicant's son/ daughter/ children' etc., or 'the perpetrator' on the rest of the form

**Please do not use any names on this section of the form. Please refer only to 'the applicant', 'the applicant's partner', 'the applicant's son/ daughter/ children' etc, or 'the perpetrator'.**

| | |
|---|---|
| **Date** | |

| | |
|---|---|
| **Relationship of the perpetrator to the applicant** | |

| **Current Housing Situation: If social tenant, current landlord must be contacted** | | | |
|---|---|---|---|
| **Landlord** | | | |
| **Tenure** | | **Tenancy start date** | |
| **Please provide details of any management issues relating to this tenancy** | | | |
| | | | |
| **Is the applicant currently living at the address given below? If not, please confirm where the applicant is currently living and the reasons for this.** | | | |
| | | | |
| **Please provide full details of the current situation, listing dates of events. Use extra paper if needed** | | | |
| | | | |

**Please do not use any names on this section of the form. Please refer only to 'the applicant', 'the applicant's partner', 'the applicant's son/ daughter/ children' etc, or 'the perpetrator'.**

| **Risk of staying at current property** |
|---|
| • **Please give full details of what the risk or emergency is if the applicant stays at their current accommodation, and who this risk is from**<br><br>• **Please confirm how the risk will be safely managed at the current accommodation if the application is awarded Band A (e.g. in the time from the award of Band A to finding and moving into a new home)** |
| **Please set out why Band A is the most appropriate option for this household.** |
| |
| **What other housing options have been considered (e.g. temporary accommodation, private rented accommodation, refuge etc.)?** Please detail why these are not considered appropriate. **Note: if this is not clearly explained panel members may be likely to reject a Band A request** |
| |

**Please do not use any names on this section of the form. Please refer only to 'the applicant', 'the applicant's partner', 'the applicant's son/ daughter/ children' etc, or 'the perpetrator'.**

| **Action taken against the perpetrator** |
|---|
| • **Please detail what action has been taken against the perpetrator and by whom? Give details of involvement with the police**<br><br>• **Please explain why the situation cannot be resolved through action against the perpetrator** |
| **Areas of risk.** |
| • **Where is the perpetrator now?**<br><br>• **What areas would the applicant be at risk in and why?** Please note that panel members may be unfamiliar with this area so please give as much detail as possible (e.g. distances, a map showing which areas are considered safe or unsafe etc)<br><br>• **Would the applicant be at risk if they were rehoused within the same local authority area? Please explain the reason for your view.**<br><br>• **If it is felt unsafe for the applicant to be housed in the same local authority area are they happy to move to another Devon local authority area? If no, please explain.** |

**Please do not use any names on this section of the form. Please refer only to 'the applicant', 'the applicant's partner', 'the applicant's son/ daughter/ children' etc, or 'the perpetrator'.**

| **Risk to others.** Would there be a risk to anyone else that moves into this property? Who and why? |
|---|
| |
| **Supporting evidence** – please provide details of all supporting evidence to support this case. Note any report that is not backed up with supporting evidence will not be accepted. For any case to be placed into Band A, there must normally be involvement with the police. |
| |

| **Details of the person/ agency completing this form** | |
|---|---|
| **Name** | |
| **Organisation** | |
| **Address** | |
| **Telephone number** | |
| **Email address** | |
| | |
| **Name** | |
| **Signed** | |
| **Date** | |
| | |
| **Relevant Manager** | |
| **Signature** | |
| **Date** | |

| **Authorisation**<br>This section to be completed by each member of the panel | | | |
|---|---|---|---|
| **Award of Emergency Housing Need Band:** | | | |
| **Yes** (Tick) | | **No** (Tick) | |
| | | | |
| **Does applicant need to move to another local authority area?** | | | |
| **Yes** (Tick) | | **No** (Tick) | |
| | | | |
| **Name** | | | |
| **Signature** | | | |
| **Organisation/ Role** | | | |
| | | | |
| **Comments** | | | |
| | | | |

## Personal details of the applicant and perpetrator.

## Local authorities – please note that this page should not be circulated to the virtual panel

| Application Number | | Date | |
|---|---|---|---|
| **If the applicant does not have an Active application, please complete a Devon Home Choice application form and enclose with this form.** | | | |

| | |
|---|---|
| **Name Main Applicant** | |
| **Name Joint Applicant** | |
| **Address** | |
| **Post Code** | |
| **Telephone Number** | |

| **Details of all household members who will be rehoused** | | | | |
|---|---|---|---|---|
| **First name** | **Surname** | **M/F** | **D.O.B** | **Relationship to applicant** |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| | |
|---|---|
| **Name of the perpetrator** | |

## 18. Award of High Housing Need (Band B)

18.1 Any applications placed in Band B must be approved by an appropriate manager in the local authority managing the application, except those agreed as referrals from the National Witness Mobility Service.

## 19. National Witness Mobility Service (Band B)

19.1 Requests for a move under this scheme should come from the National Witness Mobility Service (NWMS) directly to the Devon Home Choice Coordinator.

19.2 The Devon Home Choice Coordinator will then email an outline of the request to the relevant Team Leaders/ Managers in each of the 10 local authorities. Team Leaders/ Managers must respond within 48 hours as to whether they agree or disagree that the request should be accepted. A majority decision will be accepted.

19.3 If a Team Leader/ Manager is not at work for whatever reason, they will have identified back up nominees who can make a decision in their absence.

19.4 Where a referral is accepted, NWMS will complete an online application, under a false name for the applicant. NWMS will notify the Devon Home Choice Coordinator when this application has been submitted.

19.5 The Devon Home Choice Coordinator will ensure that the:

- Alert field is activated, and a note placed on the application that the Devon Home Choice Coordinator should be contacted before any offer is made
- Application is placed in the High Housing Need Band (B)
- Band Start Date is adjusted so as to provide the applicant with an additional 5 years waiting time.

19.6 If the Devon Home Choice Coordinator is not at work for whatever reason, a lead contact will be agreed from one of the 10 local housing teams.

19.7 NWMS will be responsible for placing bids for homes on behalf of the applicant. Applicants accepted under the NWMS will be able to bid for homes anywhere in Devon.

19.8 The Devon Home Choice Coordinator will manage the case up to the point of a successful bid. This will include monitoring NWMS' bidding activity. Once a bid has been successful, the Devon Home Choice Coordinator will advise the NWMS of this to check what information can be passed to the relevant local authority and the landlord.

19.9 The Devon Home Choice Coordinator will then contact a senior officer in the local authority and a senior person at the appropriate landlord and advise that the:

- Applicant is fleeing severe violence and harassment, and is under Police protection
- Landlord should also be made aware of their obligations under section 86 and 87 of the Serious Organised Crime and Police Act 2005. These sections regard disclosing information about witness protection arrangements and defences to liability. Copies of the Act can be downloaded from the Office of

Public Sector Information (http://www.opsi.gov.uk) or are available from the NWMS on request.

- NWMS should be contacted for further information and to progress the offer of accommodation

19.10 At all times information on an applicant should be provided on a "need-to-know" basis to a senior local authority officer and senior employee within the landlord only.

19.11 NWMS will then liaise with the landlord directly and make them aware that they:

- May need to wait 24-48 hours whilst intelligence checks are completed (although NWMS will endeavour to carry out checks prior to placing bids)
- Should liaise with the NWMS to organise the viewing and sign-up
- May not be able to follow their usual procedures, i.e. carrying out pre-tenancy interviews or inviting the applicant to group viewings;
- May not be able to have the usual ID documents, such as passports, national insurance cards, driving licenses etc. straight away;
- Should expect the applicant will be signing the tenancy in a different name to the one they were registered on the CBL system in (as all NWMS clients will be registered under a pseudonym in the first instance).

19.12 **Note:** NWMS have advised that in some particularly sensitive cases, the Witness Protection Unit may request that the landlord is not given any information at all about the applicant's circumstances. Such cases should be dealt with on a case-by-case basis as they arise.

## 20. Statutorily Homeless Households (Band B)

20.1 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.

20.2 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.

20.3 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).

20.4 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.

20.5 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

20.6 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 domestic abuse 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

20.7 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.

20.8 **Procedure**:

20.9 It will be the responsibility of the local authority that has accepted a homeless duty to determine whether the household will have their application placed in Band B or Band D based on their assessment of whether it is possible and appropriate to find private rented accommodation.

20.10 Local authorities will place an alert on any applications where a homeless duty has been accepted. The alert will confirm that landlords should contact a named caseworker or team if the applicant is being considered for a property, as well as any issues with a particular case (e.g. English is a second language, any disabilities, that letters may not reach the applicant etc.)

20.11 Applicants must be advised that:

- They are expected to apply for all suitable homes advertised through Devon Home Choice each week. This will be monitored on a weekly basis by each of Devon local authorities
- Automatic bids may be placed on their behalf. 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.
- If an automatic bid is successful the applicant 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 their duties under the homelessness legislation.
- Automatic bids will be limited to the local authority area that has accepted the homelessness duty

20.12 Households who have been bidding actively but have been unsuccessful will not have automatic bids placed on their behalf. As long as households continue to bid for all available appropriate homes automatic bids will not be placed on their behalf. If however they stop bidding automatic bids will be placed on their behalf.

20.13 **Please note:** Where an applicant provides information on their application which indicates that they may be at risk of becoming homeless this should be passed to the relevant local authority homelessness/ housing options team, so that proactive advice/ assistance can be offered.

20.14 If a homeless applicant is being considered for a property, the local authority should make contact with the applicant to explain the consequences of them refusing the offer and put this in writing, as well as ensuring that they are prepared to view the property (see also Section 64: Discharging Duty to Homeless Applicants offered accommodation through Devon Home Choice)

## 21. Homelessness Reduction Act – Qualifying Applicants (Band B)

21.1 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.

21.2 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

21.3 This category may include:

- People who have fled domestic abuse and are resident in a refuge or safe house
- 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

21.4 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).

21.5 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.

21.6 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

21.7 **Procedure**:

21.8 It will be the responsibility of the local authority to determine whether the household will have their application placed in Band B or Band D based on their assessment of whether it is possible and appropriate to find private rented accommodation.

21.9 The procedure is as follows:

- Applicant is given Housing Options interview by Housing Officer (Housing Options)
- Housing Officer confirms Identification, that the household is subject to the Prevention or Relief duty of the Homelessness Reduction Act, that the household is taking the actions set out in their Personalised Plan to ensure that they have, or are able to retain, suitable accommodation, and that there are no significant concerns regarding conduct in current accommodation.
- Housing Officer completes appropriate paperwork such as Experian Check, Previous tenancy check and has collected proofs
- Housing Officer has exhausted options which would resolve homeless in applicants existing property and is satisfied that applicant has made every effort to pursue other options available, and that it is not possible and appropriate to secure private rented accommodation
- Housing Officer checks that applicant has a current Devon Home Choice application from their current address. If circumstances have changed update current application or make a new application if required
- Homelessness Reduction Act – Qualifying Act Check List (see below) completed by Housing Officer and signed off by Team Leader
- Housing Officer continues to monitor case and works with applicant to identify suitable properties on Devon Home Choice

21.10 **Authorisation**

- Housing Officer completes Devon Home Choice Homelessness Reduction Act – Qualifying Act Check List (see below) to propose case for Band B or Band D status
- Application only to be put into this category when it has been agreed and signed off by either Team Leader or Service Lead
- After authorisation, Devon Home Choice staff updates application to Band B or Band D

21.11 **Notification**

- Once a decision has been made to accept into this category the Devon Home Choice application will normally be updated within 5 working days
- New banding letter will be sent to the applicant by the Devon Home Choice team informing applicant of their new band details and how to bid for available properties

- Applicant will also be made aware that their status will be kept under review and will be monitored throughout
- Housing Officer to monitor bidding patterns of applicant. If applicant is not bidding for properties which would be seen as suitable the application will be switched to auto bidding.
- Applicants will be advised of this in writing and informed that bids will be made on their behalf for reasonable properties. 'Reasonable' shall mean that the property is suited to the physical needs of the applicant (or any person who might reasonably live with them) and will not place the applicant or others at any unnecessary risk
- Applicant will also be informed that should they refuse a property that they are successful for following an autobid, then their status in this category may be withdrawn

21.12 **Change of Circumstances**

- Refusal of 'reasonable' offer will usually mean this status is removed
- Any changes to household membership will be referred back to the Housing Officer Changes to address will mean that the banding is reassessed to take account of their new circumstances
- Any significant changes will be referred back to the Housing Officer
- Case will be put 'under review' until Housing Officer has investigated new circumstances
- Where a change of circumstances means that a homeless application is taken, then this status will be withdrawn from the date of the application

21.13 **Reviews and Monitoring**

- Housing Officer to carry out a review of case after no longer than four weeks
- Applicant maybe asked to attend a further interview to update on circumstances
- Applicants in this category will be expected to bid for any suitable homes. If an applicant in this category has not been bidding for suitable homes they will be switched to auto bidding.

21.14 **Acceptance Criteria**

- There must be an open Advice and Prevention case
- A face-to-face interview must have been completed where possible (although it is appreciated not all LA's can achieve this)
- Applicant must have a live Devon Home Choice application
- Applicant must be eligible for assistance by virtue of S160A Housing Act 1996 (as amended by Homelessness Act 2002)
- Applicant must have a local connection to Devon, unless they are fleeing domestic abuse
- Applicant is subject to the Prevention or Relief duty of the Homelessness Reduction Act
- Applicant is taking the actions set out in their Personalised Plan to ensure that they have, or are able to retain, suitable accommodation
- Applicant must have made all reasonable efforts to secure other available housing options.
- It is not possible and appropriate to secure private rented accommodation

## 21.15 Homelessness Reduction Act – Qualifying Applicants Check List

| **Name:** | **Address:** |
|---|---|
| **ID No:** | |

| | **YES** | **NO** |
|---|---|---|
| **Eligible For Assistance**<br>Adviser satisfied with information provided | ☐ | ☐ |
| **Reason For Homelessness**<br>Adviser satisfied that client is/will be homeless | ☐ | ☐ |
| Home visit carried out | ☐ | ☐ |
| **Local Connection**<br>Evidence of Local connection provided | ☐ | ☐ |
| **Former tenant arrears**<br>Adviser has checked for former arrears<br>And verified there are none | ☐ | ☐ |
| **Other Addresses**<br>Checked using various ways for other addresses<br>(dips, experian, V5) | ☐ | ☐ |
| **Devon Home Choice Housing Register**<br>Client has an open live register application | ☐ | ☐ |
| **Other Solutions**<br>Adviser satisfied that this is best solution<br>having examined other possible options | ☐ | ☐ |

**Housing Adviser** …….

**Manager** …….

**Date** …….

## 22. Severe Overcrowding (Band B)

22.1 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

22.2 **Procedure**:

22.3 This will be automatically worked out by the Devon Home Choice IT system.

22.4 Local authorities may verify the overcrowding before activating the application. This may be done by a home visit or checking other data sources (such as Council Tax records etc).

22.5 Local Authorities will put an alert on these applications to confirm that the severe overcrowding needs to be verified at the offer stage.

22.6 The overcrowding must be verified by the landlord at the point where a household is being considered for a property. Local authorities should place an alert on the application to confirm that the overcrowding needs to be verified.

22.7 The 2 children lacking a bedroom will be based upon the following rules:

- The applicant is assessed as lacking 1 bedroom under our current criteria **but** has either:
  - 2 children in a 1 bed property (e.g. where they are the same sex or are both under 10), or
  - 4 children in a 2 bed property (e.g. where they are either all the same sex/ 2 of each sex/ 2 kids of the same gender over 10 and the other 2 under 10), or
  - 6 children in a 3 bed property

22.8 Other households who have the same number of bedrooms and children but who are above 10 or of different sexes will already be in Band B as lacking 2 bedrooms (e.g. a household with an 11 year old daughter and a 12 year old son in a 1 bed home).

22.9 It will be assumed that, wherever possible under the Devon Home Choice rules (see number of bedrooms above) that children will be able to share a bedroom. For example where there are 3 children in a 2 bed property that 2 of them will be able to share a bedroom, and it is only 1 child who is lacking a bedroom.

22.10 Overcrowding priority will not be given to households in temporary accommodation provided by a local authority.

## 23. Severe Overcrowding – Category 1 hazard (Band B)

23.1 Applicants who 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.

23.2 **Procedure**:

23.3 Where a Devon local authority Environmental Health team confirm that a property is a Category 1 hazard due to overcrowding, in accordance with the Housing, health and safety rating system introduced by the Housing Act 2004, the application will be placed in Band B under this category.

## 24. Underoccupying Tenants (Band B)

24.1 If the applicant is a tenant of a Devon Home Choice partner landlord and is seeking to move to smaller accommodation (thereby freeing up family accommodation).

24.2 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.

24.3 **Procedure**:

24.4 The lead local authority should confirm that the applicants is tenant of a partner landlord, and is seeking to downsize. It should be made clear that they will only receive priority when bidding for homes that are smaller than their current home, that they have at least 1 vacant bedroom in their current home and have been living in their current home for at least 12 months. This latter condition may be waived if the local authority assess that there are exceptional circumstances.

24.5 Band B for underoccupying tenants will not be awarded to applicants who are living in shared ownership homes, as these homes will not be re-advertised on Devon Home Choice

24.6 The shortlisting landlord will verify the downsizing with the current landlord

## 25. High Health and Wellbeing Need (Band B)

25.1 See below – Health & Wellbeing Section

## 26. High Housing Defect (Band B)

26.1 See below – Housing Defect Section

## 27. Ready for Move on from Supported Accommodation within Devon (inc care leavers) (Band B)

27.1 The Devon Home Choice Policy states that applicants living in supported accommodation in Devon who are assessed as being ready to move on will be placed in the High housing need band (Band B). This will include the following (please note this is not an exclusive list):

- Young people leaving care
- People with mental health problems
- People with learning disabilities
- Ex-offenders
- People recovering from substance abuse

27.2 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

27.3 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 will be placed in Band D (see below).

27.4 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

27.5 Please note that for straightforward cases where the local authority has all the evidence required the decision to place the application in Band B for Move-on can be made by a senior officer. Any borderline or questionable cases should be considered by a panel of at least 3 people.

27.6 Applicants will have their Band Start Date backdated to either the date that they moved into the supported accommodation (this can include previous supported accommodation) or the date they first became a homeless prevention case to a Devon local authority, whichever is the earliest.

27.7 Applicants living in supported accommodation who apply to Devon Home Choice before they are assessed as being ready to move-on to independent living will have their application placed in either the:

- Low housing need band (Band D), where the applicant is sharing facilities, or the
- No housing need band (Band E) if they are living in self-contained supported accommodation, unless they qualify for another band due to other needs (for example health and wellbeing needs).

27.8 In local authorities that do not register applicants with no housing need, people living in self-contained supported accommodation who are not ready to move on will not be registered, unless they qualify for another band due to other needs.

27.9 Applications from people living in supported accommodation who are not ready to move on to independent living should not be placed in Band C for lacking a bedroom.

27.10 Applicants who have moved into supported accommodation from another local authority area will be deemed to have a local connection with their original local authority area.

27.11 Applicants who are not registered with Devon Home Choice must submit a fully completed Devon Home Choice application form together with their Move-on panel referral form.

27.12 Where supported accommodation is being decommissioned, applicants who had not been assessed as being ready for independent living will have their application assessed by their local authority in line with the Devon Home Choice policy.

27.13 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.

27.14 Role of the Move-on Panels

27.15 As set out above, for straightforward cases where the local authority has all the evidence required the decision to place the application in Band B for Move-on can be made by a senior officer. Any borderline or questionable cases should be considered by a panel of at least 3 people.

27.16 The Move-on Panel in each local authority area will consider referrals in accordance with the Devon Home Choice Policy and this procedure.

27.17 Each local authority will determine the membership of its panel. Members could include representatives from the following:

- Supported housing providers
- Support services
- Services working with vulnerable people (such as mental health services or the learning disability team)
- Housing Associations and/or local authority housing management

27.18 Panels will consist of at least 3 members.

27.19 Where agreed a Move-on Panel may serve a number of local authority areas.

27.20 Where considered appropriate local authorities may use existing panels (e.g. Homelessness Prevention panel) to also serve as their Move-on panel.

27.21 If information is to be emailed to partners this must be anonymised to ensure the applicant cannot be identified.

27.22 All panel members must sign the Devon Home Choice Assessment Panel Protocol.

27.23 Referrals

27.24 Referrals should be made to the local authority most appropriate for that client. For example the original referring authority or the local authority where the applicant lives.

27.25 In order to be referred to the Move-on Panel, clients must meet the following criteria:

- **All of the questions on the move-on panel referral form must be answered** (if not, the form will be sent back to the support provider to be completed)
- The client must either be registered on Devon Home Choice at their current address, have very recently completed the Devon Home Choice online application form, or provided a fully-completed paper application form with their move-on panel referral form.
- Clients must have no unresolved, outstanding rent arrears, or re-chargeable repair bills with any social housing provider. This will apply unless there are exceptional circumstances or until:
  - The client clears their debt, or
  - The landlord is satisfied that the client is entitled to an amount of benefit sufficient to clear the arrears, or
  - The client 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

27.26 Clients should not be referred if any action is being taken against their tenancy.

27.27 If the client is engaged in meaningful occupation (see below), this information should be provided on the referral form. Please note however that this will not form part of the decision of whether to accept or reject the referral.

27.28 Meaningful occupation has been described as those things that provide accomplishment/fulfilment, social connection, satisfaction and fun, self-identity/social identity/self-esteem, roles and routines, feelings of health and wellbeing.

27.29 Meaningful occupation is person centred and differs from one person to the next, and grouped as follows:

- Self-care (e.g. getting dressed, eating a meal)
- Being productive (e.g. participating in education, going to work, volunteering)

- Leisure (e.g. socialising with friends, belonging to a group, participating in hobbies)

'Doing' and engaging in occupation provides a sense of wellbeing and adds value and purpose to an individual's life. Being involved in certain occupations provides a sense of identity.

27.30 Who can make referrals

27.31 Referrals will normally be made by supported accommodation/ care providers. In some circumstances referrals may be made by a care manager or other specialist worker but the support of the accommodation provider would be expected.

27.32 Preparation

27.33 It would normally be expected that the client has been resident in an accommodation project for at least six months at the point of referral, but this is only an indicator of needs/progress.

27.34 Prior to making a referral to the Move-on Panel, referral agencies are expected to carry out a full housing needs assessment for the client. This is necessary to establish:

- Whether the client is ready to move-on from the hostel / project
- The type of accommodation needed for successful move-on. Before making a referral to the Move-on Panel the supported accommodation provider should explore all appropriate move-on options. These will include other supported housing and private renting. Supported accommodation providers will be expected to support clients to take up such options, where appropriate. A referral to the Move-on Panel should only be made where other options are either not appropriate or have been exhausted. Evidence of this work should be gathered to support the referral.
- The level of ongoing support the client will need during and after move-on. If the client requires ongoing support it will be important that this is clearly identified. Clients not willing to accept support will not be considered.

27.35 Completion of Referral Form

27.36 A Referral form (attached below) needs to be submitted. Appropriate supporting evidence can be provided with the referral form.

27.37 Timescales for assessment

27.38 Local authorities will aim to notify the referring agency within 20 working days of the receipt of all of the required information. It is recognised that some cases may take longer, for example if a case needs to be considered by a panel that isn't due to meet within the next 20 working days. In such cases local authorities will provide the referring agency with the likely timescale in which an assessment will be made.

27.39 Outcomes

27.40 The following are possible outcomes of referrals to a Move-on Panel:

- **No Decision:** Pending a request for further information to enable the panel to reach a decision.

- **Refused:** The Referral agency will be written to with reasons for refusal and suggestions of alternative move-on options if appropriate.

- **Accepted:** Client, and referral agency to be advised in writing. The client's application will be placed in the High housing need band (Band B). Their Band Start Date will be backdated to either the date that they moved into the supported accommodation or the date they first became a homeless prevention case to a Devon local authority, whichever is the earliest. Where an application is accepted awaiting confirmation that support is in place, the client and the referring agency will be informed that no offers will be made until the support is in place (an alert should be placed on the application to clarify this).

27.41 Where a referral has been accepted, supported accommodation providers will be expected to:

- Work with the client to make them aware of appropriate properties becoming available and assist them to make bids
- Advise the local authority of any changes in the client's circumstances. These might include, but are not limited to:
  - New Rent Arrears problems
  - Breach of Tenancy since referral
  - Issues involving violence or anti-social behaviour
  - Change in support needs or support provision
  - Client moves-on outside of Devon Home Choice.

27.42 All but the last of these would result in suspension of priority at least until the Move-on panel have reconsidered the situation. The local authority will notify the client and support provider in writing of this.

27.43 The local authority will be responsible for the records of each meeting and monitoring the outcomes.

27.44 Appeals Procedure

27.45 Appeals against a decision should be put in writing, setting out the reasons for the appeal and providing any information the appellant feels has been missed, new or otherwise.

27.46 In line with the health and wellbeing procedures:

- 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 panel, the review will be carried out by a 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

27.47 A detailed record of appeals should be made in every case. This will include whether the appeal was upheld or not, the reasons for this and any action taken.

27.48 Complaints

27.49 Any complaints should follow the Local Authorities Complaints Procedure.

27.50 Review of cases

27.51 There will be periodic peer review of a sample of cases by different panels to ensure consistency across Devon.

# Devon Home Choice Move-on Panel Referral Form
# CHECKLIST

**Before submitting this form please confirm the following and submit this checklist with the form.**

**Referral forms will be returned if any of the statements in the checklist has not been ticked or any question in the form has not been answered.**

| | Please Tick |
|---|---|
| We have read the Devon Home Choice Move-on panel procedure and are happy for a referral to be made | |
| We have included a detailed report explaining what support has been given to the client | |
| We have attached the client's last review form including the support plan with this referral form | |
| All sections of the Referral form, including the risk assessment | |
| We have attached a copy of the completed 'SAFE' spreadsheet to provide details of the clients income and expenditure | |
| We have included any appropriate supporting letters | |
| We have clearly explained the move-on process to the client | |
| If we aren't able to offer move-on support, we have found another provider who can offer this | |
| The client is registered with Devon Home Choice or has recently submitted a fully completed application. Their application provides full details of their 5 year address history and clearly explains any gaps in settled accommodation. | |
| Has your client saved money to cover rent in advance required by most social landlords? | |

| | | | |
|---|---|---|---|
| Has a referral been made in the past for the client? | Yes/ No | If yes, when? | |

| | |
|---|---|
| Who made the initial referral into the supported accommodation? | |

**Client Details:**

| | |
|---|---|
| Name: | |
| Other names client known by: | |
| Date of Birth: | |
| Devon Home Choice Ref No. (if already registered): | |
| Address (including postcode): | |
| Date moved into supported accommodation: | |

**Details of the person/ organisation making the referral:**

| | |
|---|---|
| Name: | |
| Position: | |
| Organisation: | |
| Address including postcode (If different to client's address) | |
| Telephone No: | |
| Email: | |

**Where the above is not the supported accommodation/ care provider, please ensure that the following is also completed.**

| | |
|---|---|
| Supported Accommodation Provider: | |
| Address including postcode (If different to client's address) | |
| Telephone No: | |
| Email: | |

**Please provide details of the client's ability to maintain a tenancy.** For example, to manage rent payments, utilities payments, manage self-care, engage with appropriate support, manage visitors and relationships with neighbours in accordance with tenancy conditions.

| |
|---|
| |

**Does your client have a bank account?** Yes / No

| |
|---|
| If No, please explain why not: |

**Have there been any issues with your client's ability to maintain benefit claims?** Yes / No

| |
|---|
| If Yes, please explain: |

**Has your client been evicted from any accommodation in the last 5 years?** Yes / No

| |
|---|
| If Yes, please explain why your client was evicted, what have they learnt from this experience and what has changed in their behaviour: |

**Provide further details of the clients last settled address over and above the information provided on the Devon Home Choice application form, and the reasons for leaving that accommodation**

| |
|---|
| |

**Does your client have a clear rent account?** Yes / No

| |
|---|
| If No, please detail how much rent is outstanding and what arrangements have been put in place to repay arrears, when the arrangement was put in place, how it has been maintained and how the arrears arose. |

| **Does your client have a personal contribution?** | Yes / No |
|---|---|

| If Yes, please detail the reasons for the personal contribution (i.e. working, service charge). |
|---|

| **Are there any rechargeable repairs due to your client?** | Yes / No |
|---|---|

| If Yes, please detail: |
|---|

| **Are there any current reports of your client being involved in anti-social behaviour?** | Yes / No |
|---|---|

| If Yes, please detail: |
|---|

| **Is your client is engaged in meaningful occupation (e.g. participating in education, going to work, volunteering, socialising with friends, belonging to a group, participating in hobbies)? If Yes, please describe this below. Please note that this will not form part of the decision of whether to accept or reject the referral.** | Yes / No |
|---|---|

| If Yes, please detail: |
|---|

| **Is your client working with other support agencies?** | Yes / No |
|---|---|

| If Yes, please list all of the support agencies currently working with your client. |
|---|

| **Does your client have ongoing support needs when moving on from supported accommodation?** | Yes / No |
|---|---|

| If Yes, please provide details together with information on what will be done to put such support in place |
|---|

**Please provide details of all move-on options considered for your client**.

The Devon Home Choice Move-on Panel is designed as a last resort to providing Move-on. Demand for social housing far exceeds the number of homes available. It is vital therefore that all housing options have been considered before this referral is completed. Please detail what efforts have been made to secure your client with alternative housing and why they weren't successful or appropriate. This should include private rented accommodation, a lower supported accommodation or a return to the family home.

**Further Information:** Is there anything further that you would like the Panel to consider before we make a decision about the outcome of this referral?

**Risk Assessment**
Please provide details of any known risks for public or personal safety.

| **Has your client been referred to MARAC (Multi Agency Risk Assessment Council) as a victim or perpetrator of Domestic abuse?** | Yes / No |
|---|---|

| If Yes, please provide details. |
|---|
| |

If you answer Yes to any questions please provide further information.

| **Risk** | **Yes** | **No** | **Don't Know** | **Further Info** |
|---|---|---|---|---|
| **Risk to self** | | | | |
| Current suicidal thoughts | | | | |
| Current self-harm | | | | |
| Previous suicide attempt | | | | |
| Previous self-harm | | | | |
| Failure to seek medical attention | | | | |
| **Risk to others** | | | | |
| Threatening or abusive behaviour | | | | |
| Expressing intent to harm others | | | | |
| Previous history of abusing others | | | | |
| Associates or pets known to be aggressive | | | | |
| Known to carry weapons | | | | |
| **Risk from others** | | | | |
| Abuse by family members | | | | |
| Financial risk | | | | |
| Vulnerability | | | | |
| Poor awareness of personal safety | | | | |

**Notes:**

- If previous convictions include arson, violence or sex-offences, reference should be made to the progress achieved since the offences were committed.
- If a client is on the sex offenders register or is subject to MAPPA status it is essential that we are given guidance around risks posed by a client

| **Risk** | **Yes** | **No** | **Don't Know** | **Further Info** |
|---|---|---|---|---|
| **Offending History** | | | | |
| Violent offending history | | | | |
| Sexual offending history | | | | |
| Arson convictions | | | | |
| Drug related convictions | | | | |
| Anti-Social Behaviour | | | | |
| **Risk to Property** | | | | |
| Arson | | | | |
| Criminal damage or damage to property | | | | |
| Anti-social behaviour | | | | |

**Additional information:**

| |
|---|
| |

**Income & Expenditure**

Please use the 'SAFE' spreadsheet developed by Homemaker Southwest to provide details of your client's income and expenditure and attach a copy of the completed spreadsheet to this form.

The 'SAFE' spreadsheet is available from the local authority housing teams in Devon.

**Declaration to be signed by the client**

I confirm that:

- The Devon Home Choice policy and procedures for moving on from supported accommodation have been explained to me
- I understand what has been explained
- I understand that a council or housing association home is not the only option that will be considered by the Devon Home Choice Move-On Panel

I agree to the information on this referral form and other relevant details (such as the information on my Devon Home Choice application form), being passed to members of the Devon Home Choice Move-on Panel

I agree to the information on this referral form and other relevant details (such as the information on my Devon Home Choice application form), being passed to local authorities or housing associations who may be able to offer accommodation.

I understand that the Privacy Notice on the Devon Home Choice website explains how my personal data will be used.

**Signed Client:**

**Date:**

**Declaration to be completed by the person making the referral**

I confirm that the information I have given in this referral form and checklist is true, to the best of my knowledge. I will notify the local authority of any changes in circumstances that may affect this application. I understand that any false or misleading statement may mean that my referral is rejected without right of appeal.

**Name**

**Signed**

**Date** **Length of time you have known client**

Where the above is not the supported accommodation/ care provider, please ensure that the following is also completed.

**I support this referral being made on behalf of _____ (client's name).**

**Name**

**Signed**

**Position**

**Date**

## 28. Social need or to support the delivery of another service (Band B)

28.1 Where it is determined that priority should be awarded due to a social need or to support the delivery of another service applications will be placed in Band B.

28.2 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.

28.3 This may include child risk or concern issues where children would otherwise be accommodated by social services[4].

28.4 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.

28.5 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.

28.6 Requests for acceptance into the above need should be referred to a Devon local authority's Housing Department.

28.7 **Please note:** 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

28.8 The confirmation from Social Services should include the number of bedrooms that the household needs in order to foster or adopt a child or children. Please note that the additional banding and bed need will need to be awarded **before** Social Services will confirm for definite that the household can become foster carers or adopt.

28.9 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 will usually be a maximum of 1 additional bedroom in order to be consistent with benefit rules unless there is evidence of a specific confirmed need for more).

28.10 This category also includes households who need to move to take on the role of a special guardian for a child/ children, where such an order has been made by the Family Court or to enable the Family Court to make such an order.

28.11 **Procedure**

[4] 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)

28.12 Agencies seeking to have an application prioritised due to this need must fully complete the Social Need or Supporting another Service Assessment Form (see below).

28.13 If required by the referring agency (e.g. Social Services etc.) applicants must complete the consent (below) to provide permission for that agency to complete the Social Need or Supporting another Service Assessment Form on their behalf.

28.14 The form should be submitted to the relevant local authority.

28.15 It is the responsibility of the local authority receiving the request to ensure that sufficient information has been provided by the referring agency to enable a decision to be made.

28.16 If further information is required this should be requested from the referring agency.

28.17 Once all of the required information the local authority will make a decision on the request, and notify the referring agency within 5 working days.

28.18 If the referring agency disagrees with the decision that has been made, they can submit a written request for a review within 21 days. The agency should include the reason why they disagree together with any additional information that they believe is relevant.

28.19 The local authority 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 referring agency within 56 days of the receipt of the request for review letter. Following the review, the referring agency will be informed in writing of the outcome together with the reasons for the decision.

**Social Need or Supporting another Service Assessment Form – Consent**

I give permission for _____ (organisation name) to complete the Devon Home Choice Social Need or Supporting another Service Assessment Form on my behalf.

I understand that the Privacy Notice on the Devon Home Choice website explains how my personal data will be used.

Name: _____

Signed: _____

Date: _____

| **Application Number** | | **Date** | |
|---|---|---|---|
| **If the applicant does not have an Active application, please ensure they complete the online Devon Home Choice application form at www.devonhomechoice.com** | | | |

# Social Need or Supporting another Service Assessment Form

Social need or to support the delivery of another service
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.

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.

Please complete all sections of this form **fully** and submit to:

ANY FORM NOT FULLY COMPLETED WILL NOT BE ACCEPTED

| | |
|---|---|
| **Name 1st Applicant** | |
| **Name 2nd Applicant** | |
| **Address** | |
| **Post Code** | |
| **Telephone number** | |

| **Details of all household members who will be rehoused** | | | | |
|---|---|---|---|---|
| **First name** | **Surname** | **M/F** | **D.O.B** | **Relationship to applicant** |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| **Current Housing Situation** | | | |
|---|---|---|---|
| **Landlord** | | | |
| **Tenure** | | **Tenancy start date** | |
| **Rent balance** | | **Date** | |
| **Rent arrears** | | **Payment plan in place –** please give details | |
| **Please provide details of any management issues relating to this tenancy** | | | |
| | | | |
| **Social Move or Supporting Another Service Summary –** Please provide a summary of why you are requesting additional priority for this applicant, setting out the risks / consequences of the applicant remaining where they are and the benefits of any move. | | | |
| | | | |

| **Is a child at Risk? If yes what are the risks and why would a move prevent these risks.** |
|---|
| |
| **Report –** Please provide full details of the current situation, listing dates of events. Use extra paper if needed |
| |
| **Areas of risk.** Are there any areas where the applicant would be at risk? If yes why? Does the applicant need to move to another local authority area in Devon (If yes, please provide details)? |
| |

| **Risk to others.** Are there any issues that need to be considered if another person moves into the out going property? |
|---|
| |
| **Supporting evidence** – please provide details of all supporting evidence.? |
| |

| **Agent details –** This is to be completed by the Officer completing this form | |
|---|---|
| **Name** | |
| **Organisation** | |
| **Address** | |
| **Telephone number** | |
| **Email address** | |
| | |

| **Authorisation**<br>This referral will be considered by two managers. | | | |
|---|---|---|---|
| **APPROVE** (Tick) | | **REJECT** (Tick) | |
| **Name** | | | |
| **Signature** | | | |
| **Organisation** | | | |
| | | | |
| **Name** | | | |
| **Signature** | | | |
| **Organisation** | | | |
| | | | |
| **Comments** | | | |
| | | | |

## 29. Effective management of social housing within Devon (Band B)

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

29.2 **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 will include:

- '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.

- 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:
  - 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
  - When a social tenant leaves the home and ends the tenancy, there are some cases in which a potential 'successor' may qualify as above
  - 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.

29.3 **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.

29.4 **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.

29.5 **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.

29.6 **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 when Devon Home Choice goes live.

29.7 **Procedure:**

29.8 The award of this priority will be agreed between a landlord and the relevant local authority.

## 30. Review of Band B cases

30.1 Applications in Band B will be monitored every 3 months. Applicants will be encouraged or supported to bid if they have not been bidding.

30.2 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).

## 31. Lacking 1 bedroom (Band C)

31.1 Applicants who currently lack 1 bedroom given the size of their household will have their application placed in the Medium housing need band (Band C).

31.2 This will be determined by the number of bedrooms required by the household based on its composition, and the numbers of bedrooms they currently have for the exclusive of their household.

31.3 **Please note:** This will only apply where it 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. This priority will not be given to households who are in temporary accommodation provided by a local authority.

31.4 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.

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

31.6 Where there are 2 people or children sharing a bedroom which has been confirmed by an RP or Environmental Health as not being big enough for 2 people/ children to share the application will be placed in Band C as lacking a bedroom. Please note that any assessment will be made using the current room and space standards (as defined under Part 10 of the Housing Act 1985), rather than any maximum occupancy limits set down in tenancy agreements. Please also note that this will not affect the household’s bed need.

31.7 Applications from people living in bedsits should only receive priority for lacking a bedroom if they have a child or another household member who needs a second bedroom.

31.8 **Procedure**:

31.9 This will be automatically worked out by the Devon Home Choice IT system**.** This may be verified by the local authority before activating the application, e.g. by a home visit or checking other data sources (such as Council Tax records etc.).

31.10 The overcrowding must be verified by the landlord at the offer stage.

## 32. Children under 8 on or above the 4th floor (Band C)

32.1 Applicant's whose household includes a child under the age of eight, and whose home is on or above the fourth floor will have their application placed in the Medium housing need band (C). 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.

32.2 **Procedure**:

32.3 This will be automatically worked out by the Devon Home Choice IT system

32.4 The fact that an application has been placed in Band C for this reason will need to be verified by the landlord if they are considering an applicant for a home.

32.5 Applicants who are pregnant and living above the 3rd floor will also have their applications placed in Band C under this category. This will need to be done manually by overriding the Band as this will not be calculated automatically by the system.

## 33. Medium Health & Wellbeing (Band C)

33.1 See below – Health & Wellbeing Section

## 34. Members or former members of the armed forces in urgent housing need (Band C)

34.1 Applicants in the following categories of person who would otherwise have had their application placed in Band D:

(i) 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) formerly served in the regular forces,

(iii) 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) 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.

34.2 **Procedure**

34.3 Local authorities will need to set the 'Member of armed forces in housing need' field in the Housing Need Criteria section to Yes for applications from households in the categories above who would otherwise have their application placed in Band D.

34.4 The Ministry of Defence launched a Veterans ID Card on 18 February 2019. This card will provide proof that someone has served in UK Armed Forces.

34.5 However, the card will not be held by all Veterans as it is being rolled out in tranches between 18 February 2019 and the end of 2019, and some genuine Veterans may not have the capacity to apply for one. Therefore, please do not take the absence of a Veterans ID card as proof that a person is not a Veteran. Instead, local authorities should continue to use their existing processes to verify an applicant's Veteran status.

34.6 More information on the Veterans card can be found at: https://www.gov.uk/government/news/new-veterans-id-cards-rolled-out-to-service-leavers

## 35. Moves for Work (Band C)

35.1 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

35.2 **Procedure**

35.3 Local authorities will need to manually update applications that fall into this category. This is done by setting the 'Moves for Work' field in the Housing Need Criteria section to Yes.

## 36. No Permanent Home (Band D)

36.1 This category includes households who are homeless (as set out in Part 7 of the Housing Act 1996). 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). Please note that this includes those households who have income or capital above the Devon Home Choice financial limits
- 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).
- 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.

36.2 Where a household has applied to a Devon local authority as homeless their application will be placed in the Low housing need band (Band D) whilst the local authority completes their investigations, unless their circumstances would place

them in a higher band. For example if the applicant had been assessed as having a medium health/ wellbeing need they would be placed in the Medium housing need band (Band C).

36.3 Applicants who genuinely cannot afford their current accommodation will have their application placed in band D under this category if there is a real threat of homelessness, unless a homelessness duty would be owed by a Devon local authority, in which case their application would be placed in band B under prevention of homelessness.

36.4 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.

36.5 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.

## 37. Shared facilities (toilet, bath, shower or kitchen) (Band D)

37.1 Where an applicant has accommodation but shares a toilet, bath, shower or kitchen with other people who are not part of their application, their application will be placed in the Low Housing Need band (Band D).

37.2 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.

37.3 This will be automatically worked out by the Devon Home Choice IT system.

37.4 This should be verified by the landlord if the applicant is being considered for a property.

## 38. Local Priority (Band D)

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

38.2 Teignbridge District Council 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.

38.3 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.

## 39. Households who have been assessed as having deliberately worsened their circumstances (Band D)

39.1 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).

39.2 This decision will be reviewed after 12 months. The application will then be placed in the appropriate band (e.g. if a household is overcrowded their application will be placed in Band B or Band C), and the Band Start Date reset.

39.3 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
- Households who move relatives in with them and make themselves overcrowded as a result (unless there are exceptional reasons).

39.4 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.

39.5 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.

## 40. Housing Defects

40.1 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.

40.2 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 ensure that the defects are remedied and this will involve contacting the landlord and/or agent.

40.3 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)

40.4 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.

40.5 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.

40.6 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.
- Band B cases for High disrepair will be reviewed every 3 months. In cases where the applicant is preventing the repairs being carried out the priority will be withdrawn

40.7 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.

40.8 Caravans, boats, buses etc.

40.9 The Private Sector Housing Group has agreed that applicants living in caravans, boats, buses etc. should be dealt with on a case by case basis. Initially applications should be placed in Band D for no permanent home, but any that are more serious (e.g. due to disrepair and the impact on the applicant's health and wellbeing etc.) should be assessed by local authority Environmental Health and Housing teams to determine the appropriate Band.

## 41. Health & Wellbeing

41.1 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.

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

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

41.3 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[5]
- Homeless households who have been provided with temporary accommodation[6]
- 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

41.4 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). Applicants who need an adapted home and are currently living in a home without adaptations but have applied to have these funded should have an alert placed on their application to make this clear. Any priority would only apply to properties with the required adaptations (or where the required adaptations can be made within an appropriate timescale), and would be removed if the adaptations are made to the applicant's current home

41.5 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.

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[5] 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.

[6] Any health and wellbeing issues arising from temporary accommodation provided by a Devon local authority should be challenged on the suitability of the accommodation

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

41.7 Each local authority, working together with partner agencies, will use the Health and Wellbeing Assessment Framework (see Section 3.18 of the Devon Home Choice Policy) to assess 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.

41.8 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.

41.9 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.

41.10 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

41.11 In certain cases it may be agreed that an additional bedroom is required by the household (e.g. for carer or that a couple require separate bedrooms for medical reasons etc.). Please see below for details of the criteria used to assess whether an extra bedroom is required. 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.

41.12 Households who have previously provided medical evidence to confirm that they require separate bedrooms would need to provide updated evidence to confirm that they can share a room (e.g. if they now wish to share a bedroom).

41.13 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.

41.14 Applicants must inform their local authority housing team straight away of any changes in their circumstances, which mean that their health/welfare is further affected by their current housing. 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.

41.15 **Procedure:**

41.16 Where applicants have completed the online application form it will automatically open the health and wellbeing section if they indicate that their health and wellbeing is being affected by their current accommodation.

41.17 Local authorities will need to review any paper applications that are received. Where applicants have confirmed that their health and wellbeing is being affected by their current accommodation they should send the applicant a health and wellbeing form.

41.18 Local authorities will need to review the information provided by applicants on their health and wellbeing. The information should initially be reviewed to assess whether:

- Any additional information or evidence is required
- A Supporting Evidence form should be completed by a professional working with the applicant in order to provide further information (in some cases the applicant will themselves ask a professional that they are working with to complete the Supporting Evidence Form)

41.19 Please note that local authorities will accept existing OT assessments, care plans, PIP confirmation letters etc. rather than requiring that professionals complete a Supporting Evidence form

41.20 If local authorities need to obtain supporting evidence from a health professional they will require the consent form below to be signed by the applicant.

41.21 Local authorities should make it clear to applicants that they do not need to contact their GP directly about their Devon Home Choice application. Any contact with a GP should be made by the local authority managing the application.

41.22 Local authorities should not send the supporting evidence form to an applicant's GP, or encourage applicants to do this. Local authorities should instead send a secure email, with a scanned copy of the signed consent form, to the admin email address of the relevant GP practice[7] requesting a 'brief patient summary', providing information on the patient's key conditions and medication, and that the GP confirm how the patient's health & wellbeing is affected by their current home.

41.23 It should be noted that GPs may still charge patients to respond to these requests, but the cost should be much lower than the cost of a GP completing the supporting evidence form. It is confirmed on consent form, the health and wellbeing form and the supporting evidence form that the Devon Home Choice partners will not make any payment for the supporting evidence form to be completed. Local authorities should confirm in the emails sent to GPs that any costs will need to be met by the applicant.

41.24 Once the local authority is satisfied that they have all of the required information, they will use the Health and Wellbeing Assessment Framework (see section 3.18 of the policy) to assess the application and determine the appropriate banding for the application.

41.25 Local authority housing officers will assess health and wellbeing applications where these are felt to be straightforward and fit easily with the health and wellbeing assessment framework. Any applications that are placed in Band A or Band B should be signed off by a Manager within the team.

[7] A GPs personal email address should **not** be used

41.26 Local authorities should identify any complex or high priority cases where they would like specialist input. Such cases should be put to the network of multi-agency panels across the county.

41.27 The panels will provide assessments on cases referred by housing officers.

41.28 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.

41.29 Panels could include representatives from the following:

- Mental Health services
- Learning Disability teams
- Occupational Therapy
- Health Visitors
- Addiction Services

41.30 Local authorities referring cases to a health and wellbeing panel should complete the following form to confirm what information the panel has considered. The completed form should be provided to members of the health and wellbeing panel and also attached to the application.

41.31 Local authorities will aim to notify the applicant within 20 working days of the receipt of all of the required information. It is recognised that some cases may take longer, for example if a case needs to be considered by a panel that isn't due to meet within the next 20 working days. In such cases local authorities will provide the applicant with the likely timescale in which an assessment will be made.

41.32 Where health and wellbeing priority is provided due to an applicant's need to move to provide or receive support, the local authority managing the application will confirm the details in an alert. Applicants should only be considered for homes that will meet their housing need (e.g. they are moving close to the person who needs or will provide support). Offers should not be made where the move does not meet their housing need (e.g. they are not moving close to the person who needs or will provide support).

41.33 To be awarded an additional bedroom the applicant must be entitled to the middle or higher rate care component of Disability Living Allowance, and must provide evidence from a secondary care health professional (e.g. Mental Health Services or consultant level) to confirm that they 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.

- 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.

41.34 If a child is disabled and can't share a bedroom with another child because of their disability. The following conditions must be met:

- The disabled child must be entitled to the middle or higher rate care component of Disability Living Allowance, and
- 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.

41.35 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.

41.36 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.

**Devon Home Choice**
**Consent for obtaining information from health professionals**

I give permission to the Devon Home Choice partners to:

- Contact any of the health professionals (e.g. my GP or specialist) I have named on my application

- Obtain details of my medical reports from my GP or named specialist. The local authority managing my application may request a 'brief patient summary' from my GP, providing information on my, or my child's, key conditions and medication. My GP will be asked for their view on how my, or my child's, health & wellbeing is affected by our current home

- Seek additional information from other agencies if their advice is considered necessary.

I wish / do not wish (delete as applicable) to see the report before my GP or named specialist passes it to the local authority managing my Devon Home Choice application.

I understand that I am responsible for any charges my GP surgery or named specialist may charge for this report. I will liaise with my GP surgery or named specialist to confirm my understanding of these charges prior to the report being written. I understand that the Devon Home Choice partners will not make any payment for information to be provided.

I understand that I do not need to contact my GP directly about my Devon Home Choice application. Any contact with my GP will be made by the local authority managing my application.

Name: _____

Signed: _____

Relationship to main applicant (if applicable): _____

Date: _____

If you are completing this form on behalf of someone else do you have a Power of Attorney to act on their behalf? Yes/ No

**Devon Home Choice**
**Procedures Manual version 7.0 (January 2020)**
**Devon Home Choice**
**Health & Wellbeing Panel Referral Form**

**Name of applicant:** _____

**Application no:** _____

**Band:** _____ **Bed Need:** _____

**Other household members (relationship, age & sex):** _____

**Mobility category:** _____

**Current accommodation (type & no. of bedrooms):** _____

**Tenure:** _____

**Checklist of information provided to health & wellbeing panel:**

| | **Please tick all that apply:** | **Please provide any other detail (e.g. confirmation if more than one Supporting Evidence form provided and who these are from, details of letters considered etc.)** |
|---|---|---|
| Health & Wellbeing form | | |
| Supporting Evidence form | | |
| Letters | | |
| Other information | | |

41.37 The local authority managing the application is responsible for keeping a record of the decision made by the health and wellbeing panel. This should include the reasons for this decision. The local authority should also record whether panel members considered any additional information (e.g. if they had access to the full application). This information should be attached to the application.

41.38 Applicants should be 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.

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

- The local authority or landlord will acknowledge the review request within 7 days.
- 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

41.40 Following the review, the applicant will be informed in writing of the outcome together with the reasons for the decision.

41.41 If an applicant is dissatisfied of with the merits of a decision on review they are advised to seek advice from a solicitor or the Citizens Advice Bureau etc.

## 42. No local connection to Devon

42.1 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

42.2 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.

42.3 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 is 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)

42.4 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.

42.5 To demonstrate a local connection (defined in Part VII of the Housing Act 1996) with Devon applicants will:

42.6 **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.

42.7 **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[8].

42.8 **Have family connections in Devon**: Reflecting the Local Government Association guidelines this is normally defined as the applicant, or a member of their household has parents, adult children or brothers or sisters who have been resident in Devon for at least 5 years. Only in exceptional circumstances would the residence of relatives other than those listed above be taken to establish a local connection, but the circumstances may be sufficient and all cases will be considered individually.

42.9 **Have special circumstances for moving to Devon:** Because of particular special needs some applicants should be assessed as having a local connection to Devon because of a particular need to move to Devon. For example this may be because they have a specific medical condition and the only/ most appropriate treatment available is based in Devon.

42.10 Applicants will be required to provide proof of their local connection to Devon before their banding is assessed.

[8] For applicants who are self-employed or on zero hours contracts an assessment will be made of whether they have been working an average of 16 hours a week for the last 6 months based on submission of 6/12 months payslips

42.11 Cases where someone has moved to Devon for drug or alcohol rehabilitation and have been staying for 6 months or more will need to be assessed on an individual basis to determine whether they should be awarded a local connection to Devon. Whilst there is no clear rule, it is likely that unless the applicant has selected a rehabilitation venue in Devon because they intend to live here afterwards that they will not gain a local connection to Devon.

42.12 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.

42.13 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 above but subject to what follows below.

42.14 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

42.15 For the avoidance of doubt, there is no timescale applied to households in categories (b) and (c) above. Households in category (b), bereaved spouses and civil partners of members of the Armed Forces, will be exempt from any local connection criteria so long as they are applying from services family accommodation. However the local connection criteria will apply if they have left this accommodation and are applying from a new home (e.g. they left services accommodation and are applying from private rented accommodation). Households in category (c), serving or former members of the Reserve Forces who need to move because of a serious injury etc. will always be exempt from the local connection criteria.

42.16 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.

42.17 The local connection to Devon criteria will not therefore be applied to any households set out 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.

42.18 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

42.19 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.

42.20 Care Leavers[9] 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.

42.21 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.

42.22 **Procedure**:

42.23 In order to assess whether an applicant has a local connection to Devon the local housing team should:

42.24 **Examine the applicant's address history**.

They will be deemed to have a local connection Devon if this demonstrates that they have been resident in Devon for the previous 6 months, or, 3 out of the previous 5 years.

42.25 **Assess any evidence provided with the application**.

[9] 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

If an applicant has indicated that they have a local connection to Devon through either work or family connections they will need to have provided evidence to prove this. This evidence must be provided before their application can be processed.

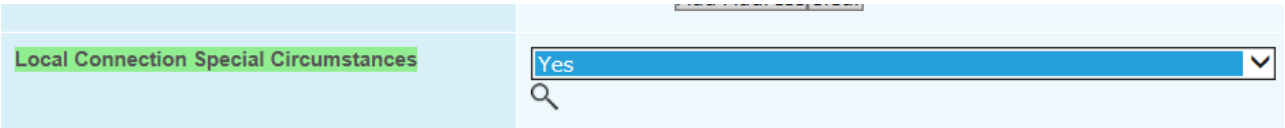
42.26 Where this evidence demonstrates that an application has a local connection to Devon their application will be assessed in line with the banding policy set out above.

42.27 Where an applicant cannot demonstrate a local connection to Devon ensure that the 4 local connection fields are set to 'No' in the Back Office.

42.28 This will ensure that their application is placed in the Low housing need band (D) if they are assessed as having a housing need (whether this be high, medium or low need). **Please note:** Any other housing needs should be recorded on the Back Office. These will be overridden by the lack of local connection.

42.29 Applicants with no local connection whose application is assessed as being in the No housing need band (E) are treated in the same way as applicants with local connection (e.g. their application is placed in the No housing need band, or will not be registered if applying to a local authority that does not register applicants with no housing need).

42.30 The exception will be those applicants who: are tenants of Devon Home Choice partner landlords who have no local connection to Devon; have served in the armed forces within the last 5 years (see above); or who need to move for work (see above). In such cases the local connection to Devon criteria shall not be applicable. The applicant will have their application placed in the band determined by their housing needs, in the same way as applicants with a local connection to Devon. This should be recorded on the Devon Home Choice IT system by indicating that the tenant has other special reasons for living in Devon (see screenshot below)



## 43. No housing need band (E)

43.1 Applicants who are assessed as having no housing need will have their application placed in the No housing need band (E). This will 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)

43.2 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).

43.3 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.

43.4 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.

43.5 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.

43.6 All existing Band E applications managed by Teignbridge District Council and Torbay Council were closed on 27 May 2014.

43.7 All existing Band E applications managed by Exeter City Council were closed on 1 July 2016.

43.8 **Procedure:**

43.9 This will be automatically worked out by the Devon Home Choice IT system

43.10 On 19 September 2012 the Devon Home Choice application form was amended. A new Section 1 was created incorporating questions to establish whether an applicant was in one of the reasonable preference categories. If applicants answer 'No' to all of the questions in Section 1, when they submit their application it will be placed in Band E and automatically made active.

## 44. Households with more than 1 need

44.1 Where an applicant is assessed as having only 1 need they will be placed in the band that this relates to. No additional priority will be provided if a household has 2 or more needs from the same band.

## 45. Band Start Date

45.1 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.

45.2 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.

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

45.4 **Applicants whose housing need and/or circumstances changes**

45.5 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 as (see also Section 3.15). The band start date reflects how long they have had the higher level of housing need.

45.6 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.

45.7 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.

45.8 **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.**

45.9 During the Prevention and Relief stages of the Homelessness Reduction Act 2017 The band start date will be the date the applicant was first owed the relief duty under the Homelessness Reduction Act 2017.

45.10 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.

45.11 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.

45.12 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.

45.13 **Move on applicants (from Supported Housing):**

45.14 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[10] 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.

45.15 **Young people leaving care**

45.16 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 16th 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'

[10] 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.

## 46. Tenants of Partner Landlords on Fixed Term Tenancies

46.1 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.

## 47. Pets

47.1 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.

47.2 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.

## 48. Supporting Vulnerable Applicants

48.1 There are many benefits of Devon Home Choice to people seeking a home, but it does require them to be proactive. People will need to:

- Find information on available homes
- Choose between homes
- Bid for homes

48.2 Evidence from some of the early Choice Based Letting schemes found that vulnerable applicants[11] (for example older people or people with mental health problems) could lose out.

48.3 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 due to mental distress, it can be ongoing or can increase over time.

48.4 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 of the Devon Home Choice policy.

[11] 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.

48.5 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 below.

48.6 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.

48.7 Devon Home Choice must comply with a range of legislation. This includes the following legislation designed to ensure equal opportunities:

- The Equality Act 2010
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018

48.8 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

48.9 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.

48.10 **Procedure**

48.11 A range of solutions are set out below to address the potential barriers identified in the Devon Home Choice policy.

48.12 **Providing Information**

48.13 If the applicant has indicated specific communication needs these should be recorded and detailed in the Alert field. The local authority should ensure that all information is provided in the correct format.

48.14 We will ensure that any information produced (for example the Devon Home Choice Guide and any leaflets) is easy to read and available in different formats. These will include:

- Large print
- Braille
- Audio tapes
- Easy Read
- DVD

48.15 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.

48.16 We will therefore need to work closely with 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.

48.17 **Completing the application form**

48.18 People can apply to join the Devon Home Choice register:

- online
- by completing the paper application form.

48.19 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.

48.20 Applicants should be asked if they would like any support to complete the application form. The application form will be available in different formats, for example large print and Braille upon request.

48.21 **Participating in Devon Home Choice**

48.22 The application form includes a question on whether people need any support to participate in Devon Home Choice.

48.23 Local authorities should use the responses to this question to identify applicants who may need support to participate in Devon Home Choice, and to ensure that they are meeting the needs of such applicants.

48.24 **Information on available homes**

48.25 Homes will be 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 on the Devon Home Choice website
- On newsletters that are distributed across Devon. Details of where freesheets can be collected are available from local authority housing teams

48.26 Personalised information will be sent to applicants who have been identified as vulnerable and who are in either the Emergency housing need (Band A), High housing need (Band B) and Medium housing need (Band C) bands.

48.27 Local authorities will also email or send out details of the available homes to partner agencies working with vulnerable people in their area.

48.28 **Bidding for homes**

48.29 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 person's application reference number and their consent to make a bid[12].

48.30 People who are unable to bid will be offered the opportunity for bids to be placed automatically on homes they are eligible for. These people 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[13]
- Representation from an agency.

48.31 Please see the Autobid section below for further information.

48.32 Local authorities will monitor those applicants in the high priority bands and/ or who are vulnerable who are not bidding. It is good practice for local authorities to contact these applicants to find out:

- Why they are not bidding
- Whether they understand how the scheme works
- Whether they require any support to participate

48.33 Appropriate measures should be put in place to enable to bid where required.

48.34 Local authority staff will be available to explain to people 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.

48.35 **Decision making**

48.36 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 a person's own choices.

48.37 Feedback on homes that have been let through Devon Home Choice is available to applicants who login to the Devon Home Choice website. This will include:

- The band of the successful applicant,
- How long they'd been on the housing register (or in that band)
- The number of bids received for the property.

48.38 One of the clear benefits of choice based letting is that applicants can use this feedback to make informed decisions on whether to bid or accept a property.

[12] 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 ProtectionRegulation (Regulation (EU) 2016/679) and Data Protection Act 2018.

[13] 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).

48.39 Research has shown that the support most widely called for by applicants, community and voluntary groups is personalised feedback explaining the outcomes of bids. This will be available through the Devon Home Choice website

48.40 Anyone who has come up on more than one shortlist at the same time will normally be expected to make a decision as to which, if any, property they want to be considered for within 24 hours. Where an applicant requires additional support or time to make such a decision this will be offered by council and/ or housing association, or a support agency.

48.41 Where an applicant has 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.

48.42 **Housing Options advice**

48.43 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.

48.44 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 councils 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.

48.45 **Review of the Devon Home Choice register**

48.46 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.

48.47 If an applicant not identified as being vulnerable does not reply to a review 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.

48.48 **Please note:** Where applicants who have been identified as vulnerable do not reply to a review request, 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.

48.49 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.

48.50 **Partnership working**

48.51 A range of statutory and voluntary agencies work with people who need support to take part in Devon Home Choice.

48.52 Councils will monitor the housing register to identify those people who, given their priority within Devon Home Choice, may soon be nominated 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 someone to take up an offer of housing. This will require close partnership working between local authorities, housing associations and partner agencies.

48.53 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 people they work with to participate. It will be important that we 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 people to participate
- That understanding of the scheme is not lost with changes in staff
- That the scheme is developed taking on the views of people who may require support to participate and the agencies who work with them

48.54 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 people to participate in Devon Home Choice. However it is only through an open and honest discussion with partner agencies that this will become apparent. We will ask agencies whether they have the capacity and/ or are willing to assist people to participate in Devon Home Choice. Where this is not possible we will work to ensure that appropriate support is available.

48.55 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 people who may require support do not build unrealistic expectations that they will be successful, and that they are guided through all housing options.

48.56 **Training**

48.57 Partner agencies will provide ongoing training to ensure that staff in councils, housing associations and other partner organisations are:

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

48.58 **Monitoring**

48.59 Effective monitoring will be put into place and will be regularly reviewed to ensure that Devon Home Choice is accessible, and is working as fairly and effectively as possible.

48.60 The comprehensive monitoring system will include 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 stage or with bidding) and why, and how this support was provided;
- People 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 (for example they have been overly restrictive in the bids they have placed)
- How people have accessed information on available homes
- How people have bid for homes
- How long households who've been accepted as statutorily homeless take to move into permanent accommodation

## 49. Families involved with Social Services

49.1 The following procedure has been agreed to ensure that children or vulnerable families who are involved with Social Services are not placed at risk by being housed inappropriately.

49.2 **Procedure**

49.3 Where Social Services are involved with a family who are seeking a home through Devon Home Choice they will notify the local authority managing the family's housing application of their involvement (no explicit details need to be provided).

49.4 Social Services will provide a contact phone number and email address that will always be responded to quickly.

49.5 The local authority housing team will then put an alert on the family's housing application (including the contact details provided) for the landlord or local authority to contact Social Services before making an offer of accommodation to the family.

49.6 Social Services will confirm as soon as possible if they have any concerns about the suitability of the accommodation. It will not be possible for landlords or local authorities to delay any potential offers if Social Services do not respond within an appropriate timescale.

49.7 It is important to note that this process should be used for high level cases only, and is purely to consider suitability of accommodation rather than giving any additional preference to any particular households.

49.8 Please note that it was agreed that it would not be possible to introduce a blanket ban on young children being housed in flats above the ground floor given the impact this would have in some areas, particularly in Plymouth.

## 50. Financial Assessment

50.1 The Devon Home Choice policy states that council and housing association 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.

50.2 The resources available to each household will be assessed to determine whether they are sufficient to meet their housing need.

50.3 Applicants may be required to demonstrate that they can afford the rent on any prospective tenancy before being allowed to sign for it.

50.4 **Procedure**:

50.5 **Household Income**

50.6 If the applicant's household income is 6 times higher than the relevant LHA as at 1 April each year their application will normally be placed in the No housing need band (E) or will not be registered by those local authorities that do not register households with no housing need.

50.7 Local authorities should assess whether there are any exceptional circumstances that should be considered in applying a higher threshold. For example, that the applicant requires specialist accommodation that is only available at a premium on the open market due to mobility issues and/or health needs.

50.8 In working out an applicant's annual household income please include:

- Income from employment
- Income from self employment
- Pensions
- Benefits
- Interest from savings or investments
- Rent from property
- Any other forms of income (such as maintenance payments or grants)

50.9 Please do not deduct:

- Tax
- National Insurance
- Health Insurance payments
- Pension contributions

50.10 When considering gross household income the following types of income should be fully disregarded:

- Attendance Allowance
- Disability Living Allowance

50.11 The Local Housing Allowance rates as at 1 April for the 5 Broad Market Rental Areas in Devon will be circulated each year by the Devon Home Choice Coordinator, together with the associated annual income thresholds. (For information on Local Housing Allowance see: https://lha-direct.voa.gov.uk)

50.12 The table below provides the LHA rates for the 5 Broad Market Rental Areas for April 2019. The table below also details the levels of annual household income that is 6 times higher than the relevant LHA amount. If the applicants annual household income is above this level their application should be placed in the No housing

need band (E) or will not be registered by those local authorities that do not register households with no housing need.

| BRMA Name | 1 Bed Self Contained | 6 x Annual Income | 2 Beds | 6 x Annual Income |
|---|---|---|---|---|
| Exeter | £116.52 | **£36,354** | £141.24 | **£44,067** |
| Mid & East Devon | £96.96 | **£30,252** | £126.31 | **£39,409** |
| North Cornwall & Devon Borders | £93.23 | **£29,088** | £120.06 | **£37,459** |
| North Devon | £92.05 | **£28,720** | £115.07 | **£35,902** |
| Plymouth | £96.98 | **£30,258** | £122.36 | **£38,176** |
| South Devon | £96.91 | **£30,236** | £128.19 | **£39,995** |

| BRMA Name | 3 Beds | 6 x Annual Income | 4 Beds & above | 6 x Annual Income |
|---|---|---|---|---|
| Exeter | £164.79 | **£51,414** | £218.63 | **£68,213** |
| Mid & East Devon | £151.50 | **£47,268** | £192.28 | **£59,991** |
| North Cornwall & Devon Borders | £139.84 | **£43,630** | £173.04 | **£53,988** |
| North Devon | £138.08 | **£43,081** | £168.46 | **£52,560** |
| Plymouth | £145.43 | **£45,374** | £182.45 | **£56,924** |
| South Devon | £153.02 | **£47,742** | £192.24 | **£59,979** |

50.13 **Capital, Savings and Equity**

50.14 The capital, savings and equity available to a household should be assessed. If it is determined that the household can resolve their own housing need within their local housing market they will normally be placed in the No housing need band (E) or will not be registered by those local authorities that 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)

50.15 Savings and investments include bank and building society accounts, stocks and shares, unit trusts, National Savings etc.

50.16 An exemption from the financial assessment will apply if the applicant(s) is a tenant of a partner landlord in Devon Home Choice.

50.17 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

50.18 Partner social landlords within Devon Home Choice have different policies relating to 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.

50.19 **Unsecured debts** will not be taken into account as part of the financial assessment (e.g. an applicant will not be able to offset any capital, savings or

equity they have against unsecured debts), unless there are exceptional circumstances.

50.20 **Owner occupiers:** 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.

50.21 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. Examples include:

- 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.
- Victims of domestic abuse who have resources tied up in a joint home or joint savings etc. but cannot access them despite taking reasonable steps to do so.

50.22 Having reviewed the case and provided housing options advice if the local authority determines that there is no option for an owner occupier but to apply for social housing the equity available to an applicant should then be assessed.

50.23 The current value of any property declared in either of the questions should be checked on a website such as www.zoopla.co.uk or www.nethouseprices.com

50.24 As a guide when assessing each case local authorities should consider the threshold provided below in determining whether a household can resolve their own housing need within their local housing market. Please note that this threshold includes all the assets (e.g. savings, equity etc.) available to the household.

50.25 The threshold for general needs housing is £16,000. This is based on the amounts allowed for capital, savings and equity used for benefit calculations.

50.26 Higher thresholds have been set for sheltered applicants given the costs of such accommodation on the open market. Where appropriate local authorities will put a note on the Alert field to clarify that a household's banding only applies to sheltered housing because they have resources above the guidance threshold for general needs housing (but below the guidance threshold for sheltered accommodation)

50.27 The Guidance thresholds will be reviewed annually.

| Size of home required | Guidance threshold | Guidance threshold (Sheltered) |
|---|---|---|
| 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 | £16,000 | n/a |
| 4 Bed | £16,000 | n/a |

| | | |
|---|---|---|
| 5 Bed | £16,000 | n/a |

## 51. Notification

51.1 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.

51.2 If the applicant has provided all the information required (including any proof/ evidence etc.), the local authority managing the application will confirm their decision within 20 working days of the receipt of their application form.

51.3 This will include whether the application has been made active or has been rejected (e.g. if the applicant is assessed to have no housing need and has applied to Exeter, Teignbridge or Torbay as detailed above). If made active the local authority will confirm:

- The Band in which their application has been placed and brief details of why this decision has been made
- The size of property that they are eligible for
- Their Band Start Date
- A unique reference number
- The type of home they have been assessed as needing, given any mobility issues
- Details of how to log onto the Devon Home Choice website
- 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
- Clarification that if the applicant accrues rent arrears or undertakes anti-social behaviour after registering with Devon Home Choice they may be bypassed for a home that they successfully bid for

## 52. Change of circumstances

52.1 It is an applicant's responsibility to notify the local authority managing their application of a change in circumstance.

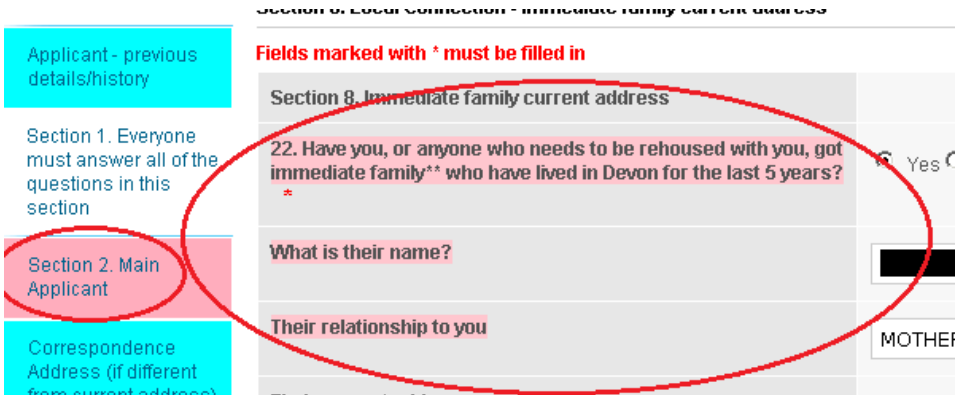
52.2 **Procedure**

52.3 Applicants should, wherever possible and appropriate, be encouraged to do confirm any changes in their circumstances online. This can be done by applicants by clicking on the 'Update your application' link on the Devon Home Choice website. This will open the Change of Circumstances (COC) form, where applicants can review and update their application (once they've provided their login details).

52.4 Once the applicant has submitted their application it will be shown on the All Applications screen in the 'COC Form'/ 'Unassigned' folder.

52.5 The application will be Suspended until any changes made are reviewed and the application made active by the relevant local authority. Staff should ensure that they click 'Reset Eligibility' so that any changes to the Band or Bedroom need are calculated and transferred to the CBL system.

52.6 Any Sections that contain fields which have been amended by the application will be marked in pink (see the screenshot below). Similarly, within each Section the fields that the applicant has updated will also be highlighted in pink (see below).




52.7 The changes should be reviewed to assess whether:

- Any additional information/ evidence is required
- The housing need criteria (which will determine the application's band) need to be updated

52.8 **If the applicant's bed need and/or band (and band start date) has changed as a result of a change in their circumstances a letter should be sent to confirm this**

## 53. Renewals

53.1 The Devon Home Choice Policy states that local authorities in Devon will review 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.

### 53.2 Procedure

53.3 The Renewals Module on the Housing Register system enables local authorities to undertake an annual review of applications.

53.4 Applications picked up by the renewals process are those that have reached the anniversary of their submission date or last renewal date, whichever is the most recent. Please note that the last renewal date is updated if an applicant completes a Change of Circumstances form (COC).

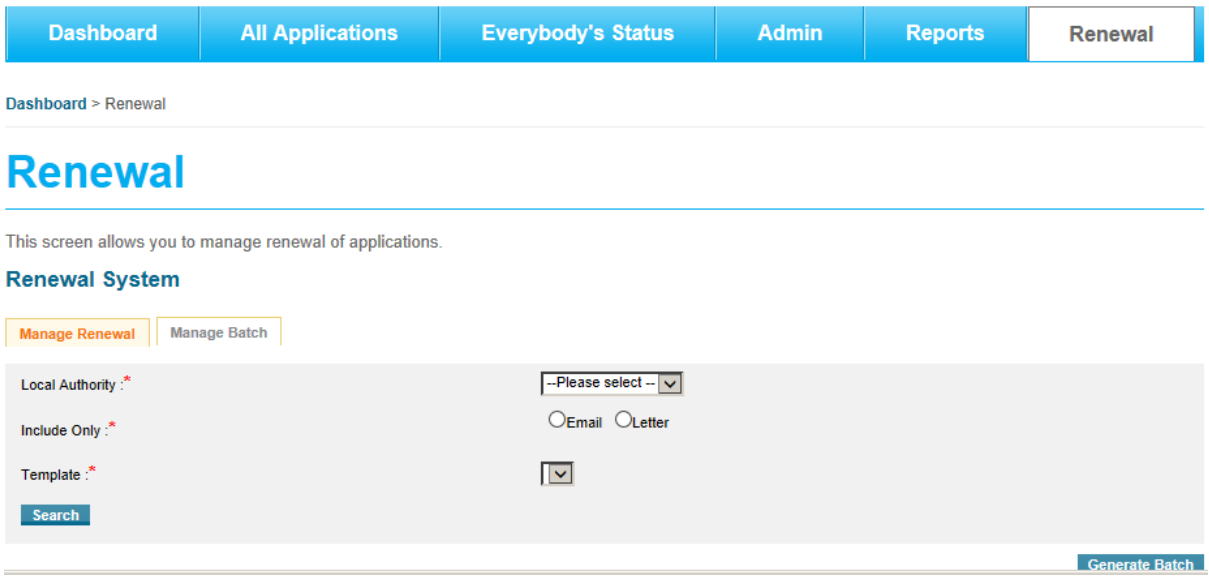
53.5 Applications that come up for renewal are emailed or sent a letter requesting that they review their application using the COC form. Where an applicant reviews their application but makes no changes their application will remain Active, and won't need to be reviewed by LA staff.

53.6 Renewals are created in batches. The aim is to allow easy management of groups of applications that are due for renewal.

53.7 If an applicant does not complete the CoC process within 21 days, their application will be cancelled.

### 53.8 Renewals Section

53.9 Click on the Renewals tab on the main menu of the Housing Register (HR).



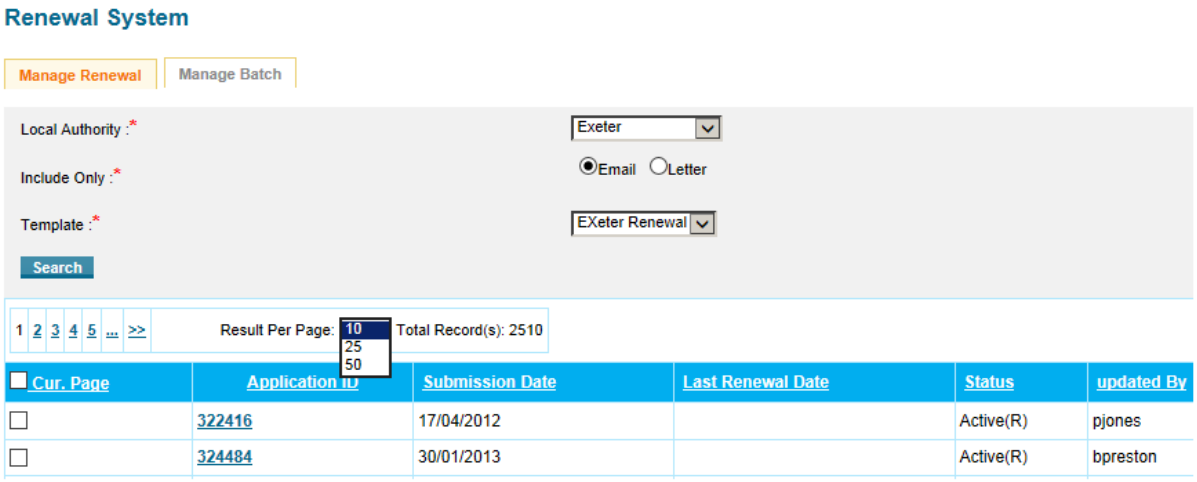
## 53.10 Generating a batch of applications for renewal

53.11 When you click on the Renewal tab, the Manage Renewal screen is displayed.

53.12 To create a batch of applications for renewal:

- Select the relevant LA
- Then select whether you want to include applications that:
  - Have provided an email address and confirmed that email is their preferred method of contact, or
  - Applicants who have not provided an email address or have confirmed that letter is their preferred method of contact
- Select the relevant email or letter template (e.g. the initial renewal or reminder email/ letter)
- Click Search

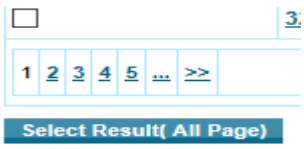
53.13 10 applications are shown per page by default but this can easily be changed by amending the 'Result per page' to 25 or 50.



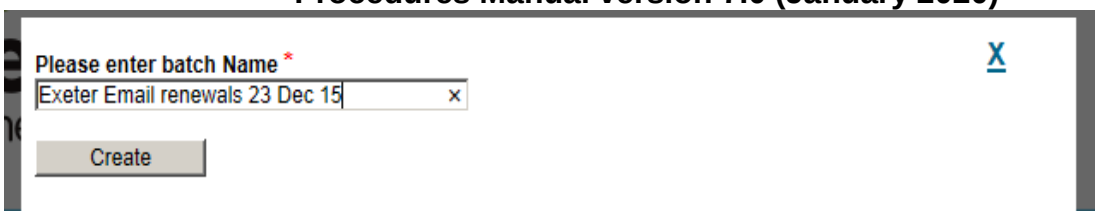

53.14 Applications to be included in a batch can be selected by ticking the box to the left of the Application ID. Ticking the box in the column header will select all applications shown on that page.

53.15 Please note that up to 200 applications can be included in a batch. This can be done by selecting all applications on a page and then clicking onto the next page and so on.

53.16 If there are less than 200 applications that are due for renewal they can all be selected by clicking the 'Select Result (All Page)' at the bottom of the screen.




53.17 Then click 'Generate Batch', and enter a name for the batch.




53.18 The system will then either:

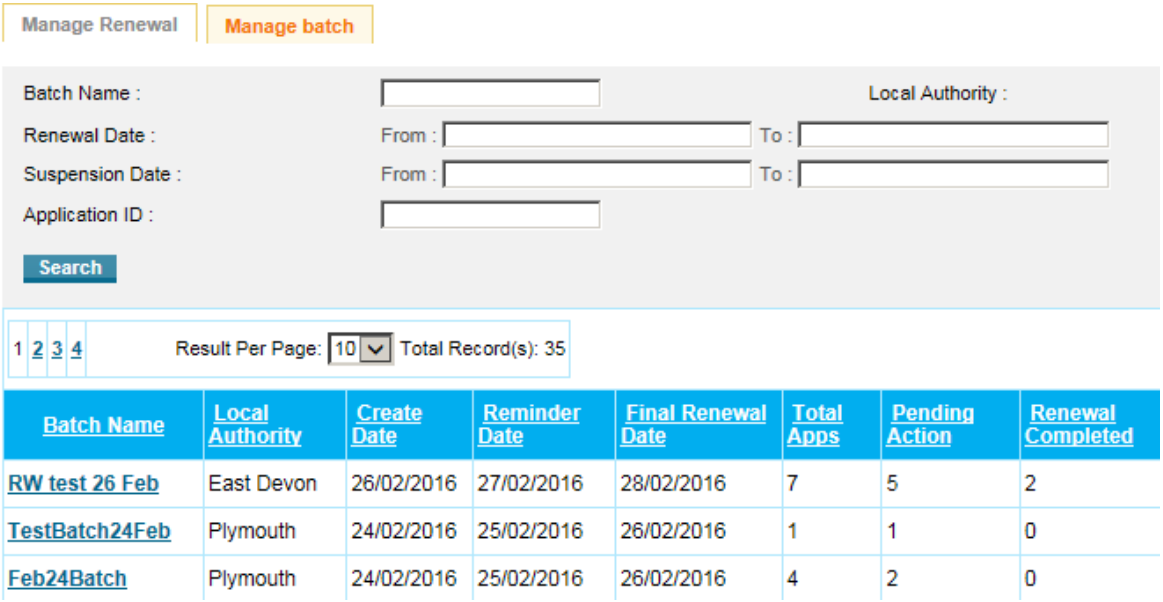
- (Email Renewals) Send the renewal email template selected to all applicants. A record of emails sent will be shown on the 'View Mail History' screen of the application. Please note that emails are sent overnight and so won't be shown on the 'View Mail History' screen until the next day.
- (Letter Renewals) Generate a bulk letter (one PDF document that contains letters for every application in the batch) that can be printed. A copy of the each letter is saved against the relevant Application under 'Letters'

53.19 A Note is added to Applications to confirm that the renewal process has started and that the initial or reminder email/ letter has been sent.

53.20 **Manage Batch Page**

53.21 The Manage Batch screen enables users to search for a batch, or for a specific application e.g. to send a reminder email/ letter or cancel applications.

53.22 Clicking on the column headings will order the batches by date (e.g. clicking once will order the batches from earliest to latest). This will enable staff to monitor applications which have reached their Reminder Date or Final Renewal Date and so either need a reminder sent or need to be cancelled.



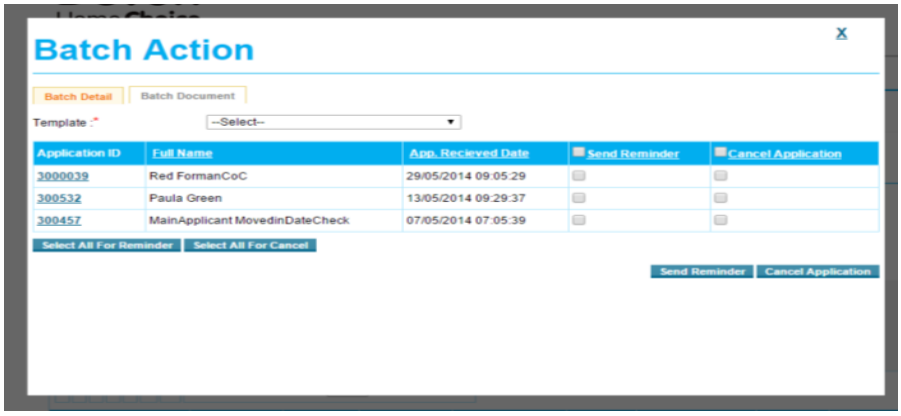

| Batch Name | Local Authority | Create Date | Reminder Date | Final Renewal Date | Total Apps | Pending Action | Renewal Completed |
|---|---|---|---|---|---|---|---|
| RW test 26 Feb | East Devon | 26/02/2016 | 27/02/2016 | 28/02/2016 | 7 | 5 | 2 |
| TestBatch24Feb | Plymouth | 24/02/2016 | 25/02/2016 | 26/02/2016 | 1 | 1 | 0 |
| Feb24Batch | Plymouth | 24/02/2016 | 25/02/2016 | 26/02/2016 | 4 | 2 | 0 |

53.23 The 'Renewals Competed' column shows the number of applicants that have either submitted a COC form or where the renewal process has been completed in the Back Office by staff updating the Last Renewal Date (see below).

53.24 The 'Pending Action' column shows the number of applications in the batch that are yet to submit a COC form, or have the renewal process completed in the Back Office by staff.

53.25 For batches such as 'Feb24Batch' in the screenshot above the difference between the number of applications in the batch, and the numbers shown that are pending action or completed are due to applications that are cancelled during the renewals process. For example in the 'Feb24Batch' above of 4 applications, 2 have been cancelled and 2 are still to submit a COC.

53.26 Selecting the batch opens up the Batch Actions window:

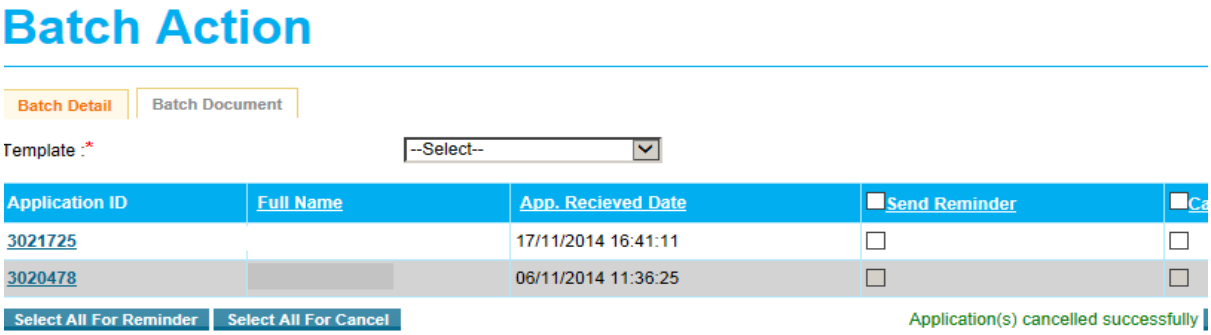



53.27 From here, users can select all, or specific applications to send a reminder to, or to cancel.

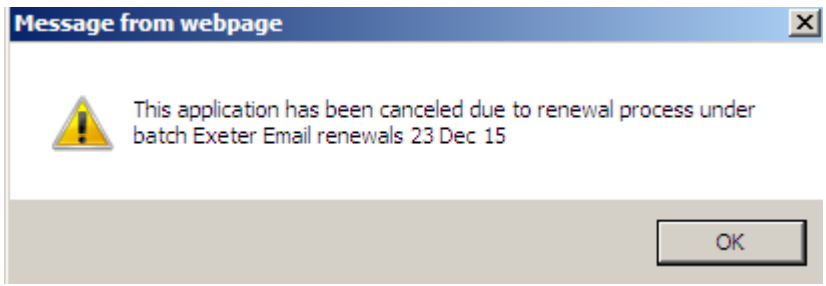
53.28 A letter or email is produced depending on the template chosen. The email or letter is saved against the application, and a note added to the application.

53.29 Applications that have completed the Renewals process will appear as a greyed out (disabled) row and will not be selectable or affected by actions in this window.

53.30 Cancelling applications requires confirmation of the action, and applications are then greyed out.




53.31 If an application has been cancelled due to the renewals process, an Alert will appear whenever the application is opened.




53.32 **Application Overview Screen**

53.33 The Application Overview screen includes four fields – Last Renewal Date, Batch Reference, Renewal Letter Generation date (the date the initial renewal email or letter was sent), and Renewal Reminder Sent (the date the reminder renewal email or letter was sent).

| | | | |
|---|---|---|---|
| Applicant Name: | **Test Example** | Application Submitted Date: | 22/12/2015 |
| Application Active Date: | **23/12/2015 10:03:29** | Band Start Date: | 15/12/2014 |
| Application ID: | **207200** | Verifier Email: | rupert.warr |
| Applicant Ownership: | **Rupert Warren** | Reason for change: | --Please Se |
| Application Category: | General | Application Mobility: | General Ne |
| Household Composition: | single plus 1 child | Borough: | **East Devon** |
| Last renewal Date: | 15/12/2014 12:41:30 Save | Batch reference: | |
| Renewals comm generation date: | | Renewal Reminder Communication Sent: | |

53.34 **Renewal Process**

53.35 Applicants are sent an email or letter requesting that they review their application using the COC form.

53.36 If an applicant updates their application using the COC form, the application will be shown as Unassigned in the COC folder as for any other applications that have been updated by applicants.

53.37 Where an applicant reviews their application but makes no changes their application will remain Active, and won't need to be reviewed by LA staff.

53.38 When an applicant starts the COC process their application will move into the 'Inprogress COC' state, and they will be suspended from bidding.

53.39 **Completing the Renewal Process from the Back Office**

53.40 Staff can complete the renewal process on behalf of an applicant if there are no changes to their application by setting the Last Renewal Date to the current date and clicking 'Update Overview'.

| | | | |
|---|---|---|---|
| Last renewal Date: | 27/02/2018 11:13:26 | | |
| Identity Check: | | | |

Update Overview

53.41 **Applicants who respond after their application has been Cancelled**

53.42 If an applicant updates their application within 13 weeks of it being Cancelled as part of the renewal process the original band start date will be retained. If an

applicant updates their application over 13 weeks after their application has been cancelled a new band start date will be applied, unless there are exceptional circumstances.

53.43 **Audit**

53.44 The Audit process on the Application Progress screen captures all renewal actions.

Application Progress

Filter Events: Renewal audit

Renewal audit

| Audit Date | Communication Mode | Renewal Action | Audit By | AuditLog |
|---|---|---|---|---|
| 11/11/2015 17:22:06 | Letter | Cancel | christest | This application has sent Letter successufully. |
| 11/11/2015 16:54:43 | Letter | Reminder | christest | This application has sent Letter successufully. |
| 11/11/2015 16:47:41 | Letter | Renewal | christest | This application has sent Letter successufully. |

Back to Application Overview Close

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## 54. Advertising

54.1 Homes are advertised on a weekly cycle. Within the cycle, homes are advertised for 6 days, from 12.00 a.m. on Wednesday to 11.59 p.m. the following Monday.

54.2 Homes are advertised:

- Online at the Devon Home Choice website
- On the Devon Home Choice Smartphone App, which is available to download on the Devon Home Choice website
- In newsletters that are distributed across Devon
- In newsletters that are sent to applicants who have been identified as vulnerable and who are in either the Emergency housing need (Band A), High housing need (Band B) and Medium housing need (Band C) bands.

54.3 **Procedure**

54.4 To advertise a property, partner landlords need to access the Devon Home Choice CBL system and input the details of the property as set out in the Devon Home Choice training guide.

54.5 All details of available homes must be input onto the Devon Home Choice IT system by Monday at 5 p.m. for it to be included in the next advertising cycle.

54.6 **Verification of adverts by local authority**

54.7 Local authorities will review adverts for properties in their area by 2 p.m. on Tuesday. This will ensure that any local conditions (such as local Allocation policies, Section 106 agreements etc.) are complied with. This will include checking that there is at least 1 photo shown for the property.

54.8 The local authority will then confirm that the advert is ready to advertise by completing the ‘Prepare Bidding Process’ to confirm the Bid opening and closing dates (see the Devon Home Choice training guide for details). Once this has been done the property status will change to ‘Bidding not started’, until the start of the letting cycle when it will change to ‘Bidding current’.

## 55. Withdrawal of properties

55.1 If adverts are withdrawn prior to the end of the letting cycle landlords should contact the top 10 bidders as a minimum.

55.2 If the property is withdrawn after the cycle has closed then it is only necessary for the landlord to contact the top bidder.

55.3 If the advert is for landlords who do not do their own shortlisting the contact will be made by the LA.

55.4 If a landlord or local authority makes an error during the shortlisting and skips an applicant in error, they should not then withdraw an offer which has been made and has been accepted by another applicant (e.g. the property/ applicant have been set to Bid offered).

55.5 Please see the Devon Home Choice training guide for details of how to withdraw a property.

## 56. Difficult to Let Properties

56.1 The Devon Home Choice Policy states (Section 4.17) that:

‘If a vacancy cannot be filled through Devon Home Choice then the property can be let in anyway deemed appropriate by the landlord. This may include re-advertising the property and removing any restrictions previously attached, or making a direct offer.’

56.2 **Procedure**

56.3 If a property advertised through Devon Home Choice is not let (either through no bids being placed or it not being possible to make a match with any applicant on the shortlist), the landlord can determine how the property should be let.

56.4 This could include:

- Re-advertising the property. If any restrictions had been placed on the property the landlord could, where appropriate, consider removing these restrictions. Please note, as agreed in the Service Level Agreement with landlords there is no further cost for properties that need to be re-advertised
- Advertising the property as ‘Available Now’ on the Devon Home Choice website – see the Devon Home Choice training guide for details
- Making a direct match. See the Devon Home Choice training guide for details

## 57. Direct Match

57.1 The Devon Home Choice Policy states that 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 (e.g. where a landlord needs to make an urgent management move). In such cases the home will be let as a direct match rather than being advertised through Devon Home Choice.

57.2 Situations when a landlord might need to make an urgent management move could include:

- When the applicant needs to move to escape serious domestic abuse or other violence/ harassment or the threat of serious violence
- To resolve issues affecting a particular area or block
- Emergency decants

57.3 Other times when homes might be let by Direct match include:

- To make the most effective use of a highly adapted property (e.g. that meets the needs of 1 particular applicant)
- To enable an existing tenant of a partner landlord to downsize to a smaller home (e.g. by matching them with a home that meets their needs and in so doing frees up a family-sized home that can be advertised through Devon Home Choice).

57.4 **Procedure**

57.5 Please see the Devon Home Choice training guide for details.

## 58. Accessible Housing Register

58.1 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.

58.2 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)

58.3 Accessible or adapted homes will be advertised through Devon Home Choice. However where there are exceptional circumstances (e.g. they perfectly match a particular applicant's specialist needs) they will be let by direct match.

58.4 Each partner local authority and Registered Provider will identify a named person to lead on accessible homes.

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

| **Accessibility Category** | **Applicant requires property with the following/ Property can meet the needs of applicants with the following requirements:** |
|---|---|
| Wheelchair Accessible | Applicant requires fully wheelchair accessible accommodation, into and throughout the property.<br><br>Applicant is likely to be a full time or regularly use a wheelchair for prolonged periods. |
| Step-Free | Applicant is able to mobilise but cannot use steps without close supervision and assistance.<br><br>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.<br><br>Applicant will normally use a mobility aid (such as a walking stick or walking frame). |
| 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 |

58.6 When a property is advertised the landlord will confirm the accessibility category of the property.

58.7 All landlords should develop and maintain an up-to-date record of accessible/ adapted properties (and those that are adaptable), and report back to the Devon Home Choice Management Board on progress with this.

58.8 Where an up-to-date database isn't available landlords should undertake a pre-void inspection before properties are advertised.

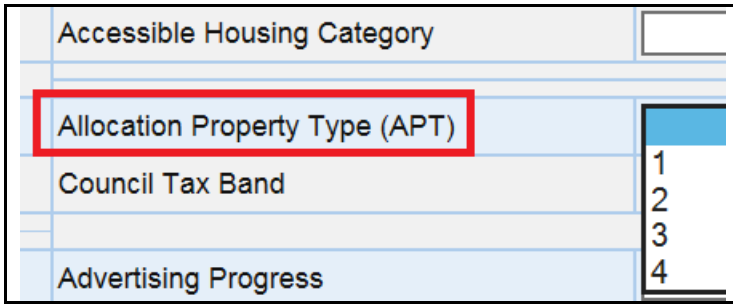
58.9 When a property is advertised the landlord will confirm the accessibility category of the property.

58.10 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

58.11 **Please note:** If an advert for a wheelchair/part wheelchair accessible property (or one with major adaptations) includes a preference to applicants with a local connection (because the local authority is above the 2% limit on cross border moves), but nobody with a local connection has a need for that type of property, preference is then given to those with a need for that type of property, rather than those with a local connection but no need for that type of property.

58.12 When setting up adverts for accessible homes landlords can choose to have the shortlist prioritised firstly by the mobility category, and then by Band and Band start date. This makes it easier for landlords when shortlisting for accessible homes, and provides applicants with more realistic shortlist positions when they are bidding.

58.13 To filter shortlists by mobility category set the 'Allocation Property Type (APT)' field as shown below on the Add Property screen or the Edit Property screen (if you are re-advertising a property):




Select:
1 for a wheelchair accessible home

3 for a step free home

4 for a home with a max of 3 steps

58.14 Shortlists will be ordered in line with the following priorities:

58.15 **Wheelchair accessible homes**

1. Wheelchair accessible
2. Step free
3. Max 3 steps
4. General needs

58.16 **Step free homes**

1. Step free
2. Max 3 steps
3. Wheelchair accessible, general needs

58.17 **Max 3 steps homes**

1. Max 3 steps
2. All other mobility categories

## 59. Local Letting Plans and Sensitive Letting

### 59.1 Local Letting Plans

59.2 The Devon Home Choice policy states that there may be occasions where 'local letting plans' need to be applied by Devon Home Choice partners.

59.3 Situations when local letting plans may be introduced include:

- 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 a new estate has been built in order to help create a new community. This might include ensuring that new tenants for eco-friendly developments are committed to the lifestyle required for the development to work effectively and achieve its objectives
- Where there are issues that have occurred within an established community, and action is required to assist that community to become sustainable

59.4 Where agreements have been reached adverts will clearly state how properties subject to local letting plans will be allocated.

59.5 The decision to implement a local letting plan will be made by the landlord in conjunction with the local authority.

59.6 Whilst being designed to reflect local needs, local letting plans will still be compatible with the aim of meeting housing need in Devon, as well as the requirements of relevant 'Codes of Guidance.'

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

### 59.8 Sensitive letting: individual properties

59.9 Occasionally there may be a requirement to deal with issues that impact on a particular property. This may be as a result of:

- A concentration of certain needs groups impacting on housing management
- The need to promote a more balanced community by seeking to select/not select households with particular characteristics
- Neighbours having been subject to anti-social behaviour for long periods of time

59.10 The landlord will make the decision on which homes should be advertised as a sensitive let. Local authorities will monitor the use of this procedure to ensure that it is not over-used.

59.11 **Procedure**:

### 59.12 Local Letting Plan

59.13 Where required the landlord and local authority will agree a local letting plan.

59.14 Adverts for properties subject to a local letting plan will make it clear that:

- They are subject to a local letting plan

- The local letting plan can be viewed/ downloaded on the Devon Home Choice website

59.15 **Sensitive Letting**

59.16 Where the landlord has identified an individual property that needs to be subject to the Sensitive Letting policy (see reasons above), the landlord will clarify in the advert that the property is 'Subject to Sensitive Let Policy'. Details of the Sensitive Let Policy should be provided on the Devon Home Choice website.

59.17 **Shortlisting for a property subject to a Local Letting Plan or Sensitive Letting Policy**

59.18 Applicants who do not match the local letting plan or Sensitive letting criteria for a particular property will be 'skipped' or 'bypassed' when shortlisting.

59.19 **Shortlisted Applicants**

59.20 The final selection of the successful applicant may mean that the property may be purposefully filled below maximum occupancy level. This may require some applicants to be considered before others, irrespective of their housing need or Band Start date, because of their family size and structure.

59.21 The core principals of applicant selection i.e. applicant being in the greatest need for longest period of time, will still generally be adhered to. Therefore other than applicants who might be bypassed for reasons set out above, the remaining applicants will still be ranked using band and start date as the determining factors.

59.22 A home verification visit or interview will be undertaken to ensure that a fair assessment is carried out.

59.23 If required by the landlord's policies, the applicant must provide a reference.

59.24 If any issues arise as a result of either the home visit, interview or reference the landlord reserves the right to check with Police or other agencies about issues of specific concern.

59.25 The applicant will usually be subject to starter or introductory tenancy.

## 60. Bidding

60.1 Applicants can bid for up to 3 homes each week:

- On the website www.devonhomechoice.com
- On the Devon Home Choice Smartphone App, which is available to download on the Devon Home Choice website
- In person at Council offices

60.2 Bids can be placed by local authority staff on behalf of applicants through the Back Office.

60.3 Whilst it is possible for a local authority to place bids on behalf of an applicant after a letting cycle has ended, this should only be done in exceptional circumstances.

## 61. Autobids

61.1 People who are unable to bid will be offered the opportunity for bids to be placed automatically on homes they are eligible for.

61.2 Please see the Devon Home Choice Policy for details of when automatic bidding will be set up for 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.

61.3 Please see the Devon Home Choice Training Guide for details of how to set up Automatic bids.

61.4 Autobids will be subject to the following conditions:

- Autobids will only be placed for Active applications
- The Applicant must be eligible for the property
- For autobids to be placed on sheltered properties the applicant must have either the 'Include sheltered properties' or 'Include sheltered and non sheltered properties' options ticked in the Autobid options, available on the Edit Applicants screen (see the Devon Home Choice training guide for details).
- Autobids will only be placed for properties that match the criteria selected in the Autobid options, available on the Edit Applicants screen (see the Devon Home Choice training guide for details).
- If the applicant has a pet autobids will only be placed for those properties that allow pets

61.5 **Please note:** It is important that local authorities consider very carefully whether applicants are placed onto autobid, and clearly explain the consequences to applicants themselves.

61.6 It would be unlawful to limit the bids of disabled people to certain properties (e.g. only those that meet their accessibility needs) – see the Code of Guidance on Allocations and CBL. It is therefore important to explain to applicants with disabilities that any autobids will be limited to properties that match the criteria specified in the Autobid options, but that they are still free to place a bid (either themselves or via an advocate) for any other properties (e.g. a general needs property).

61.7 After having provided applicants with this information, local authorities should normally require the applicant to sign the disclaimer below. Please note that applicants accepted as homeless or who have had their applications placed in the Prevention of homelessness category do not need to sign the form below.

## 61.8 Devon Home Choice Autobid Confirmation Form

I confirm that the Devon Home Choice autobid procedures have been explained to me and that I understand this information.

I understand that automatic bids will only be placed for:

- Properties for which I am eligible
- Sheltered properties if it has been agreed that I require sheltered accommodation
- Properties in areas where you would like to live (please list below):

| Please list the areas where you would like to live: |
|---|
| |

- Properties that allow pets if I have a pet
- Properties that are in line with my assessed accessibility needs, as follows:

**Assessed as needing a wheelchair or part wheelchair accessible home**
If I have been assessed as needing a wheelchair or part wheelchair accessible home autobids will only be placed for homes that are either wheelchair accessible, part wheelchair accessible or are step free. Autobids will not be placed for homes that have any steps.

**Assessed as needing a step free home**
If I have been assessed as needing a step free home autobids will only be placed for homes that are either step free or have up to 3 steps. Autobids will not be placed for homes that are wheelchair accessible, part wheelchair accessible or have more than 3 steps.

**Assessed as needing a home with a maximum of 3 steps**
If I have been assessed as needing a home with a maximum of 3 steps autobids will only be placed for homes that are either step free or have up to 3 steps. Autobids will not be placed for homes that are wheelchair accessible, part wheelchair accessible or have more than 3 steps.

**Assessed as having no mobility issues**
If I have been assessed as having no mobility issues, autobids will only be placed for homes that are either step free, or have steps (e.g. those with a maximum of 3 steps and general needs homes with more than 3 steps). Autobids will not be placed for homes that are wheelchair accessible.

If you only wish to be considered for a certain type of property (e.g. house, bungalow) or a certain street or development, please enter the details below. Please note that if you provide details here you will not be offered any other property. You do not have to complete any details here if you are happy to consider any property which matches your needs and areas of preference.

Type of property:

_____

Street or development:

_____

I also understand that:

- Whilst on autobid I am also able to place bids on properties that I am interested in.
- The local authority will regularly review the use of autobid for my application
- If I have specified any property type, street or development on this form, that I will be skipped on shortlists for any properties which do not meet those details.
- The Privacy Notice on the Devon Home Choice website explains how my personal data will be used.

Signed: _____

Print Name: _____

Date: _____

## 62. Shortlisting

62.1 At the end of each letting cycle applicants who have bid for a property 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.

62.2 The landlord or local authority will then work through the list of applicants (the shortlist) to identify the applicant who is eligible for the property, in the highest band and has the earliest band start date. This is referred to as shortlisting.

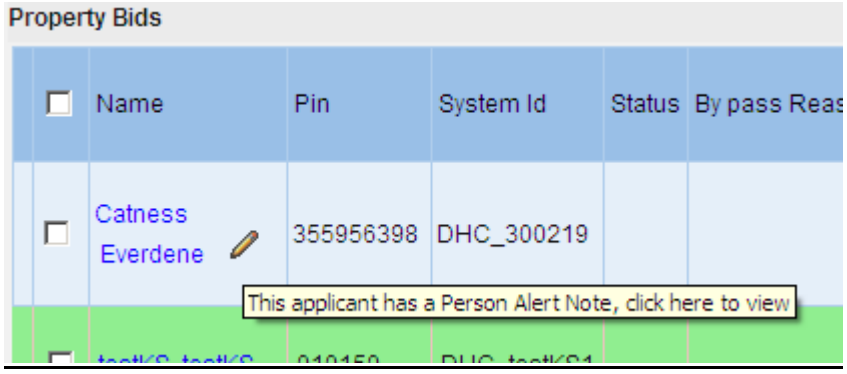
62.3 Shortlisting can either be carried out by the landlord, or the local authority where the property is located on behalf of the landlord.

62.4 **Procedure:**

62.5 All partner landlords will be provided with access to the Devon Home Choice IT system. If an RP undertakes the shortlisting themselves, they will use the Devon Home Choice IT System to view and work through the shortlist for their homes. An example shortlist is shown below.

62.6 Landlords will not be able to amend or update applicant's information, but should notify the relevant local authority of any change in circumstances.

62.7 **Please note:** Any alerts that have been placed against an application will be marked by a pencil icon and will be easily visible from the View Bids and Manage Bids screens, as can be seen below. Clicking on the Alert icon will bring up the detail of the Alert.




62.8 The landlord or local authority will work down the shortlist in order to identify the applicant who is eligible for the property, in the highest band and has the earliest band start date.

62.9 The landlord or local authority can only move on to an applicant lower down the shortlist if they have considered and bypassed all the applicants above. Applicants can only be bypassed for reasons set out in either:

- The Devon Home Choice Policy

- The policy of the landlord (please note that any differences with the Devon Home Choice should be made clear in the advert and detailed on the Devon Home Choice website)
- Any particular conditions specified in the property advert

62.10 Please see the Devon Home Choice training guide for further details on shortlisting on the Home Connections IT system.

62.11 Where a local authority is shortlisting on behalf of a landlord they should set the highest eligible applicant to 'Bid shortlisted'. The landlord should be notified by email that this has been done within 3 working days of end of the letting cycle (e.g. shortlisting results for the previous letting cycle should be provided by the end of each Thursday).

62.12 The landlord will then be able to access the Devon Home Choice IT system to notify the applicant, progress the offer or reject the suggested match and move onto the next applicant identified by the local authority.

62.13 **Please note that**:

- A shortlist remains valid until it has been exhausted (e.g. all applicants have been considered). There will be no time limit on how long it can remain valid.
- Properties should only be re-advertised once the original shortlist has been exhausted. Any properties that are likely to be hard to let can be put on the Homes Immediately Available page whilst the original shortlist is being worked on, with any contacts being kept in reserve until the original shortlist has been fully exhausted
- The landlord will undertake a more detailed verification and eligibility check before a formal offer is made as set out in the Devon Home Choice Policy. The purpose of this check is to ensure that an applicant is eligible for the home and that there has been no material change of circumstances since their banding was assessed
- There is no requirement for LA's to check the shortlisting carried out by RP's unless there are strict s106 requirements which may need checking to ensure compliance

62.14 **Local Connection**

62.15 Where homes have been advertised with a preference or a requirement that applicants have a particular local connection, this is to be verified by the landlord or the local authority if they are undertaking the shortlisting.

62.16 A local connection to a particular local authority areas will be clear in most cases. However, if there are any issues about particular cases they will be referred to the local authority.

62.17 Section 106 area connection will be verified by the landlord. Some local authorities have offered to assist in these cases. This needs to be agreed between local authorities and landlords.

62.18 Where a local connection is required for a property and it is not clear from the application how the applicant meets that requirement, landlords should add a brief note to the application to confirm how the local connection is met.

62.19 Please note that victims of domestic abuse should be excluded from any local connection requirement or preference, except for those homes subject to Section 106 conditions.

62.20 **Notifying the applicant**

62.21 The landlord should contact the applicant who is being considered for the property (and has been set to 'Bid shortlisted') **within 3 working days** to confirm that they are being considered. This should be done when either:

- The applicant has been set to Bid shortlisted by a landlord
- The landlord has accepted the match suggested by the local authority

62.22 Ideally contact with the applicant should be made by phone to keep the process as quick and short as possible. If it is not possible to contact the applicant by phone an email should be sent (if the applicant has provided an email address) or a letter should be sent to their correspondence address (where the applicant has not provided an email address or has confirmed that letter is their preferred method of contact). The email or letter should clarify the timescale for the applicant to get in contact to confirm whether they want to be considered for the potential offer. This will be the 3 days for the landlord to contact the applicant plus the 24 hours/ 1 day for the applicant to confirm whether they wish to be considered. The landlord should put a note on the application to confirm that they have made contact/ sent an email or letter and the deadline for the applicant to make contact.

62.23 If the applicant has not made contact within the specified timescale they should be bypassed on the shortlist and a note placed on the application to confirm the reason for this.

62.24 When contacting the applicant the following should be made clear:

- The position of any other bids placed by the applicant. This will include current bids and any bids from previous cycles where the property has yet to be set to set to Bid Accepted. Information on the other bids that have been placed by an applicant can be gained by clicking on applicant's name on the shortlist.
- That, if appropriate, the applicant 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. **Note:** If the applicant decides they wish to be considered for another landlords property please contact that landlord so that they can set the applicant to match approved.
- **That the applicant has up to 24 hours to decide if they wish to be considered for the property**
- That the applicant will not be able to bid for further properties whilst they are being considered for a home. Applicants will not be able to bid for other homes as soon as they are set to Bid shortlisted.
- They will be bypassed on any other shortlists where they have an existing open bid if they confirm that they wish to be considered for a property (e.g. are set to Bid Accepted).
- That any final offer of the property is subject to further verification of the application
- That the landlord will confirm whether an offer of accommodation will be made, and clarify any reasons why an offer is not made

62.25 If the applicant is being invited to a multiple/ group viewing landlords need to confirm that it is a multiple/ group viewing, and their bid position (of the households attending the group viewing). Landlords should advise applicants that someone else can attend the viewing on their behalf, or they will rearrange another time to view the property where this is possible.

62.26 Details of the contact with the applicant should be recorded in the notes section of the Application Overview screen. This should include confirmation that the applicant has been informed of the position of any other bids and which property they wish to be considered for.

62.27 Where the applicant indicates that they would prefer to be considered for an alternative property and this has been recorded on the application, they should be bypassed on the shortlist.

62.28 **Important:** If the applicant indicates that they are interested in the possible offer, the property should be set to Bid Accepted as soon as possible.

62.29 Properties should not be set to Bid Accepted if the applicant has not indicated that they are interested in the possible offer.

62.30 **References for tenants of partner landlords**

62.31 Where the applicant being considered is a tenant of a partner landlord in Devon Home Choice, a reference must be sought by the prospective landlord from the applicant's current landlord.

62.32 If the current landlord does not provide a reference within 2 working days the shortlisting landlord can skip the applicant.

62.33 **Monitoring**

62.34 The use of bypass reasons by each landlord will be monitored and reported to the Management Board and Operational Group, to ensure they are being applied fairly.

62.35 The numbers of days that properties have been in the Bid shortlisted state will also be monitored. If landlords work to the timescales agreed and set out above homes should not be in the Bid shortlisted state for more than 4 working days.

62.36 **Appeals**

62.37 The landlord or local authority who conducted the shortlisting will be responsible for any complaints or appeals due to the decision to bypass an applicant.

62.38 The landlord will be responsible for any complaints or appeals due to the decision not to offer a property to an applicant that had been set to Bid shortlisted.

62.39 **Viewing a home**

62.40 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.

62.41 **Making an offer**

62.42 Before making a final decision on the offer, the applicant will be able to view the property.

62.43 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.

62.44 Applicants offered a home will normally be expected to make a decision whether to accept the offer within 24 hours. 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.

62.45 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.

62.46 When an applicant has accepted a formal offer, they should be updated to Bid Let/ Housed on the shortlist.

62.47 **Unless there is a valid reason, no further adverts will be approved for landlords who have adverts over 6 months old that have not been set to Bid Let or Withdrawn (e.g. if the shortlist has been exhausted).** The Devon Home Choice Project Lead and Support Officer can help landlords to update shortlists where required.

62.48 **Appendix 1:** Explanation of the terms used on the Devon Home Choice system

| Term used | Explanation |
|---|---|
| **Open** | The property has not been offered to anyone and so the applicant's bid is still open |
| **Bid shortlisted** | The landlord/ local authority has made an initial match between a property and applicant and is contacting the applicant to confirm whether they are interested in being considered for the offer. |
| **Bid Accepted** | The applicant has confirmed that they are interested in being considered for the property |
| **Bid Let** | The landlord has completed their verification and has formally offered the property to the applicant. The applicant has viewed the property and accepted the formal offer. |
| **Property Offers to Others** | The property has been offered to another applicant. Once a property is set to Bid shortlisted or Bid Accepted with an applicant, all applicants further down the shortlist will be shown as Bid Lost (e.g. they have been unsuccessful). |
| **Withdrawn** | The applicant has withdrawn their bid for a property |

## 63. Refusals

63.1 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[14].

63.2 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.

63.3 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.

63.4 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.

63.5 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.

63.6 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 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.).

[14] 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)

## 64. Cross Border Moves

64.1 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.

64.2 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 bid for the remaining properties for which they are eligible (e.g. according to the number of bedrooms they need) .

64.3 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 (this includes households moving from outside Devon who have no local connection to the local authority where they have moved to).
- (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)

64.4 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 months) so as to provide preference to applicants with a local connection to that particular local authority[15]. If no applicants with a local connection to the local authority bid for a home, applicants from other areas will be considered.

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

64.6 The following groups are excluded from the calculation of, and any restrictions on, cross border moves:

- Tenants of Devon Home Choice partner landlords. 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.

- Existing tenants of other social landlords living outside Devon who need to move to Devon for work.

[15] 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.

- Victims of domestic abuse

- People who have left the UK armed forces in the last 5 years

64.7 As stated above however, if a home is subject to more specific local connection criteria these will still apply to the groups set out above. 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

64.8 **Procedure:**

64.9 At the point where the applicant accepts an offer and the property is set to Bid Let, landlords should notify the Devon Home Choice Coordinator or Support Officer if the applicant doesn't have a local connection to the local authority area where they have been housed.

64.10 The Devon Home Choice Support Officer will circulate monthly reports to each local authority with details of all homes let in the previous month, the previous address of the successful applicant for each home let and whether it has been reported that applicants have moved in without a local connection.

64.11 Local authorities are responsible for reviewing the monthly report. Where it has not already been confirmed, local authorities will need to follow up with the relevant landlord to assess whether households moving into their area have a local connection or not.

64.12 If the number of lets in a local authority (taking into account people moving out as well as coming in) goes above the 2% target, that local authority can then advertise properties so as to provide preference to applicants with a local connection to that particular local authority. If no applicants with a local connection to the local authority bid for a home, applicants from other areas will be put forward.

64.13 The 2% target will be based on the number of homes let (e.g. set to 'Bid Let') in the previous financial year (1 April – 31 March). The 2% target for each local authority will be recalculated and the data reset on 1 April each year. Please see below the 2% target that will apply for 2019/20:

| | **No. of homes let in 2018/19** | **2019/20 2% target** |
|---|---|---|
| East Devon | 490 | **10** |
| Exeter | 491 | **10** |
| Mid Devon | 303 | **6** |
| North Devon | 403 | **8** |
| Plymouth | 1433 | **29** |
| South Hams | 280 | **6** |
| Teignbridge | 379 | **8** |
| Torbay | 383 | **8** |
| Torridge | 200 | **4** |
| West Devon | 144 | **3** |

64.14 **Please note:** As set out in the Devon Home Choice policy, local connection could arise from living/ having lived, working or having immediate family in the local authority area. Where an applicant does not live/ has not lived in the local authority area the shortlisting landlord/ local authority will need to confirm whether an applicant at the top of a shortlist/ being considered has a local connection to the local authority through work or immediate family.

## 65. Discharging Duty to Homeless Applicants offered accommodation through Devon Home Choice

65.1 **Purpose**

65.2 This procedure is to ensure that the S193(2) duty on local authorities to homeless applicants is lawfully discharged by an offer of suitable settled accommodation via Devon Home Choice.

65.3 **Procedure**

65.4 Local authorities should ensure that households accepted as homeless should have:

- Their application type set as Homeless
- Place an alert on any applications where a homeless duty has been accepted. The alert will confirm that landlords should contact a named caseworker or team if the applicant is being considered for a property, as well as any issues with a particular case (e.g. English is a second language, any disabilities, that letters may not reach the applicant etc.)

65.5 When shortlisting, landlords should notify the relevant local authority that they have set an accepted homeless applicant to Bid shortlisted or Bid accepted.

65.6 The local authority will then contact the applicant to explain the consequences of them refusing the offer and put this in writing.

65.7 If an applicant refuses what is considered to be a reasonable offer made under Part VII, the local authority should notify the applicant in writing that they have discharged duty. The application should then be placed in Band D (non priority homeless).

65.8 The application should remain in Band D unless a review decides that their refusal was reasonable (e.g. the application should remain in Band D during any review pending the outcome of the review).

## 66. Urgent Management Move

66.1 The Devon Home Choice policy states that 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 domestic abuse or other violence or the threat of serious violence
- To escape serious harassment
- To resolve issues affecting a particular area or block

66.2 The situations will be such that an immediate move is required.

66.3 All management moves will be reported to the Devon Home Choice Management Board.

66.4 **Procedure**

66.5 In cases where landlords wish to make an urgent management move this should be done outside Devon Home Choice or as a Direct Match through Devon Home Choice (see separate Direct Match procedures).

## 67. Applicants who have been denied the opportunity to register with Devon Home Choice or have had their priority reduced

67.1 The applicants should be informed in writing of:

- The decision and the reasons behind it
- Their right to appeal and how to do this (refer to appeals procedure)

67.2 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.

## 68. Data Protection

68.1 The General Data Protection Regulation (Regulation (EU) 2016/679) and the Data Protection Act 2018 came into force on 25 May 2018. The following sections set out the rights that applicants have, and the associated procedures.

## 69. Right to be informed

69.1 Applicants on the Devon Home Choice register have the right to be informed about how we process their data. The Privacy Notice provided on the Devon Home Choice website sets this out.

## 70. Right of Access

70.1 Applicants on the Devon Home Choice register have the right of access to personal data we hold about them.

70.2 Procedure:

70.3 An individual can make a request for a copy of the information held about them verbally or in writing. Requests do not need to be made a specific team or person within partner local authorities. It is therefore important that all staff in partner local authorities that have contact with applicants are trained in how to recognise a request and who any request should be forwarded to.

70.4 If a request is made to one of the partner local authorities that is not managing the application, it should be forwarded to an appropriate manager in the local authority that manages the application.

70.5 A note should be added to the application to confirm that a verbal or written subject access request has been made.

70.6 Reasonable steps should be taken to confirm the identity of the person making the request. The applicant must be informed as soon as possible (and within 28 days) if more information is needed to confirm their identity. You do not need to comply with the request until you have received the additional information.

70.7 A copy of the personal data held on the Devon Home Choice system should be provided within 28 days of receiving the request.

70.8 The lead local authority managing the application must provide the following information:

- The latest copy of the application. This can be obtained by opening the application and clicking ‘Action’, ‘Download App Version’ and then ‘Generate New PDF’. The latest version of the application can then be download by clicking the link at the top of the ‘Name’ column (see below)

**Application Versions :**

1 2 3 4 5 ... >> Result Per Page: 10 Total Record(s): 77

| Name | Created Date |
|---|---|
| 76_31055_20180417.pdf | 17/04/2018 16:45:13 |
| 75_31055_20180115.pdf | 15/01/2018 10:51:15 |
| 74_31055_20171212.pdf | 12/12/2017 11:59:09 |
| 73_31055_20170929.pdf | 29/09/2017 11:19:01 |
| 72_31055_20170915.pdf | 15/09/2017 11:13:28 |
| 71_31055_20170911.pdf | 11/09/2017 12:45:05 |
| 70_31055_20170802.pdf | 02/08/2017 15:56:41 |
| 69_31055_20170718.pdf | 18/07/2017 10:10:22 |
| 68_31055_20170710.pdf | 10/07/2017 12:46:47 |
| 67_31055_20170614.pdf | 14/06/2017 10:47:12 |

1 2 3 4 5 ... >> Result Per Page: 10 Total Record(s): 77

Generate New PDF

- A copy of any alerts added to the application. Alerts can be copied and pasted into a Word document etc.
- A copy of the notes added to the application. Please contact the Devon Home Choice Coordinator or Devon Home Choice Support Officer who will provide a copy of all notes on an application in Excel format
- A copy of the Back Office fields relating to the application (e.g. Band, Bed Need, Mobility Category etc.). Please contact the Devon Home Choice Coordinator or Devon Home Choice Support Officer who will provide a copy of the Back Office fields in Excel format
- A copy of any documents attached to an application. To do this open the application, click on Documents and download each document. (**Note: We have asked Home Connections to provide an easy way for us to download all documents attached to application rather than doing them one at a time)**

70.9 **Important:** All information about an application should be provided wherever the law allows (e.g. it is does not relate to ongoing criminal proceedings). **However, it is important that the local authority ensure that information contained in the notes or documents does not identify another private individual. For example, if an applicant's neighbour has made an allegation that their application is fraudulent the information provided to the applicant should include the allegation but ensure that it is not possible to identify the person who made the allegation.** It is not necessary to redact the names of professionals involved with the applicant (e.g. Police, Social Services, and Health etc.).

70.10 The information must be provided free of charge.

70.11 The information should either be:

- Sent to the applicant's correspondence address specified on their application
- Sent via **secure** email to the email address specified on their application

- Available to be collected from the local housing team, subject to the applicant providing sufficient proof of their identify (e.g. 2 forms of identification)

70.12 If a request is considered to be manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, a “reasonable fee" can be requested to deal with the request, or you can refuse to deal with the request. In either case the lead local authority must inform the applicant as soon as possible, and within 28 days, about:

- The reasons for the refusal or for charging a fee,
- The applicant’s right to make a complaint to the ICO or another supervisory authority; and
- Their ability to seek to enforce this right through a judicial remedy.

70.13 Any fee charged should be based on the administrative costs of complying with the request. If a fee is to be charged the lead local authority should inform the applicant as soon as possible, and within 28 days. You do not need to comply with the request until the fee has been received.

## 71. Right to Rectification

71.1 Applicants on the Devon Home Choice register have the right to have their personal data corrected if it’s inaccurate.

71.2 Procedure:

71.3 An individual can make a request to have their personal data corrected verbally or in writing. Requests do not need to be made a specific team or person within partner local authorities. It is therefore important that all staff in partner local authorities that have contact with applicants are trained in how to recognise a request and who any request should be forwarded to.

71.4 If a request is made to one of the partner local authorities that is not managing the application, it should be forwarded to an appropriate manager in the local authority that manages the application.

71.5 A request to rectify personal data does not need to mention the phrase ‘request for rectification’ or Article 16 of the GDPR to be a valid request. As long as the individual has challenged the accuracy of their data and has asked to have it corrected, or has asked that steps are taken to complete data held about them that is incomplete, this will be a valid request under Article 16.

71.6 A note should be added to the application to confirm that a verbal or written request to correct personal data has been made, and details of the request (e.g. the data to be corrected).

71.7 It is good practice to check with the applicant that you have understood their request, as this can help avoid later disputes about how you have interpreted the request.

71.8 Reasonable steps should be taken to confirm the identity of the person making the request. The applicant must be informed as soon as possible (and within 28 days)

if more information is needed to confirm their identity. You do not need to comply with the request until you have received the additional information.

71.9 Personal data should be corrected within 28 days of receiving the request.

71.10 Before correcting personal data the local authority managing the application should take reasonable steps to confirm that the data is inaccurate. This will include taking into account any argument or evidence that the applicant submits.

71.11 Determining whether personal data is inaccurate can be more complex if the data in question records an opinion. Opinions are, by their very nature, subjective, and it can be difficult to conclude that the record of an opinion is inaccurate. As long as the record shows clearly that the information is an opinion and, where appropriate, whose opinion it is, it may be difficult to say that it is inaccurate and needs to be rectified.

71.12 If the personal data has been disclosed to others, the lead local authority must contact each recipient and inform them of the rectification or completion of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, you must also inform the applicant about these recipients.

71.13 The lead local authority should let the individual know as soon as possible, and within 28 days, if they are satisfied that the personal data is accurate, and that they will not be amending the data. The local authority should explain their decision, and inform the applicant of their right to make a complaint to the ICO or another supervisory authority, and their ability to seek to enforce their rights through a judicial remedy.

71.14 If a request is considered to be manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, a “reasonable fee" can be requested to deal with the request, or you can refuse to deal with the request. In either case the lead local authority must inform the applicant as soon as possible, and within 28 days, about:

- The reasons for the refusal or for charging a fee,
- The applicant’s right to make a complaint to the ICO or another supervisory authority; and
- Their ability to seek to enforce this right through a judicial remedy.

71.15 Any fee charged should be based on the administrative costs of complying with the request. If a fee is to be charged the lead local authority should inform the applicant as soon as possible, and within 28 days. You do not need to comply with the request until the fee has been received.

## 72. Right to Erasure

72.1 Under Article 17 of the GDPR applicants on the Devon Home Choice register have the right to have their personal data erased.

72.2 Procedure:

72.3 An individual can make a request to have their personal data erased verbally or in writing. Requests do not need to be made a specific team or person within partner

local authorities. It is therefore important that all staff in partner local authorities that have contact with applicants are trained in how to recognise a request and who any request should be forwarded to.

72.4 If a request is made to one of the partner local authorities that is not managing the application, it should be forwarded to an appropriate manager in the local authority that manages the application.

72.5 A request for erasure does not need to mention the phrase ‘request for erasure’ or Article 17 of the GDPR to be a valid request.

72.6 A note should be added to the application to confirm that a verbal or written request for erasure has been made.

72.7 It is good practice to check with the applicant that you have understood their request, as this can help avoid later disputes about how you have interpreted the request.

72.8 Reasonable steps should be taken to confirm the identity of the person making the request. The applicant must be informed as soon as possible (and within 28 days) if more information is needed to confirm their identity. You do not need to comply with the request until you have received the additional information.

72.9 Personal data should be erased within 28 days of receiving the request.

72.10 The lead local authority should notify the Devon Home Choice Coordinator or Devon Home Choice Support Officer of the request for erasure. They will then request that the IT provider fully erase the applicant’s details from the Devon Home Choice IT system.

72.11 On deletion of the application, an auditable trail will be retained to confirm the application ID and the date it was deleted.

72.12 If the personal data has been disclosed to others, the lead local authority must contact each recipient and inform them of the erasure - unless this proves impossible or involves disproportionate effort. If asked to, you must also inform the applicant about these recipients.

72.13 If a request is considered to be manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, a “reasonable fee" can be requested to deal with the request, or you can refuse to deal with the request. In either case the lead local authority must inform the applicant as soon as possible, and within 28 days, about:

- The reasons for the refusal or for charging a fee,
- The applicant’s right to make a complaint to the ICO or another supervisory authority; and
- Their ability to seek to enforce this right through a judicial remedy.

72.14 Any fee charged should be based on the administrative costs of complying with the request. If a fee is to be charged the lead local authority should inform the applicant as soon as possible, and within 28 days. You do not need to comply with the request until the fee has been received.

## 73. Right to Restrict Processing

73.1 Under Article 18 of the GDPR applicants on the Devon Home Choice register have the right to the right to restrict the processing of their personal data in certain circumstances. This means that an applicant can limit the way that their data is used by the Devon Home Choice partners. This is an alternative to requesting the erasure of their data.

73.2 Applicants have the right to restrict the processing of their personal data where they have a particular reason for wanting the restriction. This may be because they have issues with the content of the information held on their Devon Home Choice application or how their data has been processed. In most cases the restriction on processing an applicant's personal data will not last indefinitely, but will be in place for a certain period of time.

73.3 Applicants have the right to request that we restrict the processing of their personal data if they contest the accuracy of their personal data (see 'Right to Rectification' above) and the lead authority is verifying the accuracy of the data.

73.4 Procedure:

73.5 An individual can make a request to restrict the processing of their personal data verbally or in writing. Requests do not need to be made a specific team or person within partner local authorities. It is therefore important that all staff in partner local authorities that have contact with applicants are trained in how to recognise a request and who any request should be forwarded to.

73.6 If a request is made to one of the partner local authorities that is not managing the application, it should be forwarded to an appropriate manager in the local authority that manages the application.

73.7 A request for erasure does not need to mention the phrase 'request for retriction' or Article 18 of the GDPR to be a valid request.

73.8 A note should be added to the application to confirm that a verbal or written request for restriction has been made.

73.9 It is good practice to check with the applicant that you have understood their request, as this can help avoid later disputes about how you have interpreted the request.

73.10 Reasonable steps should be taken to confirm the identity of the person making the request. The applicant must be informed as soon as possible (and within 28 days) if more information is needed to confirm their identity. You do not need to comply with the request until you have received the additional information.

73.11 Processing of the applicant's personal data should be restricted within 28 days of receiving the request.

73.12 The lead local authority should notify the Devon Home Choice Coordinator or Devon Home Choice Support Officer of the request for restriction. They will then ensure that the application is marked as restricted. Only the very small number of

users with the Super Admin role will be able to access applications that have been marked as restricted **– workflow for this needs to be set up**

73.13 If the personal data has been disclosed to others, the lead local authority must contact each recipient and inform them of the restriction of the personal data - unless this proves impossible or involves disproportionate effort. If asked to, you must also inform the applicant about these recipients.

73.14 If a request is considered to be manifestly unfounded or excessive, taking into account whether the request is repetitive in nature, a “reasonable fee" can be requested to deal with the request, or you can refuse to deal with the request. In either case the lead local authority must inform the applicant as soon as possible, and within 28 days, about:

- The reasons for the refusal or for charging a fee,
- The applicant’s right to make a complaint to the ICO or another supervisory authority; and
- Their ability to seek to enforce this right through a judicial remedy.

73.15 Any fee charged should be based on the administrative costs of complying with the request. If a fee is to be charged the lead local authority should inform the applicant as soon as possible, and within 28 days. You do not need to comply with the request until the fee has been received.

## 74. Right to data portability

74.1 The right to data portability gives applicants the right to receive personal data they have provided in a structured, commonly used and machine readable format.

74.2 Procedure:

74.3 An individual can make a request for a copy of the information held about them to be provided in a structured, commonly used and machine readable format verbally or in writing. Requests do not need to be made a specific team or person within partner local authorities. It is therefore important that all staff in partner local authorities that have contact with applicants are trained in how to recognise a request and who any request should be forwarded to.

74.4 If a request is made to one of the partner local authorities that is not managing the application, it should be forwarded to an appropriate manager in the local authority that manages the application.

74.5 A note should be added to the application to confirm that a verbal or written subject access request has been made.

74.6 Reasonable steps should be taken to confirm the identity of the person making the request. The applicant must be informed as soon as possible (and within 28 days) if more information is needed to confirm their identity. You do not need to comply with the request until you have received the additional information.

74.7 A copy of the personal data held on the Devon Home Choice system should be provided within 28 days of receiving the request.

74.8 The lead local authority managing the application should notify the Devon Home Choice Coordinator or Devon Home Choice Support Officer of the request. They will then download a csv file of the application details and arrange for this to be securely transferred to the applicant.

## 75. Personal Data Breach

75.1 A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes. It also means that a breach is more than just about losing personal data.

75.2 Personal data breaches can include:

- Access by an unauthorised third party
- Deliberate or accidental action (or inaction) by a controller or processor
- Sending personal data to an incorrect recipient
- Computing devices containing personal data being lost or stolen
- Alteration of personal data without permission, and
- Loss of availability of personal data.

75.3 A personal data breach can be broadly defined as a security incident that has affected the confidentiality, integrity or availability of personal data. In short, there will be a personal data breach whenever any personal data is lost, destroyed, corrupted or disclosed; if someone accesses the data or passes it on without proper authorisation; or if the data is made unavailable, for example, when it has been encrypted by ransomware, or accidentally lost or destroyed.

75.4 The GDPR makes clear that when a security incident takes place, the lead local authority should quickly establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including telling the ICO if required.

75.5 For the avoidance of doubt, for Devon Home Choice the lead local authority will be either:

- The local authority that is managing the application(s) if the breach relates to an application (or applications) managed by 1 local authority, or
- The local authority whose action (or inaction), whether deliberate or accidental, lead to the breach, where the breach involved applications managed by a number of local authorities, or
- Exeter City Council if the breach is as a result of action (or inaction), whether deliberate or accidental, of the Devon Home Choice Coordinator or Devon Home Choice Support Officer

75.6 When a personal data breach has occurred, the lead local authority will need to establish the likelihood and severity of the resulting risk to people’s rights and freedoms. If it’s likely that there will be a risk then the lead local authority must notify the ICO within 72 hours of becoming aware of the breach. If it’s unlikely then it doesn’t need to be reported to the ICO. However, if a decision is taken not to report the breach to the ICO, the lead local authority needs to be able to justify this decision, and so should document this.

75.7 Procedure:

75.8 The lead authority (see above) should follow its own corporate procedures to quickly determine whether a personal data breach has occurred and, if so, promptly take steps to address it, including notifying the ICO if required within 72 hours of becoming aware of the breach, and applicants who have been affected by the breach (if it is likely to result in a high risk to their rights and freedoms).

75.9 For any possible personal data breaches relating to Devon Home Choice, regardless of whether they need to be reported to the ICO, the lead local authority must notify the Devon Home Choice Coordinator of the following:

- The facts relating to the breach
- Its effects and the remedial action taken
- Whether it was reported to the ICO, and if not, why this decision was taken
- Whether affected applicants were notified, and if not, why this dectision was taken

75.10 The Devon Home Choice Coordinator will provide regular reports to the Devon Home Choice Management on personal data breaches. This will be used to inform whether additional training, changes to procedures or IT security etc. is required to avoid any further breaches.

## 76. Data Retention

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

76.2 The Devon Home Choice IT system will automatically delete applications on the seventh anniversary of the date that they were set to Housed, Cancelled or Rejected.

76.3 On deletion of the application, an auditable trail will be retained to confirm the application ID, the date it was moved into the Housed, Cancelled or Rejected status and the date it was deleted.

## 77. Providing Reports

77.1 Reports can be provided from both the Housing Register and CBL systems.

77.2 Reports (including personal data) can be produced by, or securely shared with, the Devon Home Choice local authorities.

77.3 Reports (including personal data) can be securely shared with the Devon Home Choice partner landlords on either:

- Their own tenants who have confirmed that they are happy for their landlord to access details of their Devon Home Choice application
- Applicants who have bid on one of their homes (e.g. if the landlord needs to contact people who have bid for a property to confirm their local connection).

77.4 Reports (including personal data) can be securely shared with Devon Communities Together (on behalf of the Devon Rural Housing Partnership). This is done to help

plan for future housing needs. The data may be used to contact applicants on the Devon Home Choice register as part of a housing survey.

77.5 Anonymised reports may be shared with:

- Other organisations to assist in the planning and monitoring of services, or
- Initiatives such as Data Plymouth, that aim to provide easy access to data on housing and other key topics, or
- Individuals or organisations who have submitted Freedom of Information requests.

77.6 To ensure that it is not possible to identify individuals from these reports all personal information (e.g. Name, address, date of birth, etc.) will be removed. It is also important that Application numbers (User IDs) are removed.

77.7 The lowest geographical area that anonymised data can be provided for is the postcode sector level (e.g. EX1 6, PL2 8 or TQ12 1). However, as there are some postcode sectors in Devon where there are 10 or fewer active applications, only high level information should be provided at this level (e.g. the number of applications by Band and Bedroom). For applicants living in Devon those outside Devon the postcode sector should not be replaced with ‘Outside Devon’.

77.8 For further advice about reports please contact the Devon Home Choice Coordinator or Devon Home Choice Support Officer

## 78. Reviews

78.1 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

78.2 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.

78.3 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.

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

78.5 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

78.6 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.

78.7 If an applicant requests a review of their accessibility or bedroom need the household will be suspended from bidding pending the results of the review.

78.8 If an applicant is dissatisfied of with the review decision they are advised to seek advice from a solicitor or the Citizens Advice Bureau etc.

78.9 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.

## 79. User Administration

### 79.1 Authorising new users

79.2 New users can only be set up with access to the Devon Home Choice system by the Devon Home Choice Coordinator or Support Officer.

79.3 An appropriate manager at the local authority or partner landlord must complete the attached User Authorisation form for any new user to be set up (attached at Appendix 2).

79.4 The appropriate role for the new user must be specified (see Appendix 4: Devon Home Choice Roles).

79.5 The manager completing the form for a new user must ensure that they (the new user):

- Has received training on the Devon Home Choice system and is provided with the training guides
- Understands the data security issues. This will include advising new users that they will need to understand their responsibilities in using the system and the commitments they make in signing the User Agreement
- Reads and signs the User Agreement (attached at Appendix 1).

79.6 On receipt of the signed User Authorisation form and User Agreement, the Devon Home Choice Coordinator or Support Officer will set up the new user. Devon Home Choice Coordinator or Support Officer will:

- Check to ensure that the member of staff does not already have a user account
- Confirm the user name and provide details of how the new user can access their password

### 79.7 Monitoring of users

79.8 The Devon Home Choice Support Officer will undertake an annual audit of users registered who use the system. This will involve contacting a relevant lead person at each partner local authority/ landlord, with a request that they review their staff who have access to the system and their role, and confirm those users who no longer require access or a different role.

### 79.9 Change to User Access and Suspending Users

79.10 A relevant lead person from a partner local authority or landlord must inform the Devon Home Choice Coordinator or Support Officer as soon as they are aware of staff members who either require a different role to access Devon Home Choice or no longer require (or should have) access to the Devon Home Choice system. The lead person should complete and sign the Change to User Access form (Appendix 3) and email this to the Devon Home Choice Coordinator or Support Officer.

79.11 On receipt of the Change to User Access form the Devon Home Choice Coordinator or Support Officer will then suspend their user account.

### 79.12 RPs

79.13 As set out in the agreed Service Level Agreement with RPs:

- Training will be arranged for RP staff on the Devon Home Choice system. An annual, rolling programme of training will be arranged on an ongoing basis, but each RP will be expected to train any new staff in the interim.
- Only staff who have received training, either as part of the Devon Home Choice training programme or from their own RP, will be given access to the system.
- Each RP will do all that is possible to keep the back office website secure and to deter and prevent fraudulent use by staff and applicants
- Each RP will be provided with a User Guide to the Devon Home Choice IT system.
- RPs should report any problems with the Devon Home Choice IT system to the Devon Home Choice Coordinator

## 79.14 Appendix 1: Devon Home Choice User Agreement

# Devon Home Choice
# User Agreement

**Name** _____

**Job Title** _____

**Organisation** _____

**Email address** _____

I acknowledge that:

- I will only access data from Devon Home Choice for reasons linked to my job and with the aim of allocating or managing council or housing association properties

- I agree not to disclose to any unauthorised person, nor use, any sensitive information relating to people registered with Devon Home Choice. Such information includes but is not limited to personal and financial information. It also includes information that is clearly marked as PROTECT or RESTRICTED or is evidently seen to be sensitive by its very nature.

- I understand that the use and disclosure of all information about identifiable living individuals is covered by the General Data Protection Regulation (Regulation (EU) 2016/679) and Data Protection Act 2018. I will not use any personal data that I have access to for any unauthorised purpose

- I will comply with the General Data Protection Regulation (Regulation (EU) 2016/679), Data Protection Act 2018 and any other legal, statutory or contractual obligations that my employer informs me are relevant.

- I will not download or save data from Devon Home Choice to a non-business location (such as a home computer or to a portable device or storage that is not fully encrypted)

- I will contact my local authority IT Service Desk if I have any concerns or doubts about ensuring I download or save data from Devon Home Choice to a secure location

- I will not make my Devon Home Choice login or password available to others, or write it down where it can be viewed/discovered and understand that I must not disclose my access details to anyone

- I will make myself familiar with the security policies, procedures and any special instructions that relate to Devon Home Choice and be aware of the impact of loss of any data and the actions to take in the event of any loss.

- I do not have a Criminal Record (unspent convictions only) and if I gain any whilst in the employment of the Council/RP, I will notify my line manager and Devon Home Choice User Administrator who may need to revoke my access to the Devon Home Choice Back Office.

**Signed:** _____

**Date:** _____

79.15 **Appendix 2: User Authorisation form**

## Devon Home Choice
## User Authorisation

| | |
|---|---|
| **Name of new user** | _____ |
| **Role required** | _____ |
| **Training provided?** | **Yes/ No** |
| **Advised of data security issues** | **Yes/ No** |
| **User Agreement signed** | **Yes/ No** |

| | |
|---|---|
| **Name (person authorising the request)** | _____ |
| **Signed** | _____ |
| **Date** | _____ |

79.16 **Appendix 3: Change to User Access form**

| | |
|---|---|
| **Name of user** | _____ |
| **If the user needs a different role please circle the relevant role:** | **Master**<br>**Housing Officer**<br>**Customer Service**<br>**Autobid (CBL only)**<br>**Landlord** |
| **Does the user's account need to be suspended (e.g. because they no longer need access to Devon Home Choice)?** | **Yes / No** |
| **Name (person authorising the change request)** | _____ |
| **Signed** | _____ |
| **Date** | _____ |

## 79.17 Appendix 4: Devon Home Choice Roles

### 79.18 Super Admin role

The Super Admin role is set up solely for the Devon Home Choice Coordinator and Devon Home Choice Support Officer.

This role is the only one with access to the user administration tools.

### 79.19 Master Role

The Master role will have access to all the privileges that the Super Admin role has – except those relating to user administration or the administration of the system itself.

This role is designed for managers, senior staff or those taking a lead role in the administration of Devon Home Choice in their local authority area.

### 79.20 Housing Officer Role

The Housing Officer role is designed for the people doing the day to day administration of Devon Home Choice (e.g. processing Housing Register applications or managing shortlists on behalf of RPs).

### 79.21 Customer Service Role

A more limited role than the Housing Officer role. This role would be enable Customer Service Staff to view and edit applications, place a note on the application, and send letters etc.

### 79.22 LA Read-only role

This role provides read-only access for LA staff (e.g. similar to the Customer Service but with no ability to make any changes to applications)

### 79.23 Landlord Role

The Landlord role is designed for RP staff so they can maintain their own properties, manage the shortlists on their own properties etc.

### 79.24 Landlord Read-only role

The Landlord Read-only role is designed for RP admin and customer service staff to view details of properties and shortlists, but not to make any changes to the system.