

# Midland Heart Policy

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## Allocations and Lettings

<b>Version</b>	3
<b>Issue date</b>	January 2013
<b>Review date</b>	January 2016
<b>Staff Affected</b>	General Needs and Care and Support
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**Always refer to documents stored here when applying policy and procedure.**

## Contents

		Page No.
1.	Purpose	3
2.	Related Documents	4
3.	Scope of Policy	5
4.	Legal Framework	6
5.	Definitions	7
6.	Abbreviations	12
7.	<b>Policy Statement</b>	

## 1. Purpose

This document sets out the way in which Midland Heart selects applicants and existing customers for re-housing. It provides detail on how we will prioritise applicants so that our properties are allocated fairly.

There are a number of different access routes into Midland Heart accommodation; some of our properties are let through a waiting list. Some by direct access, others by a single referral system operated in partnership with Local Authorities and other appropriate agencies or through Midland Heart's Homes Direct or Choice Based Lettings schemes.

The actions we will take are driven by our Vision, "The Midland Heart Way is to help transform lives and communities through housing, care and more!" and our Values:

- Customer First
- Ambition
- Imagination
- Empowerment
- Inclusive

## 2. Related Documents

### External:

- Equalities Act 2010
- Housing Act 1996
- Homelessness Act 2002
- Housing Act 2004 (Pt. 1 ch.4: Pt.4, ch.3)
- Regulations and guidance from Supporting People
- Regulations and Guidance from C.Q.C.
- Centre for Sheltered Housing Studies - Code of Practice Standards

### 2.2 Internal:

- Midland Heart Lettable Standard
- Empty Homes Policies and Procedures
- Gas servicing Policy & Procedure
- Domestic Abuse Policy and Procedure
- Assured Tenancy Agreement
- Starter Assured Tenancy Agreement
- Fixed Term Tenancy Agreement

- Protected License agreement
- Excluded Licence agreement
- Repairs and Maintenance Policy & Procedure
- Recharges Policy & Procedure
- Single Equality Scheme
- Aids & Adaptations Policy & Procedure
- Complaints Policy & Procedure
- Anti Social Behavior Policy
- Tenancy Policy
- Starter Tenancy Procedure
- Fixed Term Tenancy Procedure
- Succession Policy and Procedure
- Assignment Policy and Procedure
- Mutual Exchange Policy and Procedure
- Risk and Needs Assessment
- Health and Safety
- Fair Access/Fair Exit Strategy (C+S)
- Income Collection Policy

### 3. Scope of Policy

This Policy applies to all of Midland Heart staff working within Customer and Communities and Care and Support.

## 4. Legal Framework

Legislation	<ul style="list-style-type: none"> <li>• <b>Main powers and relevance to Allocations and Lettings</b></li> </ul>
Housing Act 1985 / 88	<ul style="list-style-type: none"> <li>• Details circumstances in which succession can occur for secure (1985) and assured (1988) tenants.</li> </ul>
Housing Act 1996	<ul style="list-style-type: none"> <li>• Defines categories of persons who are ineligible to join LA housing registers.</li> <li>• Schedule 1 of the Housing Act 1996 is designed to prevent conflicts between the personal interests of employees of a housing association and those person's duties to that association</li> <li>• RSLs are under a duty to co-operate with LAs to assist them in performing their functions under Part 6 and 7, if requested, and so far as is reasonable</li> <li>• Part VI of the HA 1996 designed to make Local Housing Authority procedures - either when allocating an applicant a secure tenancy, or when nominating as applicant to be an assured tenant of an RSL - more consistent, fair and transparent, this amended by the Homelessness Act 2002 and subsequently amended by the Localism Act 2011</li> </ul>
Homelessness Act 2002	<ul style="list-style-type: none"> <li>• Gives LHAs the ability to make the best use of its housing stock</li> <li>• Requires Local Authorities to consider housing allocation as one of the tools for combating homelessness and assisting other vulnerable people in their area</li> </ul>

<p>Localism Act 2011</p>	<ul style="list-style-type: none"> <li>• Local authorities will be able to set qualifying criteria for housing assistance, and will be able to discharge homeless duties by offering accommodation in the private rented sector. Existing tenants wishing to transfer will no longer have to go through the same allocation process as other applicants.</li> <li>• Local authorities will be able to offer new tenants ‘flexible tenure’ (fixed term secure tenancies) rather than traditional ‘lifetime’ tenancies. The Act also makes a number of technical changes to facilitate the use of fixed-term tenancies by social landlords.</li> <li>• Statutory succession rights are reduced (for new tenants only) but it becomes possible to confer additional succession rights under the tenancy agreement</li> </ul>
<p>Housing and Regeneration Act 2008</p>	<ul style="list-style-type: none"> <li>• Makes provision for the setting up of the (then) TSA. However, the regulatory Committee is still in operation that splits the standards into two areas:             <ol style="list-style-type: none"> <li>1. Economic Standards - Governance and Financial Viability, Rent and Value for Money</li> <li>2. Consumer Standards - Tenant Involvement and Empowerment, Home, Tenancy, Neighbourhood and Community.</li> </ol> </li> </ul>

## 5. Definitions

### **Adapted property**

A Midland Heart owned property that has had some of its standard features changed, or which has additional features and fittings, in order to make the property suitable for a person with disabilities. Adapted properties are not necessarily wheelchair accessible - levels of adaptations vary considerably from property to property.

### **Adult children**

Children living with their parents or family members who are aged between 16 and 18 and are non-dependent. All children living with their parents or family members and are aged over 18 years old.

### **Affordable Rents**

Rent charged at 80% of the full market rate.

### **Allocation**

Where a direct applicant or an applicant from the Local Authority; Housing, Social Services, Probation or Health or any agreed appropriate agency, has his or her details matched to an empty Midland Heart property and an offer of a tenancy or protected or excluded license is made.

### **Applicant**

A generic term used to denote someone who has made an application for housing and/or support.

### **Application form**

A paper or online form that both customers and new applicants have to fill out in order to apply for housing and/or support, and to be considered for a service, as appropriate, to appear on the Housing Register. The form collects information about the applicant, the applicant's household and other information to assess his or her housing and/or support needs. A person cannot be admitted to a service or placed on a Housing Register without completing an application.

### **Assignment**

Assignment is the legal transfer of a tenancy to another person who becomes the customer and acquires the benefits and obligations of the original tenancy, this can apply in Older Persons Services.

### **Assured short hold tenancy**

One type of tenancy granted to a customer by Midland Heart. It is also used for "Starter Tenancies".

### **Assured tenancy**

A type of tenancy granted to a Midland Heart customer. They are more secure than assured short hold tenancies and may only be brought to an end by the tenant giving notice or an order of the court.

### **Choice based lettings (CBL)**

CBL is a method of allocating properties to applicants. Eligible applicants take an active role in choosing a property advertised under the scheme and then expressing an interest in being allocated it - or “bidding for it”. Properties are still allocated according to the person with the highest priority, but only those who have placed a bid will have an opportunity of being short-listed for it.

### **Child**

A person under the age of 18.

### **Couple**

Two people living, or wanting to live, together of the same or opposite sex, who are married or have entered into a civil partnership or who will live together as if they were married or had entered into a civil partnership.

### **Decant**

Process of temporarily moving residents from their homes while improvements are carried out.

### **Demand**

Demand is measured by the number of people who are requesting re-housing in a certain property type and in a particular location. The more people requesting to be re-housed in a specific area the greater the demand.

### **Direct Offer**

Where an applicant is offered an empty property without it being advertised through a choice based lettings scheme.

### **Direct Let**

A Direct Let is where there is an existing relationship with a partner agency to house people specifically from them as a referral.

### **Domestic violence**

Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who have been intimate partners or family members.

### **Eligible**

Applicants have to satisfy certain criteria to be eligible for an allocation of accommodation and support services, and to be allocated certain property types.

### **Emergency Moves**

A life threatening, exceptional or emergency situation, usually threats from a third party affecting the individual in their home or the locality. This overriding housing need justifies an immediate transfer.

### **Excluded Licence Agreement**

Denotes the rights and responsibilities of applicants to Midland Heart Supported Housing.

### **Fixed Term Tenancy**

A type of assured short hold tenancy that usually lasts for 3 or 5 years and will end when the fixed period expires.

### **Harassment**

Harassment is behaviour, which may be verbal or physical, actual or threatened, committed by people who want a particular family or person to suffer. It includes attacks on property as well as on the person, and is suffered by individuals or groups because of their:

- Age
- Colour
- Disability
- Ethnic or national origin
- Race
- Religion
- Gender
- Sexual orientation
- AIDS or HIV status
- Physical appearance

This list is not exhaustive, harassment can occur for a number of other reasons and includes, family members, residents, household members and visitors.

Harassment can consist of a single incident or several incidents over a period of time. Harassing actions need not be intentional in order to be considered harassment.

### **Care and Support - Fair Access / Fair Exit**

Within Care and Support we analyse who is coming into our services and who is leaving. Where a tenant is required to leave a scheme, this is done fairly and in a controlled way.

### **Homeless**

An applicant is considered to be homeless when he/she meets the definition contained in the Housing Act 1996 Part 7. This definition includes those who are threatened with homelessness within a 28-day period. General Needs Policy has a different homeless definition

### **Household (for the purpose of eligibility and house type)**

One person living alone or a group of people living together (who may or may not be related) with shared living expenses.

### **Household (for the purpose of unacceptable behaviour)**

The tenant/applicant or any person that will be living with the tenant/applicant together with any visitor, friend, associate or family member who is not going to be living with the tenant/applicant but can be reasonably expected to visit the property or come into contact with Midland Heart employees, contractors or customers.

### **Housing debt**

An amount of money owed to Midland Heart for current or former tenancy, for example, arrears, court costs, housing benefit overpayments or on a sundry account, e.g. rechargeable repairs.

### **Housing Register**

A database of all individuals or households who have applied for housing.

### **Immigration Status**

This defines the applicant's residency status in the UK. Some groups of people will not be eligible for housing due to their immigration status. These groups of people are defined by the Secretary of State within housing law.

### **Joint tenants**

Where two or more people are customers of the same property and share contractual responsibility for the tenancy.

### **Local connection**

A person defined by this policy as having a particular connection to a neighbourhood, settlement or Local Authority area.

### **Local Lettings Policies**

Local Lettings Policies are used to enhance the sustainability of defined communities by giving preference for offers of accommodation to particular customer groups. This may include customers outside of the housing needs categories. Local lettings policies will be evidence-based, and be approved for defined geographic areas.

### **Low demand**

A property is classed as low demand when it cannot be allocated using the standard allocation rules because there are no applicants on the waiting list who would meet the allocation criteria usually applied

### **Mutual exchange**

Applicants wishing to exchange their home with another Midland Heart customer, tenants of another registered social landlord or a tenant of a Local Authority may do so, subject to the policy guidelines for mutual exchange. The written agreement of the appropriate landlord is required prior to the exchange taking place.

### **Nomination**

A type of allocation defined in the Housing Act 1996, where a Local Authority puts forward (nominates) an applicant from the Local Authority Housing Register to Midland Heart for re-housing.

### **Offer of accommodation**

When an applicant is allocated a home an offer is made. This is usually done in writing. An offer of accommodation does not guarantee that a tenancy will be given for a particular property. All offers are subject to a verification process with the customer and the property remains available.

### **Older Persons**

This generally applies to a person aged 55 years and over, although within Homeless services an older person can be 45 years and over due to the impact the homeless lifestyle has had on their health.

### **Partner**

One of two people living, or wanting to live, together of the same or opposite sex, who are married or have entered into a civil partnership, or do or will live together as partners.

### **Protected Licence Agreement**

Denotes the rights and responsibilities of applicants to Midland Heart Supported Housing.

### **Risk and Needs Assessment**

All applicants for Midland Heart supported housing will have to complete a risk and needs assessment. This will enable Midland Heart Care & Support services to identify housing and support requirements specific to the needs of each customer.

### **Sole tenant**

Where a single person is the customer of a property, and the contractual responsibility for the tenancy is vested with them.

### **Succession**

The Housing Act 1988 and the Localism Act 2012 further states that if a customer dies, the tenancy of the property will pass to his or her spouse or civil partner.

There can only be one succession. If the deceased customer had taken over the tenancy following the death of a previous customer, there cannot be a second succession.

### **Successors**

A person who is entitled to succeed to a tenancy upon the death of the previous customer, as set out in the Housing Act 1988 and Further in the Localism Act 2011. A successor succeeds to the same type of tenancy that the deceased customer held. It is not an allocation under Part 6 of the Housing Act 1996 or this Allocations Policy.

### **Supported Housing**

Midland Heart provides a range of specialist supporting housing schemes for specific client groups who require additional support to live independently.

### **Surrender and re-grant**

Midland Heart now offers tenants Fixed Term Tenancy Agreements. Where a mutual exchange occurs, the fixed term tenant will need to surrender their existing tenancy and be re-granted a new tenancy.

## **6. Abbreviations**

ASB	Anti-social behaviour
CBL	Choice Based Lettings
CTB	Council Tax Benefit
EEA	European Economic Area
EU	European Union
HB	Housing Benefit
KLOE	Key Lines of Enquiry
NASS	National Asylum Support Service

Appendix 1: Priority Banding System

Appendix 2 - Eligibility

Appendix 3 - Age Restricted Properties

- Appendix 4 - Local Lettings Plans
- Appendix 5 - Under Occupation Scheme
- Appendix 6 - Access Routes
- Appendix 7 - Direct Lets
- Appendix 8 - Nominations and CBL
- Appendix 9 - Care and Support Schemes and Access Route Information

## 7.0 POLICY STATEMENT

### 7.1 Introduction

Midland Heart is a large provider of accommodation as well as care and support services. We aim to ensure that all of our homes and services are let to those most in need; we do this through a number of avenues such as working with our Local Authorities or other 3<sup>rd</sup> sector partners to ensure we meet the needs of the people in our areas of business but most importantly by having a robust, fair and transparent allocation process.

#### 7.1.1 Choice

Midland Heart will offer choice of accommodation where possible. This means that where appropriate, all of our vacant properties will be advertised through Homes Direct or a CBL scheme. If this is not appropriate, Midland Heart will offer customers the ability to choose an area they would like to be considered for housing. Where a customer has been referred to us by one of our partners for a specific scheme or service, a decision around what deems a property most suitable will be made between the customer and the partner agency criteria.

#### 7.1.2 Our Objectives

Midland Heart will be guided by the following principles:

- To ensure our lettings contribute towards the development of balanced and sustainable communities and seek to promote social inclusion.
- To allocate properties in a fair and transparent manner, by encouraging customers to make informed decisions on what accommodation they would like to be considered for and which locations they would like to live in.
- To ensure that we allocate our homes and that they are suited to the people that want to live there and that we have clear move on processes for when that particular home is no longer suitable.
- We will continue to implement local lettings plans, in consultation with local communities, where there is evidence that such schemes are required by local people.
- To continue to support tenant mobility.

- To ensure that we have a fair access route into our housing, care and support services in accordance with our Single Equality Scheme.
- To ensure that the most vulnerable members of society are offered quality led and appropriate services.
- To ensure any tenancy is likely to be sustained by the customer.

## 7.2 Housing Stock

Midland Heart currently operates in over 50 local authorities. Our work involves, supporting those who need help to live independently, assisting in regenerating communities as well as providing and maintaining homes for more than 70000 people.

### 7.2.1 Care and Support

We have approximately 6,700 rented properties predominantly in the Midlands. Midland Heart Care and Support owns a variety of purpose built and adapted accommodation for families and individuals, of these 75% of schemes are under 10 years old with some being furnished.

- **Older Persons:**

The majority of accommodation in Older Persons Services is purpose built and includes security equipment such as 24 hour community alarm call systems, door entry systems and CCTV. The accommodation on offer ranges from 1 and 2 bedroom apartments (the majority with lift access) and bungalows. All our extra care facilities are purpose built with disabled adaptations. Extra Care housing is offered in accordance with the arrangements Midland Heart has in place with the local authority and may vary between schemes in different locations. We can also offer Leasehold properties - there are over 1,800 leasehold properties across the Midlands that are managed for retirement residents. These properties are bought and sold either independently through an estate agent or through Midland Heart. The majority of these properties are Mutual's where Midland Heart act as the managing agent, the remainder being more traditional leasehold arrangements with Midland Heart as the landlord.

- **Supported Housing:**

These are our schemes that can be designed for one of our customer groups, such as: Inclusion Services (formally homeless); Mental Health Services or Learning Disability Services. The way in

which housing and services are offered are individually designed to meet specific needs and are delivered in partnership with local commissioners such as the Local Authority. Most referrals will come from the local authority in regards to our Mental Health and Learning Disability services, however, within our Inclusion Services, specifically, our Homeless 'Hub' scheme, referrals can be made directly where we may be obliged to find that individual a temporary place to stay immediately.

### 7.2.2 Customer and Communities

Midland Heart's Customer and Communities department manages around 21,500 homes. Generally the demand for housing greatly outweighs the supply. For this reason, Midland Heart allocates their homes based on the priority banding criteria set out within this policy, with an emphasis of always allocating the right home to those most at need.

## 7.3 Access routes into Midland Heart

Properties are allocated through a number of sources and will be allocated in accordance with this Allocations Policy.

**Appendix 9 outlines all of care and supports schemes and their access routes.**

The sources where Allocations can come are as follows:

- Homes Direct
- Direct Application Forms within Care and Support
- Nominations Agreements with Local Authorities
- Emergency Moves
- Temporary Re-Housing (Decants)
- Direct Lets Referral Agent ( 'referral agent' could be Social services; Health, probations, Age Concern, etc)

### 7.3.1 Homes Direct

In 2011 Midland Heart launched Homes Direct, this scheme is used for allocating properties for rent, sale and shared ownership. Once an individual has filled out an online application form it will be assessed and if accepted, the individual will be on our housing register and be able to bid on available and suitable properties. For our available general need and sale properties, this process has replaced application

forms. All applications will be verified prior to an offer of accommodation being made.

### **7.3.2 Direct Applications**

Midland Heart currently maintains a housing register (Homes Direct) for properties that people are able to directly bid on, the rest of our stock is usually allocated through nomination agreements (see appendix). The application will be automatically assessed against our eligibility criteria and priority banding system as set out within this policy.

Details of the Banding system can be found at Appendix 1.

### **7.3.3 Nominations**

The statutory responsibility for ensuring that suitable accommodation is available for persons in need rests with the Local Authority. However, Midland Heart has an obligation through the Homes and Communities Agency to offer a proportion to Local Authority nominations. Priority for nominations will be based on the individual Local Authority Allocations Policy.

Nominations will not normally be refused unless the applicant (this list is not exhaustive):

- Is not eligible for the property
- Is a former Midland Heart tenant with a record of serious breaches of tenancy/licence
- The customer requires support, that is attached to the property but declines
- The customer is not eligible for a housing offer

### **7.3.4 Emergency Moves**

In exceptional or emergency circumstances a customer may be given priority to move through a direct let, even if the customer is not currently registered with Homes Direct. An exceptional circumstance means an immediate threat to life or serious harm from a third party, within the local area or vicinity. Any threat will need to be substantiated by the police and where possible supported by an Osman Warning

An Emergency Move would be considered if other measures could not be put in place to protect the safety of the customer, for example, additional security or legal remedies such as injunctions. The usual re-housing with rent arrears policy is waived for Emergency Moves.

Midland Heart cannot guarantee that the new home will meet all of the transferring customer's preferences. However, Midland Heart aims to ensure that the customer is safe in their new accommodation and that the housing provided is, as far as possible, meets the customers housing need in relation to size and type. The property offered will be at Midland Heart's Void Property Standard and will not replicate any improvements the customer has made to their existing home.

Only one offer of an emergency move will be made. If the customer does not accept the offer, no further offers of emergency moves will be made except in exceptional circumstances where there is clear evidence that the first offer was not reasonable from a safety perspective. Emergency moves offered under these circumstances may require supporting third party evidence such as a police report.

An approval for emergency move will be made by the Head of Neighbourhood Services.

Approved Emergency Moves will be valid for one calendar month and will be reviewed after this date if a move has not been secured. The Head of Neighbourhood Services will consider if the original risk still applies or is as serious given the time elapsed since the original approval.

### **7.3.5 Temporary Re-Housing (Decants)**

Temporary re-housing may occur when a property is in need of substantial repair or improvement work that cannot be reasonably completed while the customer is in occupation. In these cases the tenant remains the tenant of the original property, paying rent at that property. Customers must always return to their original property.

### **7.3.6 Move On / Transfers**

Midland Heart is keen to assist with re-housing customers from temporary supported accommodation, supported housing or other specialist needs, and is also keen to ensure that tenancies are sustainable.

Midland Heart has the right to restrict properties to their existing Midland Heart customers in the following instances:

- Supported Housing (Inclusion Services) customers who are ready to move on into independent accommodation - This can only occur where there is a high demand for hostel bed spaces and no vacancies are available leading to the use of bed and breakfast or homeless households sleeping rough or in

unsuitable situations. At other times reasonable preference is given enabling customers to bid in a standard process.

- Where Midland Heart wishes to make ‘best use of stock’ with the best matched people living in our homes.
- To assist with the move on from general needs housing into supported housing or inclusion services accommodation, only with an assessment being made by the Inclusion Services Operations Manager.
- Where Welfare Reforms have made the existing tenancy unsustainable.
- Where Midland Heart has developed a new property and it is being let for the first time. This will exclude properties where other legal requirements require Midland Heart to allow non-Midland Heart customers to be considered for them.

### 7.3.7 Direct Lets / Referrals

Properties will be let to applicants who are referred from specialist agencies. Each direct let arrangement is listed at Appendix 8 and has been approved by the Midland Heart Executive Board. If the care and support scheme is through referrals only, anyone can request a referral form by calling the Customer Service Centre, the Scheme or by downloading a copy from our website. [www.midlandheart.org.uk](http://www.midlandheart.org.uk)

## 7.4 Application Process

### 7.4.1 Making an application

Any new or existing customers can use the Homes Direct website to upload their details and start looking at available homes that match their needs.

For customers that require accommodation along with support can request an application form from the Customer Service Centre or from the scheme itself or if the scheme is through referrals only, anyone can request a referral form by calling the Customer Service Centre, the Scheme or by downloading a copy from our website. [www.midlandheart.org.uk](http://www.midlandheart.org.uk)

### 7.4.2 Who Can Apply for Housing

Anyone over the age of 16 years can apply to be a customer of Midland Heart. However, applicants aged 16 and 17 will have their housing and support needs assessed jointly with other agencies. Midland Heart works with several specialist agencies in the provision of supported lettings for 16 and 17 year olds, where appropriate, single people will

be referred to these agencies. Requests for housing for 16 and 17 year olds will not normally be considered, except in the following circumstances:

- where the customer has a dependent child, or children, or is 24 weeks pregnant;
- Where Midland Heart has directly managed properties with support that are specifically for 16 and 17 year olds.

Any 16 or 17 year old that is offered a tenancy must have a person who will hold the tenancy in trust until the applicant reaches the age of 18. Midland Heart cannot act as the trustee as this could lead to a conflict of interest.

#### **7.4.3 Applicants not eligible to be housed or supported by Midland Heart**

Please note that for some of our temporary housing services - we will temporarily waive the eligibility criteria for a short period of time but only in extreme cases such as allowing rough sleepers to use the hostel facilities in severe or cold weather conditions.

##### **7.4.3.1 Immigration Control**

Persons subject to immigration control within the meaning of the Immigration and Nationality Act 1996 are not eligible for allocation of social housing unless they fall within one of the classes of persons defined by regulations as eligible for social housing assistance.

Persons subject to immigration control are persons from abroad who require leave to enter and remain in the UK whether or not such leave has been granted. The restriction applies to all persons who have entered the UK other than as of right except those stated to be eligible by regulations. The following are categories of people who are NOT subject to immigration control:

- A British citizen;
- A Commonwealth citizen who has the right of abode in the United Kingdom;
- A citizen of the European Economic Area (EEA), which includes all EU countries

Therefore, any person who does not fall into one of these categories is subject to immigration control and not eligible for an allocation of social housing unless they fall within one of the classes of persons defined by regulations as eligible for social housing assistance.

Persons not subject to immigration control but defined by regulations as being persons from abroad who are ineligible for social housing assistance.

Persons not subject to immigration control are persons who have a right of admission to the UK. The restriction applies to such persons who are not habitually resident in the Common Travel Area (UK, Channel Island, Isle of Man, Republic of Ireland) and whose right to reside (or enter the UK) is not conditional on being self sufficient, such are workers etc.

Therefore people who do not currently live within the Common Travel Area (as described above) are not eligible for an allocation of social housing unless there are habitually resident and their right to reside is not dependent on them being self sufficient expect for specific categories of person such as workers who are not required to satisfy the habitual resident test

#### 7.4.3.2 Owner Occupiers

Owner-occupiers will only be eligible for housing if the following circumstances apply:

- They are homeless or likely to become homeless within 3 months of their request due to the repossession or the sale completion on their current home
- A joint owner who has left the property, or is leaving the property in order to escape domestic violence, and the violent partner is the other joint owner
- There has been a breakdown in a relationship between joint owners and one has requested housing. This is subject to them providing evidence that the sale of the property would realise less than £20,000 equity value, to the joint owner, at the point of their re-housing request.
- Older person's services will re-house owner-occupiers who are in need of support.

#### 7.4.3.3 Applications made by staff and their family members

Any application made by employees, former employees, contractors, board and/or committee members and any of their close relatives may be permissible so long as the decision will be made fairly and in accordance with this policy. To ensure fairness, any offers of

accommodation for any of these criteria people, will require an internal sign off.

#### 7.4.3.4 Anti-Social Behaviour

Midland Heart does not automatically consider anyone ineligible for housing if they have caused anti social behaviour. However, applicants or members of their Household who have been guilty of unacceptable behaviour, either current or in the past, which is serious enough to make them unsuitable to be a Midland Heart customer will be treated as ineligible for allocation of accommodation and therefore will be excluded from the Housing Register. The exclusion will remain until the customer can demonstrate that the behaviour has been moderated and will not re-occur.

For the avoidance of doubt, where the unacceptable behaviour is committed by a member of the household other than the applicant or any person that will be living with them, Midland Heart will rely on the failure of the applicant or person living with them to prevent or deter the unacceptable behaviour as a reason to treat this as unacceptable behaviour. Unacceptable behaviour includes but is not limited to;

- a) Applicants / Households who have been served with a Notice Seeking Possession, section 21 notice or equivalent civil proceedings notice in relation to behaviour or any breaches of tenancy.
- b) Applicants / Households who are or were subject to a court order that is linked to their conduct in a property or in the locality of a property.
- c) Perpetrators of Domestic Abuse who are or were subject to a court order in relation to their behaviour, including but not limited to a non-molestation order, an injunction order, an occupation order or a restraining order.
- d) Applicants / Households who have been evicted from a tenancy due to a breach of any tenancy condition.
- e) Applicants / Households who have been convicted of using a property for immoral or illegal purposes or a similar offence or in the locality of a property
- f) Applicants / Households who have an unspent criminal conviction committed in, or in the locality of a property.

g) Applicants / Households who have agreed to undertakings or acceptable behaviour agreements and have subsequently breached these.

h) Applicants / Households who have committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds/ or services.

i) Applicants / Households who have displayed threatening, violent or otherwise abusive behaviour towards a Midland Heart or partner agency employee or person employed to undertake work on their behalf.

j) Applicants / Households who have caused damage to their current or previous homes, that is not reasonable wear and tear, and have not put this right or paid for the damage.

However, there may be some exceptions to this within Midland Heart Care and Support schemes where residents that are supported have previously had a chaotic lifestyle.

#### 7.4.3.6 Convictions

Midland Heart does not automatically consider anyone ineligible for housing if they have a previous conviction. In fact, Midland Heart's Care and Support services play in integral part in supporting individuals with past criminal convictions to transform their lives and live a less chaotic life. However, where Midland Heart is seriously concerned that this individual will pose a risk to themselves, our staff and contractors, the scheme and/or home and the wider community eligibility will be reviewed. This also applies to any joint tenancy or household member. If following the review it is considered that the risk is too great the applicant will not be eligible for housing.

#### 7.4.3.7 Support needs

Applicants who have support needs may be declined access to services if the level of support they require cannot be provided. Midland Heart Care & Support provides Supported Housing, Sheltered Housing, Extra Care Housing, Retirement Housing, direct access accommodation and floating support services, it works with a range of providers and funders to support new customers regards sustaining their tenancies, and managing care & support needs.

An assessment will be completed with customer's regards their support requirements and a support plan and risk assessment will be

agreed with the customer, the support provider and Midland Heart. Where an assessment is made that establishes that a tenancy would be unsustainable without support and the applicant declines support, or it cannot be provided, an applicant may be declined accommodation for this reason.

#### 7.4.3.8 Affordability

If the applicant is unable to demonstrate that they are able to pay the rent or sustain the tenancy they will not at the point of offer be eligible for housing.

#### 7.4.3.9 Tenancy Fraud

Any applicant providing false or significantly misleading information about their housing or family circumstances will not be eligible for housing for a period of 12 months from the point of the application being assessed.

#### 7.4.3.10 Affordable Rents

Transfer applicants that have a protected rent will not be eligible for homes to be let on an affordable rent.

#### 7.4.3.11 Failure to attend sign/ups, interviews and other appointments

Customers who do not attend viewings/signups or other arranged appointments twice without giving notice will have their applications cancelled and will be ineligible to join the housing register for 12 months.

#### 7.4.3.12 Housing related debt

Applicants with a housing related debt who do not meet the re-housing with rent arrears policy will not be eligible for an offer of accommodation. If at any point it is discovered that a housing related debt has not been declared any offer will be removed.

#### 7.4.3.13 Fraud

Applicants that have been proven to have acted fraudulently when securing a home or in the subsequent conduct of their tenancy.

#### 7.4.3.14 Newly Build Properties:

Where possible Midland Heart will give priority to its existing tenants for the first let of new build properties. This may not be possible

where Midland Heart is obligated through any other legal requirements associated with the new development. This could include any covenants, conditions and agreements associated with the Planning decision or funding that led to the development.

#### 7.4.4 Verification Checks

Verification checks will be completed when an application is being considered for an offer. Verification checks will be completed by requesting originals (or where agreed, copies) of relevant documentation. This will include (but is not limited to):

- Proof of identity (of all applicants, including birth certificates of all children).
- Nationality and immigration status.
- Income details.
- Household make-up.

Midland Heart reserves the right to require proof in whatever form appears appropriate or to make enquiries of other organisations to confirm the applicant's statements. If this is necessary the applicant's consent will be sought in advance. If such consent is not given the application will be suspended until such time as Midland Heart is satisfied on this point.

Midland Heart will contact any current or former landlords to make the following checks before allowing an applicant to join the register or an offer of allocation:

- Whether the applicant or household is in arrears or owes any monies to any landlord.
- Whether the applicant or household has been involved in any anti-social behaviour.
- Whether the applicant or household has complied with the terms of their current or former tenancy.

Existing Midland Heart customers will receive a property inspection to ensure the terms of their tenancy have been complied with. If a customer has caused damage to their home this will be classed as anti-social behaviour. Existing Midland Heart customers will need to complete any repairs or make good any unauthorised improvements they are responsible for before signing for a new tenancy.

#### 7.4.5 What Housing can People Apply for?

Midland Heart is committed to giving applicants as much choice as possible in the size and type of housing which they can apply for and in accordance with the DWP Bedroom Standard. The size and type of property you are eligible for will depend on the needs and size of your household when your application is assessed. Applicants will be given this information. This is normally based on the number of people that will be moving, their age and gender.

The following is a guide to the size of housing which different households can apply for:

- A bedroom for each couple/single parent (including foster parent) in the household (unless there are disability needs for which discretionary housing benefit will be paid)
- A bedroom for each pair of the same gender children under the age of 16 (unless there are disability needs for which discretionary housing benefit will be paid)
- A bedroom for each pair of opposite gender children under the age of 10 (unless there are disability needs for which discretionary housing benefit will be paid)
- A bedroom for a person not meeting any of the three categories of people above
- A woman who is over 24 weeks pregnant will be counted as a woman with a young child. They must be able to demonstrate that until the child is born they are either in receipt of Discretionary Housing benefit or can fund the rent for the home they are offered.

#### **7.4.6 Type of Housing**

To make best use of the housing which is available there will be some limits to the choices that applicants can make. This will be dependant on the household composition, appendix 2 demonstrates the most common applicant eligibility for property size and type. The guidance below describes the type of housing applicants may be offered:

- Bedsits are offered to a single person or a sharing couple

- One bed flat is offered to a single person or a sharing couple (unless there are disability needs for which discretionary housing benefit will be paid)
- Two bedroom flats may be offered either to parent(s) with a child or to two people sharing the accommodation who would not normally be expected to share a bedroom or households with adult children.
- Houses may be offered to households with dependent children that are living with them (including at university or in the forces). The number of bedrooms and bed spaces will depend on the household composition. Houses will not normally be offered to households where there are no children under 16. However, where this is the only genuine living arrangement option in the area, then a house may be offered. This decision lays with the Housing Options Officer for that area.
- Bungalows are usually offered to applicants aged over 60 or who require level access accommodation for health or mobility reasons.
- Ground floor flats that have a level access will be offered in the first instance to customers who require this for health/care/support reasons now or are likely to in the near future. Midland Heart has an objective to enable customers to live independently for as long as possible so this will also include applicants over the age of 60. However, if there are no applicants with health/care/support needs or over the age of 60 the properties will be considered for all applicants.
- Some of Midland Heart properties will have age restrictions placed on them. For example, you must be over 25 or over 60. All age restricted schemes are listed at appendix 3. These age restrictions will only be in place where:
  - A restrictive covenant specifies the properties are let to certain age groups.
  - Funding agreements for the provision of the accommodation or any support attached to the property require the customer to be of a certain age group.
  - The properties are designed for specific age groups.

- A local lettings plan has been agreed and the reasons and impact of the age restriction have been assessed.
- Some of Midland Heart flatted accommodation may not be suitable for large pets such as cats and dogs. In these cases the accommodation may have a restriction as to the type of pet allowed unless it is to assist the customer to live independently, for example a guide dog. In regards to our care and support schemes, each scheme operates an individual pet policy.
- While all applications will be assessed on the number of bedrooms required, Midland Heart may also allocate a property with fewer bedrooms than is needed if this will be the best use of stock and will improve the housing situation of the applicant and depending on circumstance. Midland Heart would not let a property to a household that would become statutory overcrowded or is likely to be considered as a HHSRS category 1 hazard by the Local Authority

#### 7.4.6 Households

A household can be reasonably expected to live together where:

- They are family members living apart for no other reason than they have no means to live together; OR
- Some member or members of the household require overnight and long term care from either formal or informal carers, or other companions

A household is one person living alone, or a group of people who would live together with shared living expenses if suitable accommodation were available

Relationships by marriage (this includes civil partnerships) will be treated as a relationship by blood and a step child of a person will be treated as a child

Dependent children (including step children and foster children) are defined as a person aged under 16 and all others aged 16-18 who are currently in or about to start full-time education/training and are unable to support themselves.

Where responsibility for children is shared between two former partners, applicants will be considered for accommodation on the following basis:

- The parent or guardian that is the recipient of the child related benefits will be allocated the number of bedrooms that are required for that household.
- Parents or guardians with access to children but are not the recipient of child related benefits will not be eligible for any additional bedrooms to accommodate these children.

#### **7.4.7 Tenancy Types**

There are a number of different tenancies that a customer can be given. The details of the different tenancy types available and the reasons why they will be offered can be seen in Midland Heart's Tenancy Policy.

#### **7.4.8 Mutual Exchanges by surrender and re-grant.**

Mutual exchanges that are achieved through a surrender and re-grant are not considered as an allocation within the remit of this policy.

### **7.5 Assessing Need**

#### **7.5.1 Housing Need**

This is usually automatically assessed using the information that has been provided by the applicant on the Homes Direct application form. Midland Heart officers may also adjust an applicants priority should an issue or information arise that would affect this priority.

The information gathered will cover the following aspects of an applicant's circumstances:

- Personal details such as age, gender and relationships between the applicant and members of their household.
- Current housing circumstances to assess, in particular, details of security of tenure, homelessness or potential homelessness, overcrowding or lacking amenities.
- Any particular housing requirements resulting from health, care or support needs, such as mobility problems.

When working out the level of priority for an applicant, Midland Heart will consider if the household :

- Is currently homeless or threatened with homelessness.

- Is living in insecure accommodation.
- Is overcrowded in their current accommodation.
- Is living in accommodation which is lacking in amenities.
- Has health, care or support, (including disability) needs which would be assisted by moving to other accommodation.
- Needs to move to an area where failure to move will cause hardship
- Is underoccupying

Midland Heart uses a banding system in order to differentiate between differing levels of housing need. Further detail regarding the banding system can be found at Appendix 1. There are 4 priority bands and each applicant will be placed in the relevant band according to their assessed need.

For many applicants, the information which is provided in their application will be sufficient to assess needs. For some there will be a need to undertake further assessment. Depending on the individual circumstances, this may involve requests for additional information or interviews with specialist staff. Prior to any offer of housing being made, all applicants will be verified.

In regards to ensuring the sustainability of our properties that are marketed at affordable rent levels, Midland Heart may prioritise working households.

### **7.5.2 Care and Support Need**

To enable Midland Heart Care & Support services to assess the needs of our customers, application forms gather information for two purposes as stated below:

- (1) To enable the needs of the applicant to be assessed so that appropriate housing or accommodation based services with Care and Support service can be made available
- (2) To provide Midland Heart Care & Support with customer information to assist in planning and designing future provision.

The information gathered will cover the following aspects of an applicant's circumstances:

- Personal details such as age, gender and relationships between the applicant and members of their household
- Current housing circumstances, to assess, in particular details re; security of tenure, homelessness or potential homelessness, overcrowding or lacking facilities.
- Any particular housing or accommodation requirements resulting from health, care or support needs, such as mobility problems.

When working out the level of priority for an applicant, Midland Heart will consider if the applicant is:

- currently homeless or threatened with homelessness
- living in insecure accommodation
- Health, care or support needs which would be assisted by moving to other accommodation.

Housing with Care and Support schemes use a criteria to determine need and prioritise applications. Further detail can be found at Appendix 1.

If Midland Heart Care & Support cannot respond to the immediate needs of an applicant, Midland Heart Care & Support services will sign post the applicant to services who have vacancies to facilitate choice and prevent delay in accessing services.

### **7.5.3 Applicants with Housing Related Debt**

Applicants with rent arrears or housing related debts will be placed into Band D and will not be eligible for an offer of accommodation unless they meet one of the criteria below:

1. The applicant is not adversely affected by welfare reforms and has existing rent arrears but can demonstrate an ongoing commitment to repaying their debt. This will need to be an agreed repayment plan sustained for at least 3 months and thereafter. In these circumstances the debt must be below £1,000. This excludes applicants subject to a court order.
2. The applicant is adversely affected by welfare reforms and has existing rent arrears but can demonstrate an ongoing commitment to repaying their debt. This will need to be an agreed repayment plan sustained for at least 3 months and

thereafter. This includes applicants who have a court order that is at least 3 months old and they have not defaulted on payments.

This may include applicants that have demonstrated an ongoing commitment as defined above, but the impact of welfare reforms has made ongoing payments impossible (this will be assessed by Midland Heart).

3. Applicants who have accrued a debt directly as a result of welfare reforms making their rent un-affordable and any repayment of arrears impossible will be permitted to transfer or mutually exchange. In these cases the applicants rent account must have been clear prior to the welfare reforms.

Applicants who have had debt prior to welfare reforms and have not maintained regular payments to reduce their debt will not be able to transfer or mutually exchange until the criteria above has been met.

In all cases applicants will only be considered for homes where the rent payment can be sustained.

#### **Exceptional circumstances:**

If the debt accrued during an exceptional period during the applicants life and it is unlikely that the applicant will fall into debt again the applicant may receive full priority and be eligible for an offer of accommodation.

Decision regarding exceptional circumstances will be made by the Head of Service responsible for Allocations. The following issues will be considered:

- Whether the exceptional circumstances were outside of the applicants control e.g. domestic violence in the form of financial control.
- Whether the exceptional circumstances were due to a support or medical need that has now been addressed.
- Whether there is ongoing care or support to prevent re-occurrence. Or the applicant has taken timely steps to remedy the situation.
- Whether the circumstances leading to the debt have now been resolved.
- Whether the applicant has been making repayments to clear their debt.

If exceptional circumstances are considered to have led to the debt being incurred that Head of Service will award full priority reflective of their housing need.

**NOTE: If an applicant refuses financial advice or support that is offered to them or does not engage with financial support the applicant will remain in Band D until they do so.**

#### 7.5.4 Affordability

Midland Heart customers who cannot afford to remain in their property because it is not affordable will be given Band A priority to access another Midland Heart property with a lower rent. This is to ensure that a customer can sustain a home with Midland Heart.

The circumstances when this policy will apply are:

- A customer is in a property with an affordable rent and is no longer in receipt of housing benefit or is no longer entitled to full housing benefit and following a financial assessment by Midland Heart has demonstrated the rent payment is not sustainable.
- A customer is receiving an under-occupation deduction from their housing benefit and the rent payment is not sustainable (if the customer has arrears please refer to section 7.5.3).
- A customer is living in an affordable rent property and wishes to enter into employment and following a financial assessment by Midland Heart has demonstrated the rent payment is unlikely to be sustainable if employment was secured.
- A household has been subjected to the benefit cap.

In all the above cases the financial assessment will recommend a maximum rent level affordable by the customer and a payment plan to clear any arrears is in place. The Band A priority will only apply to properties below this maximum rent level.

This policy will not apply to non-Midland Heart customers (tenants) or any Midland Heart customer who is in receipt of benefit deductions that could have been avoided e.g.

- Committing benefit fraud leading to over-payment deductions.
- Any benefit deduction for failing to undertake a task required of them such as informing the relevant agencies of changes in circumstances.
- Not complying with benefit requirements to seek work.

## 7.6 Allocations

### 7.6.1 How an Applicant is selected for an offer

The Midland Heart banding system is used to prioritise different forms and degrees of housing need. A property will normally be offered to the highest priority customer from one of the different housing access routes (Homes Direct, LA nominations, Temporary Re-housing, Move on, High Risk Offenders - see Appendix 8)

Midland Heart allocates at least 50% of its properties through Homes Direct.

When an application is accepted and entered on the housing register the applicant will be given details as to the priority band they have been awarded, the date they were registered and all relevant information.

The applicants who bid for properties will be ranked according to their priority band and any preference criteria attached to the property. Usually if two or more applicants are eligible for allocation of a property and have the same priority band, the date the applicants were registered in the band will be used to decide which applicant is allocated the property.

A tenancy will not be entered into until an applicants application has been verified for accuracy. An offer can be withdrawn at anytime before the tenancy agreement has been signed.

Where our care and support services operate direct applications, then allocation is made by selection of the applicant in the highest need for allocation of that property. Where there are two or more applicants with a similar assessed need and band the date they were awarded their highest band will be used to decide which applicant is allocated the property

### 7.6.2 Direct Offers

There may be occasions where Midland Heart has to make a direct offer to someone outside of the housing register process. This will be rare and is to accommodate business needs created by other policies and procedures. Any direct let in this way must be approved by the Head of Service responsible for Allocations. This may happen when:

- A customer is left in a property following the death of the tenant and there is no right to succeed. The customer (if eligible for housing) may be offered properties through the normal route. If



after a reasonable period of time the customer has not been housed and Midland Heart commences legal action for possession of the property a direct offer of one reasonable property may be made as suitable alternative accommodation.

- Following a relationship breakdown a customer is left in a property that they are not eligible for. The customer (if eligible for housing) may be offered properties through the normal route. If after a reasonable period of time the customer has not been housed and Midland Heart commences legal action for possession of the property, a direct offer of one reasonable property may be made as suitable alternative accommodation.
- Midland Heart may make a direct offer to a customer who offers to pay any debt in full following the execution of an eviction warrant for rent arrears. The offer must be the property the customer was evicted from and the customer must have paid the debt in full by the end of the following week after the eviction took place. This period may be extended in exceptional circumstances with the agreement of the Head of Service responsible for Allocations and the Head of Service responsible for Income Collection. This does not apply to customers who would be excluded from applying to the housing register for other reasons e.g. anti social behaviour. A customer will only be eligible for an offer under this paragraph once and if they are evicted a second time will not be eligible for a direct offer.
- Where an existing Midland Heart customer had a clear rent account prior to the introduction of the under occupancy charge and Midland Heart are certain that the debt is a direct result of the under occupancy charge, a Direct Let may be considered. The customer must be at the point of pre court and pre eviction stage and there will be one offer of accommodation. The offer will be on the following conditions:
  - The new property is affordable
  - The offer will be as close to their existing home as is achievable based on the homes available at the time.
  - A formal agreement is in place to pay the rent arrears they incurred on the previous property
  - They will be given a probationary, starter tenancy
  - They will agree to having regular contact with Midland Heart's Money Advice Service.

**If the customer does not agree to these conditions or does not accept the offer of accommodation, the Eviction process will continue.**

If the applicant refuses this offer of accommodation, one further offer may be made, as per the conditions above, between the time of a possession order being granted and the execution of any warrant.

Any aids and adaptation requirements will be considered in accordance with the Aids and Adaptations Policy.

It is difficult to define a 'reasonable period'. This will usually be two months but may vary dependant on the opportunities for re-housing that have occurred.

The above examples of are not exhaustive they merely indicate the type of circumstances in which Midland Heart may consider making a direct offer outside of the allocations scheme.

In all cases the re-housing with housing related debt policy will apply.

### **7.6.3 Disability and Medical Considerations**

Customers can apply for re-housing where this is necessary in order to improve their health or quality of life.

It may be necessary for some customers to be assessed by an Occupational Therapist to determine or verify what type of property / adaptations matches their physical requirements.

Where a property has been adapted for specific needs, priority will be given to customers who require such adaptations in the first instance.

### **7.6.4 Hard to Let**

A property is classed as Hard to Let (low demand) when it cannot be allocated using the standard allocation rules, because there are no interested applicants on the housing register and the Local Authority has failed to nominate an applicant who would meet the allocation criteria usually applied. It is expected that traditional routes will have been tried twice. In these circumstances Midland Heart may use alternative letting routes to let the property, such as inviting referrals from supported housing schemes or other services or commercially advertising the property. Applicants will be assessed against the eligibility criteria before an offer of housing is made.

Midland Heart can relax the bedroom criteria on hard to let properties. Any applicant must demonstrate that they can afford the home that has more bedrooms than they require, if they cannot afford this, they will not be eligible for the property.

### 7.6.5 Local Lettings Plans

Midland Heart will use the Allocations Policy to assist in the creation and maintenance of communities where people want to live and remain. Midland Heart can do this by making the best use of available stock and will try to avoid the overconcentration of particularly vulnerable people being housed in any specific area, if this is demonstrably affecting the sustainability of an area.

Where Midland Heart is aware of particular management problems with an area, Midland Heart will take account of such factors when allocating properties, thereby demonstrating our responsibility to existing tenants. Local lettings plans will form part of this strategy to manage lettings.

A local lettings plan may be adopted which gives weighting to customer characteristics, other than housing need, in order to promote greater stability on estates, reduce void costs and to reduce high turnover rates. Where a Local Lettings Plan is adopted this will take precedence over provisions within the Allocations Policy.

## 7.7 Offer Refusals and Removals from list

When an offer is made and the customer fails to respond to an offer within 2 working days or, after a property has been viewed, and the applicant does not confirm their acceptance of an offer, the offer will be withdrawn.

An applicant may refuse an offer of a property. Applicants are entitled to two offers in a twelve month rolling period. Once a second offer has been rejected in a twelve month period, the application will be suspended for a period of 12 months. In each case an assessment will be made as to the reasonableness of the refusal.

A refusal may not be counted as such on the following circumstances:

- A change in circumstances; where a customer's circumstances have changed, since they were accepted for re-housing, that affect the type or size of property they need, a refusal may be accepted.
- Property facilities; not all properties have full central heating or car parking spaces. If a customer can demonstrate medical reasons for requiring specific facilities, a refusal on this basis may be accepted.

Areas of choice; if a customer refuses an offer of a property in an area they previously selected; the reason for the change of area will be assessed. A refusal may be considered unreasonable.

Applicants may be taken off the housing list when:

- The applicant does not respond to a review letter.
- The applicant is now ineligible for housing as set out in paragraph 7.4.3
- An applicant's circumstances have changed such that they no longer satisfy the needs criteria or Midland Heart can no longer assist, given their new requirements.
- They or a member of their household have assaulted or harassed an employee or an agent of Midland Heart (this is considered as anti social behaviour and will be treated as such in relation to eligibility for housing).

### 7.7.1 Interviews and Signups

When a customer receives an offer of accommodation they will reasonably be expected to sign their tenancy agreement and take up the tenancy from the Monday directly following the property being ready to move into. (For License Tenancies - the start date could be any day of the week).

If the property is ready to let and the customer has had reasonable notice to sign for the tenancy but they have not made arrangements to do so, the offer of accommodation can be withdrawn as the applicant is not ready to take up the tenancy.

Customers who do not attend viewings/signups or other arranged appointments will have their application suspended until the individual customer makes contact with Midland Heart with a valid reason as to why the appointments have been missed. After a second failed arranged and agreed appointment, Midland Heart will cancel the application and they will be ineligible to join the housing register for 12 months.

## 7.8 Application Review

The Housing Register will be reviewed by the Housing Options Team every 12 months. Contact will be made with the applicant to

ascertain if their details and re-housing circumstances are valid and correct. All applicants will be given 28 days to respond. If a response is received from the applicant, the details will be checked and updated on Homes Direct. If no response is received, the applicant's application will be cancelled. If the customer contacts within three months of the application being cancelled it can be reinstated. If the customer contacts later than three months after the cancellation of their application they will have to apply as a new applicant.

If an applicant's circumstances change, they should not wait until renewal before advising Midland Heart about any changes. If the applicant has failed to advise Midland Heart of significant changes in their circumstances, this may affect their banding and eligibility for allocation.

Any waiting lists within Care and Support will be reviewed by the local support service.

## 7.9 Appeals

If the applicant is notified that they do not qualify to go on the housing register, or is given a lower housing needs banding than their circumstances attract, or their application is suspended/removed, they are entitled to have this decision reviewed. This will be dealt with via Midland Heart's internal appeals procedure.

It should be noted that an application may be suspended if the information presented is incorrect. If this happens, Midland Heart will contact the applicant, inform them of the reason for the suspension and advise them that they have the right to appeal. Applicants who are suspended for no contact or failing to attend appointments will not be contacted as a matter of course.

Applicants who wish to appeal the decision that has been made will be referred to the Housing Options Manager (Customer and Communities) or will be referred to the Care and Support Operations Manager. They will be notified of the outcome of their appeal within 14 days.

If the customer is not satisfied with the outcome of the review, their appeal will be reviewed by a Head of Service.

Decisions made in accordance with this policy will not be treated as a service complaint as there has been no service failure.

## 7.10 Equal Opportunities and Diversity Monitoring

Midland Heart is committed to providing equal opportunity for all people in housing need. Midland Heart will ensure that its practices do not discriminate and aims to promote equal opportunity by preventing and eliminating discrimination on the grounds of race, colour, ethnic or national origin or because of their religion, sex, sexual orientation, physical disability, appearance or marital status.

Applicants will only be accepted onto the housing list and offered properties in accordance with the criteria set out in this policy statement.

The allocation scheme will be accessible, responsive and sensitive to the diverse needs of new applicants and existing customers. Midland Heart will ensure that potential applicants and existing customers, including those with support needs or do not speak English as a first language, have equality of information about services and equal opportunity to apply, bid for and receive offers of accommodation

All applicants will be asked to provide details of ethnic origin and other demographic information. This is not a requirement for acceptance of the applicant. Ethnic origin records will be kept and monitored on a regular and systematic basis to ensure that properties are being offered and allocated fairly.

## 7.11 Confidentiality

Details relating to each housing applicant, including the fact of their being registered, will be kept confidential. Information about a housing applicant and/or members of their household, or the progress of their application, may not be passed to anyone who is not part of the applicant's household, without their permission. Midland Heart shall comply with the provision of the Data Protection Act 1998.

Applicants details will be shared with relevant agencies, for example Housing Benefits, Social Services, Probation and a range of voluntary and statutory agencies where this would support the re-housing process and assist in ensuring a tenancy is sustained.

Issues relating to child protection or community safety must, however, always take precedence over confidentiality. Similarly, if there is evidence to suggest that the applicant is involved in criminal activity and/or fraudulently claiming welfare benefits, this information will normally be disclosed to the relevant agency.

Applicants are entitled to see the data held in relation to their application. If the data contains information from third parties, for example letters from doctors, other agencies or individuals, each third party must be contacted for their consent before these documents are made available to the applicant.

Applicants details on Homes Direct will be shared with all participating landlords for the purpose of finding suitable accommodation. A full list of partners can be found on [www.homesdirect.org.uk](http://www.homesdirect.org.uk)

Applicants that do not agree to the sharing of this data will not be eligible to join the housing register or be rehoused by Midland Heart.