

Housing Allocation Scheme

| 1 October 2023



a council that cares for people, our places, and the planet

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Section 1: Introduction to the Housing Allocation Scheme

1.0 Introduction

- 1.0.1 This document is the revised Housing Allocation Scheme for the London Borough of Barnet ('Barnet Council').
- 1.0.2 This document describes the criteria and procedure that Barnet Council use to prioritise housing applicants for the social housing that we allocate to, i.e., homes owned by Barnet Council, and a proportion of homes owned by Private Registered Providers (including housing associations) in the borough to which we make nominations.
- 1.0.3 In Barnet, the demand for social housing is very much greater than the number of homes available. This Allocation Scheme describes how the council prioritises housing applicants to ensure those in greatest housing need, as described by the legal definition of Reasonable Preference, are given a head start to access available social housing.
- 1.0.4 Barnet Council's Allocation Scheme sets out in detail who is and who is not assisted under the Scheme and how this is decided. It also sets out how to apply for housing. The Allocation Scheme is designed to meet all legal requirements and to support and contribute towards the council's wider objectives such as promoting mixed communities.
- 1.0.5 Social housing in Barnet will be allocated through matching applicants to available council and private registered provider homes, along with homes the council has secured access to in the private rented sector. The system will be supported by a housing options approach giving applicants realistic advice and promoting other housing options, such as low-cost home ownership options and private sector renting.
- 1.0.6 The key objectives of this Allocation Scheme are to:
- meet the legal requirements placed on the council to give appropriate priority to applicants who fall under the Housing Act "reasonable preference groups". This is to ensure that social rented housing is let to those in greatest need;
 - provide a fair and transparent system by which people are prioritised for social housing;
 - promote the development of sustainable mixed communities;
 - recognise residents who make a contribution to their local community; and
 - make efficient use of our resources and those of the private registered providers with social housing stock in the Barnet area.
- 1.0.7 The council's arms-length management organisation, Barnet Homes, manages this Allocation Scheme and the prioritisation of housing applicants on the behalf of the council. Barnet Homes is part of the council's local authority trading company The Barnet Group. Where this Scheme refers to "the council", Barnet Homes will provide these services on the council's behalf.

1.1 Legal context

- 1.1.1 Barnet Council's Allocation Scheme sits within a legal framework that is summarised in this section.
- 1.1.2 The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Scheme. A summary of the Allocation Scheme must be published and made available free of charge to any person who

asks for a copy. This document and a FAQ for the Scheme are available on the council's web site: www.barnet.gov.uk/housing/council-and-social-housing/apply-council-housing

- 1.1.3 They are also available on Barnet Homes' website: www.thebarnetgroup.org/bh/applying-for-housing/how-we-allocate
- 1.1.4 The Housing Act 1996, (as amended) requires councils to give Reasonable Preference in their Allocation Schemes to people with high levels of assessed housing need who are defined as:
- all homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty and regardless of whether such cases have any local connection with Barnet Council);
 - people who are owed a duty under Sections 189B, 190 (2), 193 (2), or 195 of the Housing Act 1996 (or under Sections 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under Section 192 (3) People occupying insanitary, overcrowded or otherwise unsatisfactory housing;
 - people who need to move on medical or welfare grounds (including grounds relating to a disability);
 - people who need to move to a particular locality within the district to avoid hardship to themselves or others;
 - people serving in the armed forces and suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
 - people who have formerly served in the armed forces, where the application is made within five years of discharge;
 - people who have 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 armed forces and whose death was attributable (wholly or partly) to that service; or
 - people serving or have served in the reserve forces and are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.
- 1.1.5 The Housing Act 1996 also requires councils to state within their Allocation Scheme their position on offering applicants a choice of housing accommodation or offering them the opportunity to express a preference about the housing accommodation to be allocated to them. Our policy on choice is described in section 1.7 of this Scheme.
- 1.1.6 In developing the Scheme, regard has been had to the law and regulatory requirements, including:
- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England);
 - The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017;
 - Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code";
 - Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code";
 - Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264;
 - Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments;
 - Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
 - Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989;

- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015;
- 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)';
- Equality Act 2010;
- Data Protection Act 2018
- UK-GDPR (General Data Protection Regulation) 2021;
- Care Act 2014;
- Human Rights Act 1998;
- Domestic Abuse Act 2021; and
- Children and Social Work Act 2017

- 1.1.7 In framing the Allocation Scheme, regard has also been had to the current Housing Strategy 2019-24 and Homelessness and Rough Sleeping Strategy 2019-2024, the emerging Housing Strategy 2023-28 and Homelessness and Rough Sleeping Strategy 2023-28, the Tenancy Strategy, and relevant caselaw.
- 1.1.8 All references to statutory materials are by way of summary and are not used as substitutes for the details within the original.
- 1.1.9 The council will provide an electronic copy of this Scheme to anyone who asks for one. Copies in alternative formats will be considered on an individual basis. The whole of this Scheme is available for inspection by any person at the principal office of the council if someone is unable to access the Scheme online.
- 1.1.10 Any provision in this Scheme may be waived in exceptional circumstances at the discretion of the lead officer responsible for the housing services. The reasons why a provision has been waived will be documented.
- 1.1.11 This is the revised Housing Allocation Scheme for Barnet Council and will take effect on or after 1 October 2023. The assessment of need and qualifying criteria set out in the Scheme will be applied to all new and existing applicants from this date.
- 1.1.12 Tenancies for council homes are allocated pursuant to Part VI of the Housing Act 1996 and according to the council's Tenancy Strategy as required as part of the Localism Act 2011. Other private registered providers with social housing in Barnet have had due regard to the council's Tenancy Strategy when setting their own policies.

1.2 Making changes to the Scheme

- 1.2.1 The Scheme will be reviewed and revised as required:
- in response to any national policy or legislative changes; or
 - in response to any policy changes instigated by the council; or
 - to reflect the requirements of any new leading and relevant case law.
- 1.2.2 Any significant changes to this Scheme will be approved by the council's Cabinet.
- 1.2.3 For minor changes to the Scheme, or changes to the procedures that administer the Scheme, decisions will be delegated to the Portfolio Holder responsible for Homes and Regeneration.
- 1.2.4 Formally, any major change to the Scheme can only be made after a copy of the proposed amendments have been consulted on by sending this Scheme to every Private Registered Provider operating in the Barnet area. This is a requirement under Section s166A (13) Housing Act 1996.

- 1.2.5 The council will take any steps as it considers reasonable (for example, by making contact via email, telephone, or letter, or by placing a notification on a council's website, or via another suitable form of communication), within a reasonable period of time, to bring to the attention of applicants likely to be affected by:
- a) any alterations made to this Scheme;
 - b) any subsequent alteration to this Scheme that would affect the relative priority of a large number of applicants; or
 - c) any significant alteration to any associated procedures for administering this Scheme.
- 1.2.6 Where a full review of the Scheme is undertaken, the council will adopt local government good practice guidelines and undertake a broad consultation that includes relevant statutory and voluntary sector organisations, tenant representatives, and applicants to the scheme.

1.3 Data protection

- 1.3.1 Barnet Council, and Barnet Homes acting on its behalf, will ensure personal information of all applicants (new, existing, and deleted) is:
- a) stored lawfully;
 - b) processed in a fair and transparent manner;
 - c) collected for a specific, explicit and legitimate purpose;
 - d) kept up to date and held until it is no longer required; and
 - e) shared only with other organisations for legitimate processing.
- 1.3.2 Barnet Homes' privacy notice, which sets out when and why it collects personal information about people who access its services, how it uses it, how it keeps it secure, and individuals' rights, can be found on its website: www.barnethomes.org/privacy.
- 1.3.3 The UK-GDPR and the Data Protection Act 2018 provide individuals with a right to request access to any of their personal data held by Barnet Homes, and a right to know where the data came from, how it is used, and why it is held. Such a request is called a "Subject Access Request" and applies to personal data in housing files. Information about making a subject access request is available on Barnet Homes' website: www.thebarnetgroup.org/bh/contact-us/request-for-personal-data.
- 1.3.4 Subject Access Requests can be made in writing to Barnet Homes at talk2us@barnethomes.org or by post to Barnet Homes' office, and must describe the information sought. Applicants must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill.
- 1.3.5 Any Subject Access Request applications made by third parties on behalf of an applicant (for example by a lawyer acting for a client) must be accompanied by written evidence of authority to act. If this is not possible by reason of disability, Barnet Homes should be contacted in order to make alternative arrangements.
- 1.3.6 Barnet Homes will not usually charge a fee to deal with a Subject Access Request.
- 1.3.7 Once Barnet Homes has received the information and proof of ID, it must provide the requested information within one month. There is a limited range of exemptions from the right of subject access.
- 1.3.8 Housing files may contain information about other people (third parties). If Barnet Homes cannot respond to a request without giving information about other people, it is not obliged to include this

information in its response unless they consent, or unless it thinks it is reasonable in all the circumstances to disclose this information without their consent.

- 1.3.9 Under the UK-GDPR and Data Protection Act, in certain circumstances applicants have other rights regarding their personal data, including the right to request the correction of records which they believe to be inaccurate. For further information, please see Barnet Homes' privacy policy on its website. Data subject rights' requests can be put to Barnet Homes in writing, including by email to talk2us@barnethomes.org.

1.4 Right to information

- 1.4.1 Anyone has the right to request access to recorded information held by the council or Barnet Homes, either under the Freedom of Information Act 2000 (FOIA) or, for environmental information, the Environmental Information Regulations 2004 (EIR).
- 1.4.2 Requests under the FOIA must be made in writing, must include the applicant's name and a correspondence address, and must specifically describe the information requested. Requests under the EIR must also comply with these requirements except that they can also be made verbally. Please address requests regarding the operation of this Scheme under the FOIA or EIR to the "Complaints and Information team" at Barnet Homes' postal address or to talk2us@barnethomes.org.
- 1.4.3 Once a valid request has been reviewed Barnet Homes must usually respond within 20 working days.
- 1.4.4 Requests made by individuals for their own personal data will be treated as "subject access requests" under the UK-GDPR and Data Protection Act 2018 (see section 1.3 of this Scheme for information).
- 1.4.5 Information on Barnet Homes' policy on Freedom of Information can be accessed on its website at: www.thebarnetgroup.org/bh/contact-us/freedom-of-information-requests.

1.5 Equality, accessibility, and monitoring

- 1.5.1 Barnet Council is committed to ensuring that the Scheme, and the implementation of all associated guidance and procedures, are non-discriminatory, taking into account the needs of groups protected by the Equality Act 2010, the Human Rights Act 1998, and for children, Section 11 of the Children Act.
- 1.5.2 To help the council identify the needs of applicants, the application form contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability, and other relevant criteria. The information obtained will be used to monitor the impact of the Scheme to enable a better understanding of people's housing needs and ensure no one is discriminated against as a result of the way this Scheme has been framed or during the administration of it.
- 1.5.3 Under the Equality Act 2010, and in particular Section 149 of the Public Sector Equality Duty, a council is required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as implementing their legal 'Housing Allocation Policy'.
- 1.5.4 Barnet Council will ensure this Scheme complies with current equality legislation. It will be subject to a full Equality Impact Assessment (EIA) before it is adopted. The EIA will be regularly reviewed as information regarding the impact of the Scheme is obtained. A copy can be requested directly from the council.

1.6 Complaints

- 1.6.1 Complaints are separate to the circumstances in which an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure set out in section 3.11 and not through the council's or Barnet Homes' complaints processes.
- 1.6.2 Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using Barnet Homes' complaints process. Information about how Barnet Homes deals with complaints can be found on its website: www.thebarnetgroup.org/bh/contact-us/complaints.
- 1.6.3 Where a complaint relates to how an applicant has been dealt with under this scheme, an applicant has the right to continue with their complaint to the Local Government and Social Care Ombudsman Service if they are unhappy with Barnet Homes' response to their complaint.
- 1.6.4 The Local Government and Social Care Ombudsman provides an independent complaint handling service for complaints that have not been resolved by local authorities. The Ombudsman can investigate complaints about how the council has done something, but it cannot question what has been done simply because someone did not agree with it. Further information can be found on Barnet Homes' website and in its Complaints and Compliments Policy, as well as on the LGSCO's website: www.lgo.org.uk

1.7 The council's statement on choice

- 1.7.1 Applicants who are eligible to be considered for properties under the Scheme will be able to express a preference for an area, or areas, in which they would like to live and the type of property they would prefer. However, the ability to satisfy their preferences is extremely limited by the lack of available social housing in Barnet.
- 1.7.2 The considerable housing pressures faced in Barnet limit the degree of choice that can be offered, along with the responsibility the council has to offer housing to applicants in urgent housing need. These pressures include the need to reduce the financial impact on the council for households placed into temporary accommodation under a homelessness duty.
- 1.7.3 Therefore, expressing a preference over where an applicant would prefer to live does not mean that preference can be met, or that an applicant won't be offered suitable accommodation outside of their preferred area.
- 1.7.4 An applicant will be asked at time of registration to state any area in which they believe they cannot live due to fear of violence, harassment, or domestic abuse. The assessment of their application will then consider the facts and decide whether the applicant is allowed to restrict areas.
- 1.7.5 To avoid the loss of properties available to the council, properties in the private rented sector may be offered to applicants across Bands 1-4.
- 1.7.6 Priority for council and Private Registered Provider properties being let as secure, flexible, or assured tenancies will be determined by housing band, with those applicants in Band 1 having a greater priority than those in Bands 2-4, and those in Band 2 having a greater priority than those in Bands 3-4, and so on. Within bands, priority will normally be determined by the date the applicant has been registered in that band.
- 1.7.7 In selecting properties to allocate the council will normally take into account the following factors:

- the number of bedrooms required (see Annex 2);
- any essential requirement concerning the type or location of re-housing;
- the housing band into which the applicant's case falls; and
- the date registered within that band (except for when a property may be allocated outside of band and date order (see section 1.8);

1.7.8 The council will not normally take into account:

- non-essential preferences concerning the location or type of rehousing requested by the applicant; or
- an applicant's preference concerning an allocation of a council property, a nomination to a Private Registered Provider property, or an allocation to a Private Rented Sector property.

1.8 When the council may choose to make a direct offer outside of the band and date order system.

1.8.1 There may be circumstances in which there are urgent strategic, operational, or financial reasons to make a direct offer of housing outside of the band and date order criteria. Specific examples include but are not limited to:

- a) people who need to move due to a fire or flood, or severe storm damage to their home;
- b) where there is an evidenced threat to life in the area in which an applicant currently lives for example, people who are at imminent risk of violence and are to be housed through a Witness Protection Programme;
- c) people who it has been agreed must be housed urgently as part of a multi-agency protocol such as a MAPPA, MARRAC case where it is agreed there is a need to manage where a person should be housed;
- d) where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those households with a need for this property type regardless of their band or the date they were registered;
- e) in the case of a secure or flexible council tenant who is willing to transfer from a property they do not require, and which is particularly suitable for an applicant with special or support needs;
- f) applicants who have given up their secure and flexible council tenancy whilst they are in prison;
- g) where an applicant is homeless and in temporary accommodation and owed a Section 189B (2) Relief duty or 193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct offer to move applicants out of temporary accommodation to manage any budgetary or legal requirements placed on the council;
- h) persons whom the council has a duty to rehouse under Section 39 of the Land Compensation Act 1973;
- i) a vulnerable applicant where the outcome of an assessment is that a managed let in a particular suitable location is the best letting solution for that applicant; or
- j) where a property has been acquired outside of the borough it may be allocated outside of banding and date order priority. The council will exercise its discretion to prioritise families

already living outside the borough for these units. This will enable the council, in some instances, to better meet the needs of such families as they are able to maintain social networks and support links already established in those areas. In most instances, these households will be already living in other forms of temporary accommodation.

1.8.2 Special allocation arrangements may also apply in respect of properties available for letting on new-build developments. The council has a Local Lettings Policy whereby existing council tenants with an established housing need under the council's Allocation Scheme (in Band 1 or Band 2) whose existing home would become available for reallocation are given priority for new-build properties on in-fill developments on their estate.

1.8.3 Decisions to allocate properties outside of band and date order system will be authorised by a manager responsible for applications and lettings and recorded, with the reasons why an allocation has been made. These will be reported on to members at least annually through a performance report covering all applications and lettings.

Note: households that may be at high risk due to significant repairs issues will be decanted and made a direct offer outside of this Allocation Scheme as any offer will be a management initiated move and sits outside of the requirements of allocations legislation.

1.9 Suspension from being considered for an allocation where an applicant refuses two suitable offers

1.9.1 Any applicant who refuses two suitable offers will be suspended for a period of 12 months for an allocation of accommodation. Except where there has been a material change in circumstances such that the two offers of accommodation would no longer be suitable, the 12-month suspension shall be from the date the council notified the applicant of its decision. An example of a change in circumstances could be because of an enlargement of the applicant's household or a deterioration in health.

1.9.2 The council will determine whether an offer was reasonable for an applicant to accept using the suitable offer criteria set out at annex 5.

1.9.3 Applicants owed any of the statutory homeless duties will be made one suitable offer in writing and a refusal will mean that their banding priority for being owed a statutory homeless duty will be removed.

1.9.4 An offer of suitable accommodation for an applicant owed a statutory homeless duty could be either a private rented property, or a social rented property. Should the applicant refuse an offer that is considered both suitable for their needs and reasonable, then, subject to the council's homelessness review procedure, the homelessness duty owed will be discharged and they will lose any priority status granted to them based on the homelessness duty owed.

1.9.5 In these circumstances the council will then assess whether they have another housing need as defined by the Scheme that would allow them to be banded and owed a second suitable offer under the Scheme. If they do not, they will be removed from the Housing Needs Register.

1.9.6 A statutory homeless duty is defined as:

- the prevention of homelessness duty under Section 195(2);
- the 'relief of homelessness duty' under Section 189B(2);
- where the relief duty has come to an end and an applicant is then owed a Section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (Section 190(2) duty); or

- the Section 193(2) main homelessness duty or the Section 193C(4) 'reduced' Section 193 duty.

1.9.7 The suitability criteria used to determine whether an offer to end a main homeless duty owed under Section 193(2) of the Housing Act 1996 or a relief of homelessness duty owed under Section 189b, will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by Section 12 of the Homelessness Reduction Act 2017, relevant case law, and statutory guidance.

1.9.8 These criteria only apply to an offer of social housing or private rented housing made with the intention of ending a full homeless duty. Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the council to decide based on the facts of the case whether the offer is suitable using the guidance in Annex 5 of this Scheme to help make the decision.

1.9.9 If an applicant does not reply to an offer within two working days of receiving the offer it will be deemed to have been refused unless there are exceptional circumstances as to why there is no response.

1.10 Types of properties and restrictions

1.10.1 Some properties or blocks of properties may be designated for allocation only to applicants sharing a common characteristic or need, for example:

- properties in blocks of flats for people aged over 40 or aged over 50;
- properties in sheltered housing developments for people aged over 60;
- properties in supported housing schemes offering special services;
- individual properties which are adapted or otherwise particularly suitable for applicants who use a wheelchair;
- priority for ground floor, level access accommodation, will be given to customers with an assessed need for ground floor, level access accommodation; or
- priority for houses will normally only be given to households in Band 1 or households with children under the age of 16, unless there are exceptional circumstances approved by the Housing Needs Manager.

Section 2: Who can apply to join the Housing Needs Register and the criteria for deciding who is eligible to be included and who can qualify to join the scheme.

- 2.0.1 Anyone over the age of 16 years can apply to join the Housing Needs Register. Applications will be rejected if:
- they are ineligible to be considered by law; or
 - they come within one of the 'non qualification' categories set out in the Scheme; or
 - they do not have a statutory housing need.
- 2.0.2 A person can apply to join the Housing Needs Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.
- 2.0.3 If an applicant is under 18 years of age, they will not normally be offered a property. If in exceptional circumstances a person who is 16 or 17 is granted a tenancy, this will normally be held in trust until they reach the age of 18. This means that another suitable person (such as a parent, legal guardian, social worker, or relative) will normally be responsible for the tenancy.

2.1 The eligibility rules

- 2.1.1 Some groups of people cannot by law join the Housing Needs Register regardless of their housing need or circumstances. These are people who:
- come under a government rule which means they cannot lawfully access social housing as they are not eligible;
 - do not live habitually in the 'Common Travel Area' (UK, Channel Islands, the Isle of Man or the Republic of Ireland);
 - do not have the right to live in the UK; or
 - Fall under other categories of people who the Government may in the future decide are not eligible for housing assistance.
- 2.1.2 The key relevant regulations that apply to eligibility are:
- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294;
 - all subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861);
 - The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.
- 2.1.3 The above is not a complete list of all the eligibility regulations. For example, there is significant legislation that relates to the UK's exit from the European Union and the implications for accessing housing assistance. These rules are complicated. Anyone who is impacted, or believes they may be impacted, can approach the council for advice, or can seek independent legal advice.

2.2 The non-qualification rules adopted by the council

2.2.1 Under Section 160ZA(7) of the Housing Act 1996 Part 6 a council is allowed to set criteria for classes of persons who are, or are not, qualifying persons. The following classes of person will not normally qualify for the Housing Needs Register.

- a) applicants without a housing need as defined under the banding criteria set out in this Scheme, including applicants who are only lacking one bedroom, and this is their only housing need;
- b) applicants with no residential connection to Barnet (unless they meet one of the exceptions rules set out in 2.6 below or discretion has been applied for exceptional circumstances).
- c) applicants who have been convicted of housing or welfare benefits related fraud where that conviction is unspent under the Rehabilitation Offenders Act 1974;
- d) applicants seeking to obtain accommodation by making a false or misleading statement or by withholding relevant information, or by failing to inform the Council of any material change in circumstances (see section 2.5 below for more details);
- e) applicants in serious breach of a condition of their tenancy agreement in respect of their current or former accommodation for any tenure (including temporary accommodation). Examples of a serious breach could include subletting, deliberate damage to a property, perpetrator of domestic abuse or anti-social behaviour (see section 2.8 below for more details);
- f) applicants with lawfully recoverable arrears or another housing related debt owed to a social landlord or private sector landlord which have been accrued through deliberate and wilful non-payment;
- g) applicants who own a home or whose income or assets exceeds the limits set by the council using median income data taken from ONS data (as these limits will change, Housing Needs Officers will use guidance to apply this test – see section 2.3 below for more details);
- h) applicants who owe arrears of rent or other accommodation charges to the council in respect of their current tenancy or former accommodation unless an appropriate agreement has been reached and sustained (see section 2.7 for more details). In assessing the application for registration, the council will take into account the size of the debt, the means to pay, and the degree of need. Existing tenants with rent arrears because they have been affected by the under-occupancy charge will not normally be excluded where a move will prevent further arrears building up and they have made a reasonable contribution towards the charge;
- i) applicants who have in the 12 months prior to making an application voluntarily surrendered any tenancy that would have been reasonable for them to continue to occupy.

2.2.2 There is discretion to waive a rule in exceptional circumstances, as approved by a Housing Needs Manager or Housing Service Manager.

Further details on how applications will be assessed under the non-qualification rules

2.3 Sufficient financial resources: income, savings, home ownership, and equity

- 2.3.1 All applicants will be required to supply evidence of their financial income and resources to decide whether they qualify for the Housing Needs Register. In addition, verification of income and savings will be required prior to applicants being offered accommodation.
- 2.3.2 Income assessments will take into account the incomes of both the main applicant and their partner, where applicable, but not the income of dependent children or non-dependent adult children. The income that is assessed will include both gross earned income and income from benefits (excluding disability benefits).
- 2.3.3 Income checks and checks on whether an applicant owns a home will include the council undertaking credit checks.
- 2.3.4 Households will not normally qualify, or if qualified be allowed to remain on the Housing Needs Register, if their total income is above the median income level for their household size in Barnet. This is calculated using ONS data.
- 2.3.5 Similarly, where applicants have resources above the level set by the council (£30,000 capital or savings) they will not normally be placed in a band or offered social housing. Households with incomes or assets below these limits will only be banded if they meet the criteria set out in this Scheme.
- 2.3.6 'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant.
- 2.3.7 In applying this qualification rule the council will disregard any lump sum received by a member of the armed forces when leaving the armed forces or received as compensation for an injury or disability on active service.
- 2.3.8 In addition, an applicant cannot qualify for the Housing Needs Register if they or their partner own a residential property in the UK or elsewhere. Applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of any proceeds. Where proceeds from any sale have been spent recklessly and, as a result, this takes an applicant's financial resources below the set disqualification level, an applicant can still be determined as not qualifying for the Housing Needs Register.

2.4 The circumstances where an exemption may be considered to the sufficient financial resources and homeownership qualification rule

- 2.4.1 Applicants who do not qualify under the homeownership or sufficient financial resources rule may be considered as an exception if:
- as a result of a divorce settlement a court has ordered that an applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period that is likely to exceed 5 years;
 - someone is a homeowner and is statutory homeless due to domestic abuse and their property has not yet been sold. A decision will be made as to whether to treat this as an exemption based on the facts and circumstances of the case; or
 - a person owns their own home but it is agreed that they are no longer able to manage in it due to their advancing years, or due to a substantial disability that makes living in their

home impracticable, and where selling is unlikely to provide sufficient funds to purchase alternative accommodation that would be suitable for their needs.

2.5 Making false or misleading statements or withholding information

- 2.5.1 Any applicant seeking to obtain accommodation by making a false or misleading statement, by withholding relevant information, or by failing to inform the council of any material change in circumstances may be prevented from qualifying for the Housing Needs Register, or where they are already registered, may have their application cancelled. Prosecution will be considered where it appears to the council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing.
- 2.5.2 It will be for the housing needs assessing officer in the first instance to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that they had no impact on the application, then no action will be taken though the applicant may be warned about the need to provide accurate information and the consequences for not doing so.
- 2.5.3 Once removed from the Housing Needs Register on these grounds, applicants will not be able to reapply for a period of 12 months. Decisions to remove the person from the Housing Needs Register will be made based on the seriousness of the attempted fraud or false information given, including an assessment of why information was withheld.

2.6 The need to demonstrate a residential connection

- 2.6.1 To qualify for the Housing Needs Register an applicant (or the applicant's partner) must have a residential connection, within the terms of this Allocation Scheme, which will normally mean that an applicant currently lives in the borough and has continuously done so for a minimum of five years.
- 2.6.2 Households placed in accommodation outside of the borough by the council in meeting its statutory duties will also have a residential connection as long as they fulfil the five-year residential connection. The time spent placed by Barnet in temporary accommodation outside the borough will count towards time spent in Barnet.
- 2.6.3 Once registered, an applicant must continue to meet the residential connection qualification rule. If the applicant no longer meets this rule, they will be removed from the Housing Needs Register as they will no longer qualify for inclusion.
- 2.6.4 Persons who have been detained in the local authority area (e.g., in prison or hospital), will not be able to establish a local connection as this does not constitute being resident in the Barnet area by choice.
- 2.6.5 People in the following categories will not normally be considered as having a residential connection:
- a) households applying for housing through this Allocation Scheme still owed any homelessness duty by any other local housing authority under the Housing Act 1996 Part 7 will be regarded as non-qualifying persons regardless of whether they have been placed in the Barnet area or not. This is because that other local authority retains the responsibility for re-housing whether under Section 193 or any other duty by which the other local authority retains responsibility for their accommodation;
 - b) those placed in the borough of Barnet in residential or supported housing by another borough;

- c) secure or flexible tenants of other councils or tenants of any Private Registered Provider located in another council area; and/or
- d) those who do not meet the residential criteria but who have family members in this borough, or who are employed in the borough.

2.6.6 For the purposes of determining a connection for residence, the council will accept the following circumstances as demonstrating 'normal residence':

- residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch;
- people who are forced to sleep rough in the Barnet area as long as overall, they meet the five-year period for residency.

2.6.7 There are several exceptions to the residential connection rule. These are:

1. Where Barnet Council agrees there are very exceptional circumstances requiring a move into the area. This will be decided on a case-by-case basis. Examples where exceptional circumstances may be considered on a case-by-case basis include:
 - reasons of safety, for example when an applicant is fleeing domestic abuse or hate crime from another area; or
 - an applicant is on a witness protection program and the council has agreed that a move to Barnet is essential; or
 - where the council agrees there is a very exceptional need to live in the Barnet area to provide or receive essential support.
2. An application from a Gypsy or Traveller household where the applicant may not fully meet the five-year continuous period of residence rule, if that period has been broken by travelling. The facts of each case will be considered when deciding whether the rule should be waived, and the applicant must have spent the majority of the last 5 years residing in Barnet.
3. A young person owed leaving care duties under Section 23C of the Children's Act 1989, looked after by Barnet Council (irrespective of whether they have been placed in a different local authority) will be considered to have established a local connection to Barnet until they reach the age of 21 (when this duty will cease, or 25 if they are pursuing a program of education agreed in their pathway plan).
4. A young person who has been provided with accommodation under Section 22A of the Children Act 1989 (provision of accommodation for children in care) who has resided in Barnet for a continuous period of at least two years will be considered to have established a local connection to Barnet even if some of that period accrued before that person turned 16 years old.
5. Applicants who satisfy the 'Right to Move' criteria. The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015 state that local connection qualification rules must not be applied to existing social tenants who seek to move from another council district in England, and who have a need to move for work related reasons to avoid hardship. However, under this Allocation Scheme, Barnet Council will limit these moves to no more than 1% of all lettings per year.

See annex 7 for details of how the 'Right to Move' criteria will be applied.

6. Where, at the date of application, the applicant is not currently resident in Barnet whilst:
 - a) receiving medical or respite care; or

- b) serving a custodial sentence

In these circumstances the applicant must have been living in Barnet for five continuous years prior to their current circumstances.

7. Applicants who satisfy the Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012. These are:
- a) applicants who are serving members of the regular armed forces;
 - b) applicants who served in the regular armed forces within the 5 years immediately prior to the date of their application;
 - c) applicants who are serving or former serving members of the regular armed forces or reserve forces who suffer from a serious injury, illness or disability sustained as a result of their service;
 - d) applicants who are a bereaved spouse/civil partner of a former serving member of the regular armed forces and have recently ceased (or will soon cease) to be entitled to reside in services accommodation following the death of their spouse/civil partner; or
 - e) the divorced or separated ex-spouse of a member of HM Armed Forces, who is currently serving or going through resettlement, will be exempt from the local connection criteria for a period of six months following the divorce or separation.

2.7 Applicants who owe arrears of rent or other accommodation charges to Barnet Council in respect of the current tenancy or former accommodation

Note: references to applicant throughout this Scheme are to be taken to mean the applicant and any member of the applicant's household unless specifically stated.

- 2.7.1 Applicants who owe arrears of rent or other accommodation charges to the council in respect of the current tenancy or former accommodation will not, unless there are exceptional circumstances, qualify for the Housing Needs Register unless an appropriate agreement has been reached and sustained for a minimum period as set out below:
- Housing related debt under £1,000: arrears of under £100 will not be considered. Where arrears are over £100, they must have either been cleared or an agreed repayment plan must normally have been maintained for a minimum of 13 weeks before they can qualify for the Housing Needs Register; or
 - Housing related debt over £1,000: an agreed repayment plan must normally have been maintained for a minimum of four months, or a period of time that is deemed acceptable by the council due to an exceptionally high housing related debt; or
 - If an applicant is registered, payments must be maintained under the plan agreed before any offer of accommodation will be made unless the council agree there are exceptional circumstances.
- 2.7.2 In assessing the application for registration, the council will take into account the size of the debt, the means to pay and the degree of need. Existing tenants with rent arrears because they have been affected by the under-occupancy charge will not normally be excluded where a move will prevent further arrears building up and they have made a reasonable contribution towards the charge.
- 2.7.3 These guidelines for the period of time that a repayment plan should be maintained will also apply to applicants with lawfully recoverable arrears or another housing related debt owed to a social landlord or private sector landlord.

Note: the definition of rent arrears or other accommodation charges owed to the council will not include debts that are statute barred. The debt will be considered statute barred where an applicant, or their representative or someone else they held the account with hasn't:

- made a payment in the last 6 years;
- written to the creditor acknowledging the debt in the last 6 years defined as 6 years from date the debt was last acknowledged and 6 years from date rent arrears became due;
- had a county court judgment (CCJ) relating to the debt in the last 6 years.

2.7.4 For the purposes of this qualification rule rent arrears and accommodation charges debts owed to Barnet Council include:

- a) rent arrears;
- a) outstanding re-chargeable repairs;
- b) current and former housing related service charge arrears;
- c) temporary accommodation charge arrears for a licence or a tenancy where that temporary accommodation was provided by Barnet Council;
- d) failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a council tenancy, or temporary accommodation;
- e) any court costs incurred by the council associated with any of the above debts.

The above list are examples only. Housing-related debts apply to both the applicant and to any members of their household who are included in their application.

2.7.5 The following framework will be used to guide assessing officers when applying this qualification rule. The officer will consider:

- 1) the reasons why the applicant accrued the debt and whether there are exceptional circumstances that should be considered when applying the rule such as where an applicant can demonstrate that they would face serious hardship or risk through not being allowed to qualify;
- 2) whether the debt has been caused by factors difficult for the applicant to control, for example a case where an applicant was unable to pay the full rent due to being impacted by the 'spare room subsidy' rule or an applicant has a good payment history but has incurred a debt as a result of a 'one off' problem, or where a tenant had to flee domestic abuse and a subsequent debt has built up for the tenancy left;
- 3) whether the applicant still owes that debt, and if they do, the extent of the arrears/debt as well as whether it is a recoverable debt, or a statute barred debt;
- 4) whether the applicant has taken debt advice, acted on it, and entered into an arrangement to clear the arrears/debt; and
- 5) if an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of payments made.

After considering the above, the assessing officer will decide whether the applicant will or will not qualify to be included in the Housing Needs Register.

2.7.6 There is no time limit regarding when a person can make a new application following disqualification under this rule. Where a new application is made, the council will assess whether the applicant has taken appropriate action to address their rent arrears/debt.

2.7.7 If disqualified, an applicant will be informed of the action they need to take to resolve the debt in order to be considered for qualification.

Note: This qualification rule also applies to applicants currently on the Housing Needs Register. An applicant's eligibility to remain on the Housing Needs Register will be kept under review. An

applicant may be rendered ineligible should the council become satisfied that there is new evidence, or a change of circumstances, meaning that this rule should be applied.

2.8 Unacceptable behaviour

- 2.8.1 The disqualification rule for unacceptable behaviour will apply where an applicant, or any member of their current or prospective household, has demonstrated serious unacceptable behaviour that, in the view of the council, makes them at the time of their application, or since their application, unsuitable to be a tenant.
- 2.8.2 The rule of non-qualification will apply where the council is satisfied that an applicant (or a member of their current or prospective household) has demonstrated a serious failure to adhere to the terms of a current or previous social housing or private rented tenancy agreement. This is defined as:
- a) failing to maintain any previous social rented or private sector rented property within the terms of their tenancy agreement, or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the area where they live or have previously lived. Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the council, their previous unacceptable conduct is unlikely to reoccur. This may include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour;
 - b) conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a member of their current or prospective household, is the subject of actions being taken by any council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB);
 - c) rent arrears for a former social housing tenancy (detail regarding former Barnet Council tenancies is included in section 2.7) or their last private rented tenancy in the circumstances where the council has obtained information that confirms on the balance of probabilities that a debt is owed. If there is a debt owed it will be for the assessing officer to decide on the facts gathered regarding the level of debt and the reasons for it, whether the applicant should be classified as a non-qualifying. Where it is established that a debt is owed the same rules will apply as per a social housing debt above;
 - d) circumstances where the applicant, or any member of their household, has assaulted a member of the council's staff, whether or not an injunction is being sought, or has been obtained.
- 2.8.3 Other specific examples of serious unacceptable behaviour include:
- a) being subject to a court order (including an interim order) for breach of tenancy conditions;
 - b) conviction for illegal or immoral use of their current or former home;
 - c) causing nuisance and annoyance to neighbours or visitors;
 - d) committing criminal offences in or near the home and still posing a threat to neighbours or the community such as drug dealing;
 - e) being violent towards a partner or members of the family;
 - f) allowing the condition of the property to deteriorate;
 - g) paying money illegally to obtain a tenancy;
 - h) unlawfully subletting their tenancy;
 - i) applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974;
 - j) having unspent convictions where the assessment concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities;

- k) an applicant or any member of their household has been responsible for any racial harassment or other hate crime. 'Racial harassment' and 'hate crimes' are defined as racist, religiously aggravated, faith, gender, age, disability, and trans phobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

2.8.4 The assessing officer will be guided using the following framework:

- a) 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;
- b) 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 timescale may be appropriate;
- c) there must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

2.8.5 When assessing whether behaviour may result in the applicant not qualifying the Housing Needs Officer will specifically consider:

- 1) the seriousness of the applicant's behaviour;
- 2) the duration of the behaviour and/or the number and frequency of incidents;
- 3) the length of time that has elapsed since the behaviour took place;
- 4) any relevant vulnerability or support needs that may explain the behaviour;
- 5) whether there is meaningful engagement with support agencies;
- 6) critically, whether there has been a significant and sustained change in the applicant's behaviour;
- 7) whether they believe on the evidence that the behaviour is likely to still reoccur now or at the point a tenancy was offered or commenced;
- 8) whether the circumstances that caused the behaviour have changed. For example, whether nuisance was caused by drug or alcohol problems that the applicant has since successfully resolved;
- 9) whether the member of the household responsible for the behaviour is still a member of the household;
- 10) whether the council can accept any assurances from the applicant as to future behaviour;
- 11) if the unacceptable behaviour is believed to be due to physical, mental or learning difficulties, whether, with appropriate support, the applicant could maintain a tenancy; and
- 12) the applicant's current circumstances. For example, health needs, dependents, and any other relevant factors.

2.8.6 Applicants to whom the rule is applied will be written to and informed that:

- 1) the unacceptable behaviour rule has been applied to their case and either they do not qualify, or that they qualify but cannot be considered for an allocation until the behaviour has been resolved;
- 2) what they must do to resolve the problem;
- 3) for a decision that they do not qualify it is the applicant's responsibility to notify the council when they have, in their view, resolved the issue and that they will need to present evidence to back up their view. The council will not monitor whether the applicant has set up or adhered to a payment plan once a decision has been taken that the applicant does not qualify for this rule.

- 4) where an applicant is disqualified for unacceptable behaviour they will have a right to ask for a review of the decision made to disqualify them.

Note: where an applicant is disqualified, any new application will normally only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months.

Note: The unacceptable behaviour disqualification rule will also apply to applicants currently on the Housing Needs Register. An applicant's eligibility to remain on the Housing Needs Register will be kept under review and an applicant may be rendered ineligible should the council be satisfied that the rule relating to unacceptable behaviour should be applied to their case.

2.9 How exceptional circumstances will be considered in respect to any of the qualification rules or any other rule adopted under this policy

- 2.9.1 Barnet Council will retain the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules adopted. It is for the applicant to request that discretion should be applied to their case for exceptional circumstances.
- 2.9.2 Where, in their application to join the Housing Needs Register, an applicant makes a case for discretion to be applied for exceptional circumstances, this will be considered as part of the application. Otherwise, if the case for discretion has not been made as part of the application the applicant will have a second chance through the review process to make the case for why discretion should be applied. For example, where an applicant has requested a review of a decision that they do not qualify or a decision as to what band is owed, the applicant may make the case for why discretion should be applied to their case for exceptional circumstances.
- 2.9.3 A request for a review of a decision that an applicant does not meet the qualification rule will be taken as a request for any exceptional circumstances to be considered. Where requested, the council will consider whether the applicant's circumstances (or those of a member of the applicant's household) are so exceptional that a qualification rule should be waived.
- 2.9.4 The applicant will receive a written decision on their claim for exceptional circumstances to be applied and, where that decision is that the case is not considered to be exceptional, reasons will be given.
- 2.9.5 The council cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the immigration and 'persons from abroad' rules set by Central Government.
- 2.9.6 In deciding whether an applicant's circumstances are exceptional the council will fully consider the Equality Act 2010 and Children Act 2004. With regard to the Equality Act, the council will specifically consider:
 - a) whether the person, or a member of their household, meets the definition for one or more of the nine protected characteristics listed in the Equality Act 2010;
 - b) if we agree that the applicant or a member of their household comes under the definition for a protected characteristic, the council will fully comply with Section 149 of 2010 Equality Act and ensure it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the scheme, whether this would have an exceptionally detrimental impact on the person with that protected characteristic; and
 - c) ensure any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate objectives for the Scheme.

Section 3: General Rules and Conditions

3.0 Decisions

- 3.1 All decisions taken under this Allocation Scheme will be by Housing Needs Officers within Barnet Homes unless otherwise specified. Housing Needs Officers are supported by Housing Needs Managers.

3.1 Requests for assistance

- 3.1.1 Requests for housing assistance must be made to Barnet Homes' Housing Options Service. The council aims to notify applicants of the result of the assessment of their case and, if they qualify to be considered, their priority under the housing banding system within 56 days. However, in cases where a medical assessment or other special assessment is required, it may take longer to notify applicants of the result.

3.2 Persons entitled to be considered as part of the application

- 3.2.1 Joint applications may be accepted and will be treated as one application. The housing need of the full household will be considered in assessing housing need.
- 3.2.2 Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant. Any other person or persons will only be considered as entitled if the council is satisfied that it is reasonable for that person to reside with the applicant. This will normally exclude lodgers or anyone sub-letting from the applicant.
- 3.2.3 Applicants should only include persons on their application who will be a permanent member of their household and who will be occupying the accommodation offered as their only or principal home.
- 3.2.4 People who usually live with the applicant but are temporarily absent (for example, they are in prison on a short-term sentence, or in the care of any local authority, staying in hospital, or undertaking a college or university course), may be considered as a usual household member at the discretion of the council and depending on the facts presented.
- 3.2.5 Specifically, a person's housing application can include the following household members:
- a) spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner;
 - b) partners where the applicant is currently cohabiting with a member of the same or opposite sex;
 - c) children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes;
 - d) any other household member such as an adult child where it is accepted that:
 - i. they have been part of the applicant's household for a period of 12 months prior to their application to the council; and
 - ii. they reside with the applicant as part of their household.The applicant will need to demonstrate that this is not a short term or temporary arrangement.
 - e) family members who do not currently reside in the UK cannot be added to a Housing Needs Register application.

- 3.2.6 The council may also refuse to consider an application for assistance or someone's inclusion on an application if the person concerned (i.e., other than the applicant) has made a separate housing application.
- 3.2.7 The council may decide to carry out a visit to each applicant's residence if their priority is sufficient for an allocation of housing under this Allocation Scheme. Visits conducted will include an inspection of the accommodation and facilities and are normally, but not necessarily, arranged by appointment.
- 3.2.8 Joint tenancies are normally granted by the council or a Private Registered Provider where applicants have a long-term commitment, for example, married, or unmarried couples, or civil partners. This decision is for the council or relevant Private Registered Provider offering accommodation, who will decide whether to allow a joint tenancy depending on the circumstances.
- 3.2.9 For households with access to children through a Child Arrangement Order, the council will adopt the test set out in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant. Unless this test is passed an applicant will only be able to be considered for the size of accommodation relevant to their circumstances.
- 3.2.10 For households eligible to be rehoused only because of the housing need of the restricted persons, the council has a duty to arrange as far as practicable, an assured shorthold tenancy with a private landlord.
- 3.2.11 If the main applicant is eligible and not subject to immigration control, non-eligible dependent children and other dependent family members or 'live in' carers in receipt of carers allowance will be taken into account when deciding the size of accommodation that the household is entitled to if accommodation in the private rented sector cannot be secured.

3.3 Assessing applications

- 3.3.1 Any band awarded reflects an applicant's housing need with the higher the band awarded (with Band 1 being highest) reflecting the greater level of assessed housing need.
- 3.3.2 Applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:
- the information given is correct and that they will notify the council of any change in their circumstances;
 - enquiries will be made concerning their eligibility for housing and level of priority; and
 - information may be sought from other organisations.
- 3.3.3 Once an applicant provides information, the council will process that information under Article 6 of the UK-GDPR. The processing is necessary under the 'Public Task' purpose and is necessary for the council to perform a task in the public interest or for its official functions, in this case to meet its legal responsibility to assess housing applications, and we are satisfied that the task or function has a clear basis in law.
- 3.3.4 It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete information will mean the council is not able to complete its assessment until it has in its possession all the information it requires.
- 3.3.5 All incomplete applications will be cancelled after a period of 28 days measured from the date further information has been requested. If cancelled, this does not prevent the applicant making a

subsequent application at a later date, although in such cases the applicant's effective date of registration would not be backdated to the date of the earlier application.

- 3.3.6 Barnet Council may request information or a reference from an applicant's current or previous social landlord and may, depending on whether the application gives rise to any concern, request a reference from the most recent private sector landlord (or any other recent private sector landlord) if the applicant is, or has been, a private sector tenant. This is to check whether there has been any breach of tenancy conditions.
- 3.3.7 Where a social or private landlord does not reply within 28 days a reminder will be sent, and if still not forthcoming within 14 days of the reminder being sent, any other information or records available will be checked to try to determine whether there are any concerns regarding the way an applicant may have conducted their tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.
- 3.3.8 All applications are subject to verification checks, and these may be applied:
- at the point of initial application;
 - following any change of circumstance notified to the council by the applicant;
 - following any routine validation audits;
 - following an annual review of the application;
 - at the point of an offer of accommodation;
 - at the point of letting.

3.4 Medical priority

- 3.4.1 When assessing whether to award Band 1 or 2 or no priority, the council will follow the five-stage assessment set out below:
- 1) Is the medical/disability issue serious enough for a priority banding to be considered?
 - 2) If the medical condition is serious enough for a priority banding to be considered the assessing officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e., on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist) does the assessing officer accept that the applicant's current housing accommodation/circumstances are making their medical condition or disability substantially worse, or will make it worse?
 - 3) In practical terms, the officer will consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of Band 1 or 2 priority should be granted under the criteria adopted for the Scheme. There are examples listed in Annex 6 for when an award of Band 1 or 2 may be awarded and they are used to guide the officer when making their decision.
 - 4) Before making an award, the assessing officer needs to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
 - 5) If the officer is satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, they would then decide whether to award Band 1 or 2 depending on the severity of the impact. The Housing Needs Officer will make their final

decision based on a medical adviser's recommendations and the medical adviser will be guided by this five-stage assessment process.

3.5 When medical priority will not normally be awarded

3.5.1 Medical priority will not normally be awarded in the following circumstances:

- a) where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied;
- b) health problems that are not affected by housing or cannot be improved by moving;
- c) where a move would only make a marginal improvement to the applicant's condition;
- d) medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame;
- e) where another reasonable course of action is available to the applicant to resolve their difficulties;
- f) time-related medical problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact);
- h) overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Scheme an applicant may receive priority separately for being overcrowded);
- i) if the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

3.5.2 Medical assessments will also consider the '*National strategy for autistic children, young people, and adults 2021-26*' for any relevant assessment.

3.5.3 Medical assessments are not just related to banding. The council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having autism. Guidelines for assessing extra bedroom requests for ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems are set out in Annex 5.

3.6 Checks into any court cases or unspent criminal convictions

3.6.1 All applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

3.6.2 The council may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or from remaining on the Housing Needs Register, after applying the serious unacceptable behaviour rule.

3.6.3 Spent convictions are not required to be disclosed and will not be taken into account in assessing a person's eligibility to join the Housing Needs Register. The assessment will consider whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

3.6.4 If the council decides that, on the information obtained during the assessment process, there is a pressing need for a Disclosure and Barring Service (DBS) check, or further information from the Probation Service, relevant inquiries will be made.

3.6.5 Information gained will not automatically exclude an applicant from the Housing Needs Register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

- 3.6.6 All assessments will be carried out in accordance with data protection and information sharing policies and other legal requirements.

3.7 The requirement to inform the council of any change of circumstances

- 3.7.1 Applicants are required to inform the council in writing of any material change in their circumstances that may affect their priority for housing. Examples of a change in circumstances include but are not limited to:

- a) a change of address or contact details, for either themselves or members of their household;
- b) a change in their medical condition or disability (either existing or newly acquired);
- c) additional family members or other people they wish to add to their application (It will be for the council to decide whether they will allow additional people to join the application);
- d) any family member or any other person on the application who has left their household; and/or
- e) any significant changes in income, savings, or assets, that may require a reassessment under the income and savings qualification rule.

- 3.7.2 Applications may be temporarily suspended while the council assesses the information provided by the applicant and completes further enquiries that may be necessary.

- 3.7.3 Where following a change in an applicant's circumstances this results in a change to the applicant's application or banding, they will be informed in writing.

Note: on allocation of accommodation, verification checks into the applicant's current circumstances are likely to be carried out again by the council or Private Registered Provider that owns the property. This is to ensure the allocation is being made in accordance with the applicant's current housing circumstances and needs at the time of a prospective offer. Therefore, a failure to notify the council of a change in circumstances may lead to an offer of housing being withdrawn and the application suspended whilst changes that were not notified to the council are assessed.

3.8 Applications from elected council members, staff members or relations

- 3.8.1 To ensure the council is seen to be treating all applicants fairly, any application for housing or rehousing from members of the council, employees of the council, or associated persons must be disclosed. These applications will be assessed in the normal way, but any allocation of housing will require special approval.

- 3.8.2 For this purpose, an applicant with a connection includes the following circumstances plus the level of authorisation within Barnet Homes that is required:

- a) any applicant who is a current elected member of the council, or a former elected member of the council – CEO authorisation
- b) any applicant who is a board member of The Barnet Group or its subsidiaries including Barnet Homes or a member of their immediate family – CEO authorisation
- c) any applicant who is a current member of staff of the council or The Barnet Group or its subsidiaries - Housing Service Manager authorisation
- d) any applicant who is a former member of staff of the council's housing service or The Barnet Group or its subsidiaries within the past 10 years – Housing Service Manager authorisation
- e) a close relative of any current member of the council's housing service or The Barnet Group or its subsidiaries. Close relatives are defined as mother, father, son, daughter, brother, sister, partner, nephew, niece, uncle, aunt, grandparent, or grandchild - partners

and people living together are treated in the same way as if they were married – Housing Service Manager authorisation

3.8.3 Canvassing is not allowed in any circumstances by, or on behalf of, a councillor or member of staff.

3.9 Cancelling applications

3.9.1 An application will be cancelled from the Housing Needs Register in the following circumstances:

- a) at the request of an applicant;
- b) where an applicant does not respond to an application review, within the specified time set out in any correspondence sent to them;
- c) where the council or Private Registered Provider has housed the applicant (unless it is assessed that the applicants' housing circumstances would still qualify for a band award based on their housing need, but this is unlikely to be the case);
- d) where an applicant owed a homeless duty has been housed through the Let2Barnet scheme, or has had their homelessness resolved through an offer of accommodation to end a prevention relief or main homeless duty, or has found their own accommodation to rent in the Private Rented Sector.;
- e) when a tenant completes a mutual exchange;
- f) where the applicant moves and does not provide a contact address;
- g) where the applicant has died;
- h) where, at the housing application or any reassessment, an applicant has not supplied information requested within 28 days;
- i) where an applicant already registered becomes ineligible or is disqualified under the rules adopted for this Scheme;
- j) where the applicant buys a property either through the Right to Buy or Right to Acquire or through the open market, or inherits a property.

3.9.2 Any applicant whose application has been cancelled has the right to ask for a review of that decision.

3.10 Deliberate worsening of circumstances

3.10.1 At the point their application is assessed or, for applicants already on the Housing Needs Register, at the point they request a change in banding due to a claim that their circumstances have changed, where there is evidence that an applicant has deliberately made their housing situation worse in order to gain a higher banding, the assessment of their needs will be based on the circumstances before the change in their situation brought about by their actions to deliberately worsen their circumstances.

3.10.2 Examples of deliberately worsening circumstances include:

- applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded and the council does not accept that there was an essential justification for allowing the family member(s) to move in;
- homeowners who have transferred their property to another family member within the last five years from the date they make their application to the Housing Needs Register;
- applicants who have given up affordable and suitable private rented accommodation that they are able to maintain to move in with other relatives or friends, creating a situation of overcrowding;

- requesting or colluding with a landlord or family member to issue them with a notice to leave their accommodation.

3.10.3 These are examples only. There may be other circumstances in which the council decides that an applicant has deliberately worsened their circumstances.

3.11 The review procedure

3.11.1 Under the housing legislation an applicant has a legal right to request a review of any of the following decisions reached by the council:

- a) a decision that an applicant is ineligible, or not a qualifying person to join the Housing Needs Register;
- b) a decision regarding which band an applicant has been awarded;
- c) the priority date granted for the band awarded;
- d) to remove an applicant from the Housing Needs Register;
- e) any decision about the facts of the case that has been used to assess their application including the decision the council has made regarding who can be included in the application;
- f) where an applicant considers that a decision has been reached based on incorrect information.

3.12 How a request for a review will be dealt with

3.12.1 Applicants who are unhappy with a decision made under the Allocation Scheme should in the first instance contact the Housing Needs Team and explain why they think the decision is not correct or not reasonable. An initial informal review will then be undertaken by either the housing officer who dealt with their case or an equivalent officer.

3.12.2 The applicant will be notified whether the decision still stands and the reasons for this usually within two working days via a telephone call, text, email, or letter.

3.12.3 If an applicant wishes to take the matter further, they can make a request for a formal review of the decision within 21 days of being informed of the outcome of the informal review. The request can be made verbally or in writing by letter or email. In these cases, the applicant will then be invited to make a written submission stating the reasons for their request for a review. Formal reviews will be conducted by a Housing Needs Manager who will notify the applicant of the outcome of the review in writing, including the reasons for their decision. The council aims to notify the applicant within 56 days; however, this is a target timescale and may be longer depending on operational pressures.

3.12.4 There is no right to request a review of a review decision.

3.13 Pan-London mobility and pan-London housing reciprocal arrangements

3.13.1 Barnet Council participates in Pan-London Mobility (PLM) and Pan London Housing Reciprocal arrangements, and accordingly up to 5% of the properties that become available to the council for re-letting or nomination each year will be made available to transferring tenants from other London local authorities participating in the scheme.

3.13.2 Homes under this scheme are allocated according to these schemes rules and not the rules outlined in this Allocation Scheme. Full details of the PLM Scheme can be found at www.london.gov.uk.

3.13.3 Existing tenants of Barnet Council can make transfer applications through PLM to be considered for vacancies in other London local authority areas.

3.14 Local lettings policies

3.14.1 Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing allocation scheme is able to contribute to building sustainable communities.

3.14.2 They will be tailored to fit local situations in well-defined communities (such as an estate being regenerated, a particular block of flats, an individual street, or new housing development). Each local lettings policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, local councillors, and the community itself.

3.14.3 The following are examples of local lettings policies that may be deployed under this Scheme. The list is for illustrative purposes and is not exhaustive.

- a) age restrictions;
- b) prioritising tenants or applicants to return to estates that are being regenerated;
- c) prioritising applicants who are key workers;
- d) restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block;
- e) lettings to childless households where there are high concentrations of children and young people living on a specific estate, street, or block;
- f) ensuring that there is a balance of working and non-working households allocated to a scheme.

3.14.4 New developments will normally have local lettings policies (and this usually only applies to first lettings) regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

3.14.5 Under a local lettings policy the council will give priority for local people living on any regeneration estate to be allocated a new home on that estate ahead of those who are otherwise waiting for housing and even if their home is not being demolished.

3.14.6 The council will decide when a local lettings policy may be appropriate and why.

3.14.7 There must be a clear evidence base for adopting a local lettings policy. The following framework will be used by the council to decide whether a local lettings policy is appropriate:

- 1) that there is a clear definition of the objective to be achieved by that particular local lettings policy;
- 2) that there is a clear evidence base to back up the need for a local lettings policy;
- 3) that any potential equality impact has been considered;
- 4) how long the local lettings policy is intended to operate; and
- 5) when the local lettings policy should be reviewed.

3.14.8 A written record of each policy adopted should be kept.

3.15 Local lettings policy for applicants owed a main homelessness duty accommodated under a non-secure tenancy on regeneration sites

- 3.15.1 After allocating homes to secure tenants living on a regeneration estate, at the point of decanting a non-secure tenant the council will look to provide a new home on that regeneration estate for any non-secure tenant owed a main homelessness duty (under Section 193(2) of the Housing Act 1996) who has held that non-secure tenancy for five years or more at the point vacant possession of the property is sought.
- 3.15.2 If there are insufficient homes available after allocating to secure tenants on the regeneration estate where they live, a non-secure tenant who has held that non secure tenancy for five years or more will be considered for appropriate accommodation outside of the area where they live, but as close as possible to that area.

3.16 Size of accommodation that can be offered

- 3.16.1 The size of accommodation for which each applicant will be considered will depend upon the size and composition of the applicant's household. The requirements for each size of household are set out in Annex 2.
- 3.16.2 Families who are willing can choose to be considered for smaller council-owned properties that are up to one bedroom size less than their assessed need as long as this does not mean they will be statutorily overcrowded. This will include families with a need for two bedrooms who have one child aged under 5 who opt to be considered for a 1-bedroom property.
- 3.16.3 At the council's discretion, households with a child who are seeking a transfer from a 1-bedroom property may, despite not being considered to be statutorily overcrowded in line with the space standard set out in the Housing Act 1985, be considered for a two-bedroom property where there is availability.
- 3.16.4 Young people aged 16 to 25 might be offered shared housing dependent on their assessed housing need.
- 3.16.5 Larger accommodation than specified in Annex 2 may be considered in exceptional circumstances on the recommendation of the Medical Assessment Team.
- 3.16.6 In calculating the number of bedrooms available within properties the council will treat every habitable room as a bedroom except kitchens, bathrooms, and one room for use as a living room. Where there are two communal living rooms one will be treated as a bedroom for the measurement of overcrowding and for the assessment of the size of accommodation to which an applicant is entitled.
- 3.16.7 Existing council tenants with secure or flexible tenancies agreed as management transfers (due to extreme circumstances such as violent assault, harassment, etc.) are able to move to alternative accommodation as the only viable resolution to their current difficulties. These moves should, however, not be at the expense of others. Therefore, their move will only be to the same size and type of accommodation as they currently occupy regardless of their actual housing need.

3.17 Secure and flexible council tenants

- 3.17.1 Secure and flexible council tenants wishing to move from their existing home will be assessed in the same way as other applicants applying for housing advice and assistance under the Allocation Scheme. As such they will also be subject to the qualification criteria set out in section 2.2.

- 3.17.2 Applications for a transfer may be made jointly by separate tenants of the council who wish to apply for housing together, on the condition that both tenancies will be relinquished if the council makes a reasonable offer of a transfer to a third property that the new joint tenants accept.
- 3.17.3 Tenants in the introductory period of their tenancy or who have gained their tenancy by mutual exchange in the previous two years cannot apply for a transfer.
- 3.17.4 On occasion it may be necessary for a secure and flexible council tenant to move out of their existing home to allow major works to be carried out, or because their home is due to be demolished. In these circumstances, the council will use its discretion to prioritise a move to a suitable alternative home by placing the tenant in Band 1 at an appropriate time. Depending on the circumstances and urgency of the situation an offer may be made outside of the date order system.
- 3.17.5 Secure and flexible council tenants who have to move because major works are required to their home will have the option of moving back to their original home once the works have been completed.
- 3.17.6 The council is undertaking a number of regeneration schemes. Under these schemes a large number of existing council homes will be demolished and replaced with new council homes or homes owned and managed by Private Registered Providers. Under the Allocation Scheme, existing secure and flexible council tenants whose homes are due to be demolished will have priority for the new replacement homes being provided on their estate in accordance with a local lettings policy agreed for each estate, before they are made available to any other applicants.
- 3.17.7 Where a care leaver who is a secure or flexible tenant needs to leave the borough for a placement in Higher Education or the Armed Forces for a period of more than nine months, and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon return, they would be made a direct allocation of a secure or flexible council tenancy that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs under the terms of this Allocation Scheme, whichever is smaller.
- 3.17.8 Where a secure or flexible council tenant is imprisoned for a period of more than 12 months and would therefore either accumulate rent arrears or possibly lose their tenancy, they can voluntarily give up their tenancy. Upon release, they would be made a direct allocation of a secure or flexible council tenancy that meets their needs. The size of accommodation would be the same as their previous tenancy, or a size that meets their needs under the terms of this Allocation Scheme, whichever is smaller. This will not apply to tenants who have been imprisoned in relation to a crime that would enable the council to seek repossession of their accommodation; where this applies the council will normally take repossession action.

3.18 Private Registered Provider tenants

- 3.18.1 The tenants of Private Registered Providers of social housing, including housing associations, will be assessed in the same way as other applicants applying for housing advice and assistance under the Allocation Scheme.

3.19 Mutual exchanges

- 3.19.2 Secure and flexible council tenants have certain rights in relation to exchanging their tenancies with other secure and flexible council tenants and in relation to the circumstances in which a member of their household can succeed to their tenancy. These do not fall within the scope of the Allocation Scheme, and full details for how these schemes operate can be obtained from Barnet Homes or the landlord in the case of tenants of Private Registered Providers.

3.20 Discretionary succession

3.20.1 Housing law means that certain household members are entitled to succeed to a secure or flexible council tenancy when the tenant dies. This statutory right only applies to the first time that a succession occurs, but beyond this, the council will use its discretion to allow additional successions to take place in the following circumstances. Under this Allocation Scheme a person can succeed to a secure tenancy if:

- a) they are a household member of the tenant who has died, and they lived with the tenant for at least a year immediately before their death; and
- b) the tenancy is their main home; and
- c) there is no partner who can inherit the tenancy defined as a married partner, civil partner, or unmarried partner; and
- d) the person would, if they had applied to join the Allocation Scheme, qualify under the eligibility and qualification rules; and
- e) all members of the household of the person succeeding to the secure tenancy lived with the tenant for at least a year immediately before the tenant's death.

3.20.2 Where a property is not suitable for the person applying to succeed, for example because it is too large, the council will assist them to find alternative accommodation if they qualify for help under the Allocation Scheme; this could include an offer of accommodation in the private rented sector.

3.21 Service tenancies

3.21.1 Employees of the council or Barnet Homes who have a service tenancy associated with their employment may be rehoused by the council in certain circumstances as set out in Annex 4. This will be achieved through a direct offer outside of the band and date order system, subject to the applicant being eligible for assistance under the Allocation Scheme and not disqualified under the rules set out in section 2.2.

Section 4: How to apply and how an applicant's banding will be assessed and when a band will be awarded

4.0 How to apply

- 4.0.1 People wishing to apply to be considered for the Housing Needs Register should contact the council by phoning 020 8610 3539, emailing housingadvice@barnethomes.org, or writing to Barnet Homes' main office. A member of Barnet Homes' Housing Options team will assess their housing problem and circumstances and give advice on what options are available to solve any problem.
- 4.0.2 Where staying in a person's current home is not an option, or where a person's housing circumstances may meet the housing need criteria to be awarded a band, the council will assess your housing needs using Barnet Council's Housing Allocation Scheme. This assessment will determine whether a person can qualify to be included and if so what level of priority can be given for rehousing and what type of housing you may need. There is no application form to fill in.
- 4.0.3 If accepted onto the Housing Needs Register, an applicant will be informed of:
- whether they qualify for the Allocation Scheme;
 - the housing needs band they have been placed in (this determines priority);
 - the date of application (may be used to determine priority within the band allocated);
 - the size and type of properties for which they may be allocated;
 - their application reference number;
 - how to seek a review against their banding if they think it is wrong or if the decision is that they do not qualify under the Scheme rules;
 - how a household can access our Let2Barnet scheme if they find their own private rented accommodation.

4.1 The date a band will be allocated

- 4.1.1 The band start date is the date the assessment of the applicant's Housing Needs Register application has been completed, unless an applicant's housing need and/or circumstances change and any reassessment results in the applicant being placed in a higher band. In these circumstances, they will not retain the date they were awarded the lower band as the higher band reflects a higher level of housing need; therefore their date for the higher band will be the date they were awarded that band for that higher assessed housing need.
- 4.1.2 Note: for eligible homeless applicants who meet the qualification rules to join the Housing Needs Register the following will apply with regard to their band start date:
- owed a Section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application;
 - owed a Section 189B (2) Relief of homelessness duty – If an applicant has not been owed a prevention duty then the band date is the date the relief duty is owed and not the date of the homelessness application. If the applicant was owed a prevention duty which ended because they became homeless and they are then owed a relief duty, the effective date is the date the prevention duty was owed;
 - owed the Main Section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. This is because to start the

date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless;

- d) circumstances where the relief duty has ended, and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end;
- e) circumstances where the relief duty has ended, and the applicant is assessed at that point as not being owed a main duty due to being intentionally homeless - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end;
- f) where the applicant becomes homeless unintentionally within 2 years of accepting a private rented sector offer, offered to bring the main Section 193 homelessness duty to an end, the effective date will be the date of the new application.

4.2 The banding system

- 4.2.1 The demand for social housing exceeds supply in Barnet and therefore this Scheme prioritises the housing of applicants assessed as being in the greatest need. Once registered many applicants will still unfortunately not have sufficient housing need to be offered a property.
- 4.2.2 The banding system will normally be used to decide when to make an offer of accommodation and to whom.
- 4.2.3 The council has chosen to adopt a simple and transparent system creating four queues where people will normally be ranked by date order in each queue as long as they qualify to be considered under the housing needs register. The housing bands are summarised below, and full details are set out in Annex 1. To be awarded any of the bands an applicant must qualify to be included on the Housing Needs Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances. The bands are:

Band 1: People who have a Reasonable Preference and are granted additional preference (being people with a very urgent need to move).

Band 2: People who need to move and fall within one of the Reasonable Preference categories but also qualify for the positive Community Contribution criteria such as being in employment, training, or voluntary work. Also for people who currently reside in supported housing and have been prioritised as ready for independent living by Adult Social Care, Health, or another support provider authorised/approved by the council.

Band 3: People who need to move and fall within one of the Reasonable Preference categories but do not qualify for the positive Community Contribution criteria.

Band 4: People who need to move and have been awarded Reasonable Preference under Housing Act 1996 Part VII and the following circumstances apply:

1. those households owed a main homeless duty under Section 193(2) by Barnet Council but are housed in suitable long term temporary accommodation; or
2. applicants owed any other homelessness duty by Barnet Council as set out below:

- a) applicants where the Section 189(B) Relief duty has been brought to an end and an applicant has been assessed at that point as being intentionally homeless (and hasn't been disqualified under the unacceptable behaviour disqualification rule);
- b) applicants owed the 193 C (4) Main duty where the Prevention or Relief duty was ended by the council due to their deliberate non-cooperation;
- c) applicants owed a Section 189B (2) Relief duty by Barnet Council;
- d) applicants owed a Section 195 (2) Prevention of homelessness duty by Barnet Council since the introduction of the Homelessness Reduction Act in 2018;
- e) applicants where the Section 189(B) Relief of homelessness duty has been brought to an end and the applicant is determined to be homeless but not in priority need and therefore not owed a Main homeless duty.

4.2.4 Applicants who have been placed in long-term temporary accommodation by the council will be placed in Band 4. This will only be reviewed if the arrangement is due to expire within the next 3 months and their property lease or occupation arrangement cannot be renewed, or there is a change in circumstances that may increase their priority under the Allocation Scheme. Long-term temporary accommodation includes private sector properties let via the council or Private Registered Providers under a leasing arrangement, and non-secure tenancies on the regeneration estates.

4.2.5 Annex 1 provides details for the four bands an applicant may be awarded based on the council's assessment of their housing need, and how the Scheme defines and assesses housing need.

Section 5: Annexes

ANNEX 1: DETAILS FOR THE BARNET HOUSING BANDS

Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Needs Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.

| Band 1: Urgent Need to Move due to Reasonable Preference plus Additional Preference | |
|---|---|
| Category of Housing Need | Summary Guide of Criteria |
| Emergency medical or disability | <p>The following Band 1 examples are intended to guide the applicant on the threshold set for a Band 1 award. See Annex 6 for more details on when a Band 1 award may be granted.</p> <p>A Band 1 award is for applicants who are suffering sudden or severe progressive life-threatening medical conditions or disability and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.</p> <ul style="list-style-type: none"> • where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care; • the condition is life threatening and the applicant's existing accommodation is a major contributory factor; • the applicant's health is so severely affected by the accommodation that it is likely to become life threatening; • the applicant has severe mobility issues, is housebound and is unable to leave their accommodation save with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs; • the applicant is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation; • the applicant's accommodation is directly contributing to the deterioration of the applicant's health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually 6 months; • where overcrowding in the property leaves the applicant at risk of life-threatening infection. |

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| <p>Exceptional Circumstances Welfare and Hardship Criteria</p> | <p>The council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through a Band 1 award. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:</p> <ul style="list-style-type: none"> • a severe threat to life; • emergency cases whose homes are damaged by fire, flood, or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life; • households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community; • cases nominated under the Police Witness Protection Scheme or other similar schemes that the council has agreed to be part of; • an applicant who provides a form of essential support to a close family relative, as defined under Section 178(3) of the Housing Act 1996 (this includes parents, siblings, children, uncles, aunts, grandparents, spouses and former spouses) with a serious or enduring health condition who resides in the borough; • an applicant who has an exceptional need that is not covered in the Allocation Scheme. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered; • a care leaver assessed as ready to move to independent settled housing with a profound disability or assessed as having a significant vulnerability over and above the fact that they have been in care, who is assessed as needing to be housed urgently to significantly improve the impact their current circumstances are having on their disability or vulnerability; • other exceptional circumstances as authorised by the Head of Housing Options or equivalent. <p>For any Private Registered Provider tenant, the expectation is that, where it is safe to do so, a like for like management transfer would be granted or an emergency decant provided whilst a suitable transfer can be arranged.</p> |
| <p>Armed Forces: Disability need to move on hardship grounds</p> | <p>Applicants who need to move to suitable adapted accommodation because of a serious injury, medical condition, or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.</p> |
| <p>Release of adapted property</p> | <p>Where a tenant is willing to transfer to a suitable non adapted property and is releasing an adapted house or designated older persons property.</p> |

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|--|---|
| Statutory Overcrowded | Council, Private Registered Provider, or Private Sector tenants who are statutorily overcrowded. |
| Acute Overcrowding | Where a household is 3 bedrooms short of the bedroom standard outlined in Annex 2. |
| <p>Private sector properties insanitary or unfit Those living in insanitary conditions where the conditions pose an ongoing and serious threat to health</p> | <ul style="list-style-type: none"> Private sector tenants and residents of dwellings where the council's Private Sector Housing Team has determined the property poses a Category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and the council is satisfied that the problem cannot be resolved by the landlord within six months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or living conditions that are a statutory nuisance, and there is no prospect of the problems being remedied within a six-month time period. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004. <p>Note: this category will not include Private Registered Provider tenancies because there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants.</p> |
| Under-occupation | <ul style="list-style-type: none"> Where a secure or flexible council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have. Housing association tenants who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the council. |
| Major works or demolition | Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished. |
| Foster carers referred by the Council's Children's Service or providers of supported lodgings | Foster carers or providers of supported lodging approved by the council whose housing prevents them from being able to start, or continue, to provide foster care. |

| Band 2: Need to move – Reasonable Preference plus Community Contribution | |
|---|--|
| <i>For the definition of Community Contribution see Annex 2</i> | |
| Category of Housing Need | Summary Guide of Criteria |
| Homeless households owed a main homeless duty under s.193(2) by Barnet Council. | <p>People who are owed a main homeless duty under Section 193 (2) (or for any applicant still owed a Section 195 (2) duty prior to the introduction of the Homelessness Reduction Act in 2018).</p> <p>This means households that have been assessed as being owed the main homeless duty for being unintentionally homeless and in priority need and are not accommodated in long term suitable temporary accommodation.</p> |
| Overcrowded by the adopted bedroom standard | Where a household is two bedrooms short of the bedroom standard outlined in Annex 2. |
| Applicants living in unsatisfactory housing lacking basic facilities. | <ul style="list-style-type: none"> • Applicants without access at all to any of the following facilities.: <ul style="list-style-type: none"> • a bathroom or kitchen • an inside WC • hot or cold water supplies, electricity, gas or adequate heating. • Applicants who occupy a private property that is in disrepair or is unfit for occupation and is subject to a Prohibition Order and recovery of the premises is required in order to comply with the Order as defined by s.33 of the Housing Act 2004. <p>Note: Applicants who have access to shared facilities re cooking, bathroom, and toilet will not qualify under these criteria.</p> <p>This banding award does not include applicants sleeping rough or with no fixed abode. They will be dealt with under the homelessness criteria in this banding Scheme.</p> <p>Any decision to award Band 2 for this category will take into account the reasons why the applicant does not have access to these facilities and whether this is a temporary or long-term situation.</p> |

| | |
|--|--|
| <p>Severe medical or disability grounds</p> | <ul style="list-style-type: none"> • Where an applicant (or a member of their household) is living in accommodation with a severe, long term, medical conditions (chronic or progressive) or severe disability that means they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to the applicants' physical or mental health. • Where an applicant's (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound, but their current housing is exacerbating their health conditions. <p>See Annex 6 for examples of when a Band 2 award may be granted.</p> |
| <p>Hardship or welfare need to move for care or support</p> | <ul style="list-style-type: none"> • Those who need to move to give or receive care that is substantial and ongoing. • Those who need to access Social Services facilities and are unable to travel across the borough. • Those who need to take up (or continue) employment education or a training opportunity that is not available elsewhere and who do not live within reasonable commuting distance. |
| <p>Housing need due to age</p> | <p>Older or disabled applicants seeking designated retirement, Extra Care, or Sheltered Plus housing.</p> |
| <p>Ready to move on from council accredited supported care schemes</p> | <ul style="list-style-type: none"> • An applicant is ready to move to independent settled housing on the recommendation of the support worker or equivalent; and • The applicant is in need of medium to long term rather than short term ongoing tenancy support; and • That support package has been assessed and is in place. |

| | |
|--|---|
| <p>Move on from Care</p> | <ul style="list-style-type: none"> • A care leaver is ready to move to independent settled housing and is genuinely prepared for a move to independent living; and • They possess the life skills to manage a tenancy including managing a rent account; and • The care leaver is in need of either a long term or medium-term tenancy support; and • That support package has been assessed and is in place. |
| <p>Discretionary Succession</p> | <p>Where the council has agreed to grant a tenancy under section 3.20 of this Allocation Scheme.</p> |
| <p>Existing foster carers or providers of supported lodgings approved by the council willing to provide care for an additional child</p> | <p>Where a foster carer or a provider of supported lodging already providing a home for at least one foster child offers to provide care for an additional foster child.</p> |

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| Band 3: Need to move: | |
|--|---|
| <p>a) Reasonable Preference but without a Community Contribution</p> <p>b) Right to move applicants'</p> | |
| Category of Housing Need | Summary Guide of Criteria |
| | <p>Applicants in this band will have the same element of housing need / Reasonable Preference as those applicants in Band 2 but will not have the Community Contribution award as defined in Annex 3 of this Allocation Scheme. Once a Community Contribution or Working Household award is given, the applicant will be moved into Band 2.</p> |
| 'Right to move applicants' | <p>Existing social tenants of accommodation in England whom the council have assessed as qualifying under the Government's Right to Move regulations. Allocation to applicants who qualify for this award is limited to a maximum of 1% of all lettings.</p> |

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| Band 4: Reduced priority and a need to move | |
|---|---|
| Category of Housing Need | Summary Guide of Criteria |
| Homelessness duty | Applicants owed a main homeless duty under Section 193(2) by Barnet Council but are housed in suitable long term temporary accommodation. |
| Homelessness duty | <p>Applicants owed any other homelessness duty by Barnet Council as set out below:</p> <ul style="list-style-type: none"> a) Applicants where the Section 189(B) Relief duty has been brought to an end and an applicant has been assessed at that point as being intentionally homeless (and hasn't been disqualified under the unacceptable behaviour disqualification rule). b) Applicants owed the Section 193 C (4) Main duty where the Prevention or Relief duty was ended by the council due to their deliberate non-cooperation. c) Applicants owed a Section 189B (2) Relief duty by Barnet Council. d) Applicants owed a Section 195 (2) Prevention of homelessness duty by Barnet Council since the introduction of the Homelessness Reduction Act in 2018. e) Applicants where the Section 189(B) Relief of homelessness duty has been brought to an end and the applicant is determined to be homeless but not in priority need and therefore not owed a Main homeless duty. <p>Note: Applicants owed a main homeless duty by any other council will not qualify to join the Housing Needs Register unless there are exceptional circumstances. If they are allowed to qualify, they will normally be placed into Band 4.</p> |

ANNEX 2: SIZE OF HOMES

The number of bedrooms needed by an applicant depends upon the size of their family. The table shows the number of bedrooms that we consider an applicant needs based on household size.

| Size of family | Size of property |
|--|---|
| Single person | Bedsit / single person home with single bedroom |
| A couple without children | 1 bedroom |
| Two adults of the same sex and generation ¹ , for example flat sharers, or two brothers | 1 bedroom |
| A couple with one child of any age, including an adult child | 2 bedrooms |
| A couple with two children of the same sex | 2 bedrooms |
| Two adults of opposite sex who do not live as a couple, for example a brother and sister | 2 bedrooms |
| A couple with two children of the opposite sex and both under 10 | 2 bedrooms |
| A couple with two children of the opposite sex, one of whom is aged 1 or over and the other who is aged 10 or over | 3 bedrooms |
| A couple with three children | 2 or 3 bedrooms, depending on the age of the children |
| A couple with four children (all of the same sex or two of each sex) | 3 bedrooms |
| A couple with two children of the opposite sex aged under 10, and one dependent relative (for example, widowed mother) | 3 bedrooms |
| A couple with four children (three of one sex and one of the opposite sex) | 3 or 4 bedrooms depending on the age of the children |
| A couple with more than four children | 4 bedrooms |

Note:

- unborn babies are not considered when determining the number of bedrooms needed;
- multiple births, e.g., twins under the age of 1 are considered when determining the number of bedrooms needed;
- single people without children are usually offered studios;
- single bedrooms will be used for one person not sharing (for example a single parent);
- double bedrooms will be used for two people sharing (for example two children sharing);
- a couple or single parent expecting a baby is entitled to one double bedroom;
- two children of the opposite sex under ten will be expected to share a bedroom;
- where the council decides that on the evidence provided there is a need for a live-in carer, the applicant will be allowed one additional bedroom. Note: even if a carer is in receipt of Carer's Allowance this does not necessarily mean that it is necessary for them to reside with the person who is being cared for. An application to include a carer will be assessed based on whether there is a need to provide live-in support. In these circumstances the applicant must provide supporting evidence from other agencies e.g., Social Care or a health professional. Note: the provision of overnight care would not automatically result in the inclusion of the need for a carer in the application. An overnight carer may not require a bedroom as they would be expected to stay awake to provide that care;
- council or Private Registered Provider tenants trading down from properties with three or more bedrooms may choose a property with one bedroom more than they need;
- sometimes Private Registered Providers adopt different criteria for determining the number of bedrooms a household requires;
- families who are willing can choose to be considered for smaller council owned properties that are up to one bedroom size less than their assessed need as long as this does not mean that

¹ A generation is 20 years or more.

they will be statutorily overcrowded. This will include families with one child under the age of 5 who have a two-bedroom need but opt to be considered for a one bedroom property.

- at the council's discretion, households with a child who are seeking a transfer from a one-bedroom property may, despite not being considered to be statutorily overcrowded in line with the space standard set out in the Housing Act 1985, be considered for a two-bedroom property where there is availability.

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ANNEX 3 COMMUNITY CONTRIBUTION: HOW PRIORITY IS AWARDED

People who play a part in making their neighbourhood strong, stable, and healthy, and help make it a good place to live, work and play, are the backbone of their community, and the council believes such people should be allocated social housing to continue contributing to sustaining local communities in the area where they contribute.

Community Contribution is a Barnet Council policy that gives the main applicant or partner increased priority for housing when they have Reasonable Preference and qualify under the Community Contribution criteria described below. These applicants will be placed in Band 2 by virtue of this award.

We recognise that some single adult households who have caring responsibilities for a pre-school child/children may find it more difficult to make a positive Community Contribution. Therefore, discretion may be applied to the number of hours that adults in such households must be working or volunteering for the household to be awarded a positive community contribution.

Community Contribution Awards – How they work in practice

Community Contribution can only be awarded to the main applicant or their partner.

Applicants or their partners who meet the qualification rules must still demonstrate as much as reasonably possible that they have a current positive residence history to qualify for a Community Contribution award. Examples of when they would not be considered to qualify for Community Contribution award of Band 2 include but are not limited to:

- on-going culpable involvement in anti-social behaviour or criminal activities;
- serious breach of a tenancy condition within the last three years;
- have an outstanding unspent conviction.

Increased priority for housing is given to those applicants who demonstrate a commitment to contribute to the borough's economic growth as working households or who make a contribution by their contribution within communities.

Applicants or their partners who may meet the Community Contribution criteria must also fulfil the eligibility and qualification criteria in Section 3 of this Allocation Scheme.

Applicants can access increased priority for housing in five ways:

1. Working Households

This Allocation Scheme aims to support the economic growth of Barnet. We want to encourage people who can, to work and want to raise levels of aspiration and ambition. We will offer increased priority to applicants who are working but are on a low income and therefore find difficulty in accessing outright home ownership or low-cost ownership. Applicants who have Reasonable Preference can receive increased priority to Band 2 by virtue of their "working" status.

Definition of Working Households

For the purposes of the Allocation Scheme employment is described as having a permanent contract, working as a temporary member of staff, or being self-employed. Households will only qualify if either the applicant or their partner has worked for at least an average of 64 hours per month for 6 out of the last 12 months and is currently in employment. Note: an applicant and partner's hours can jointly contribute to the required hours of 64 hours where their working arrangements are to facilitate childcare requirements.

Where an applicant is on a zero-hour contract, documentary evidence from the employer, in the form of wage slips, which confirms that this arrangement has been going on over a six-month period will be required. Applicants who are on maternity leave or paternity leave but remain in employment can also qualify for this award. Verification will be sought at point of application as well as point of offer under the same terms. Applicants must provide payslips, P60, bank statements or a verifying letter on headed paper to qualify.

A person is self-employed if they run their business for themselves. Self-employed workers are not paid through PAYE, and they do not have the employment rights and responsibilities of employees. Households who are self-employed will only qualify if either the applicant or their partner has worked for at least 64 hours per month for six out of the last 12 months and is currently self-employed. Applicants must be able to provide evidence to confirm their self-employment in addition to certified accounts as supplied to HM Revenue and Customs (not an online self-assessment) or proof of National Insurance Contributions. Verification will be sought at point of application as well as point of offer under the same terms. If an applicant or their partner is unable to provide satisfactory evidence to confirm that they are self-employed in line with this Allocation Scheme, a household may not be awarded with a Community Contribution.

2. Volunteering

Households will only qualify if either the applicant or their partner has volunteered for at least 64 hours per month for six out of the last 12 months and is currently volunteering. Volunteering must be for a not-for-profit organisation that is:

- registered with CommUNITY Barnet; or
- recognised by the council; or
- a charity that is registered with the Charity Commission; or
- is funded by the council, another local authority or a faith-based community group or organisation.

Tenants and Residents Associations that are constituted are classified as not-for-profit organisation. They must be registered with Barnet Council or a Registered Social Landlord to qualify.

Evidence required for voluntary work

A letter on the organisation's headed paper from the manager responsible for volunteers confirming the applicant's involvement in a minimum of 64 hours per month of voluntary work for at least six months. This person must not be related to the applicant in any way.

3. Training or education

We want to encourage people to move closer to gaining paid employment by gaining employability skills and becoming job ready. This may be achieved by attending higher or further education or by accessing a longer vocational course of study or engaging in a programme of work-related training courses. In all cases the course of study must lead to achieving accredited qualifications and/or certification by a registered awarding body.

Study or training may be undertaken at a range of recognised institutions and organisations such as: Further Education College; registered Private Training Provider; registered Voluntary Sector Organisation or University.

To be eligible for the vocational training qualification a person must initially access a recognised Information, Advice and Guidance (IAG) service to develop an agreed action plan and to be signposted to relevant training providers. Candidates must be working towards gaining employment in a vocational occupation.

Applicants eligible for out-of-work related benefits must also be registered with Job Centre Plus and accessing mainstream job brokerage provision, thus actively seeking work. This training must be in addition to, or supplementary to any mandatory training required and may be undertaken in conjunction with volunteering to gain further knowledge and experience.

Some people undertaking training are not actively seeking work. Where the Department of Work and Pensions can confirm that the applicant is not required to actively seek work because of their circumstances, for example they have caring responsibilities, their training can be recognised in this Allocation Scheme.

Households will only qualify if either the applicant or their partner is studying or training against the eligible criteria and definition outlined, for at least 64 hours per month for a continuous period of at least six months up to the point of application and continuously until the point of offer.

Evidence required for training or education element

Further/higher education candidates must supply evidence of:

- letter from College or University confirming participation in course of study for period of 6 months;
- for vocational training award, a certificate or letter from a registered awarding body for the course or by a recognised training provider as evidence of gaining a recognised vocational qualification or successfully completing accredited work-related training (over a continuous period of at least six months).

4. Ex-Service Personnel

Applicants or their partner, who are assessed as falling within the Reasonable Preference categories relating to service in the armed forces set out in this Allocation Scheme, will qualify for a Community Contribution award automatically, with the exception of those who have been dishonourably discharged. This includes people who have served in the Royal Navy, Royal Air Force and British Army.

Service with the armed forces will be confirmed with the Veterans UK.

5. Registered Foster Carers

We recognise the contribution that Barnet foster carers and providers of supported lodgings make towards ensuring that children in Barnet's care receive a good service. To qualify for a Community Contribution award under this Allocation Scheme, applicants will require a letter from the council's Children's Services confirming that they have been approved as a Barnet foster carer or a provider of supported lodgings and that they are in a position to take one or more placements.

6. Carers

An applicant or their partner who is receiving carers allowance for caring for a person will qualify for the Community Contribution award under this Allocation Scheme. This will include those in receipt of the Carer's element of Universal Credit.

7. Protected Characteristics

Where any applicant cannot reasonably make a Community Contribution, for example go out to work or volunteer, as a result of their protected characteristics as defined by the Equality Act 2010, Housing Needs Officers will consider such cases on an individual basis and use their discretion to award a Community Contribution where they consider this is appropriate.

Protected characteristics include the following: age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief, sex, and sexual orientation.

8. Young People

Generally young people (applicants aged 25 and under) will be required to meet the full Community Contribution criteria outlined above. However, Housing Needs Officers will have discretion with regard to the length of time a young person has been in employment. In addition, where a young person is able to participate in volunteering and is not in employment or training the number of hours required is 64 hours per month.

Young people referred by Barnet Family Services (Care Leavers)

It is acknowledged that some care leavers referred by the Onwards and Upwards team may not have a positive residence history and may have difficulty in meeting the full requirements of the Community Contribution criteria. To help meet the council's corporate parenting obligations and reduce the potential for care leavers remaining in temporary accommodation for long periods the requirement for a Community Contribution shall not apply.

9. Vulnerable adults referred by Adult Social Care

It is acknowledged that vulnerable adults who have been referred for independent living by Adult Social Care and Health are unlikely to meet the requirements of the Community Contribution criteria. In these cases, there will be discretion to apply Community Contribution with the approval of a Housing Needs Manager.

ANNEX 4 – SERVICE TENANCIES

| Re-housing for former Service Tenants Length of Service | Eligibility - one of the criteria below must be met | Entitlement |
|---|---|--|
| Less than 7 years | <ul style="list-style-type: none"> Retiring or transferring to non-residential employment Was a council tenant before taking a service tenancy Dependent children Vulnerable because of ill health or disability. | Bedrooms according to need (as defined in Annex 2 of this Allocation Scheme) |
| More than 7 years | <ul style="list-style-type: none"> Any service tenant leaving employment or transferring to non-residential employment Spouses/partners left on death or separation. | Bedrooms according to need. |
| More than 15 years | <ul style="list-style-type: none"> Retiring or transferring to non-residential employment | Bedrooms according to need. |

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ANNEX 5: DEFINITION OF A SUITABLE OFFER

Where accommodation is offered an applicant will normally be expected to accept an offer of a property that meets their specified needs. Reasonable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned and are affordable to the applicant and his or her household.

The suitability criteria used to determine whether an offer to end a main homeless duty owed under Section 193(2) of the Housing Act 1996) or a relief of homelessness duty owed under Section 189b, will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by Section 12 of the Homelessness Reduction Act 2017, relevant case law and statutory guidance.

These criteria only apply to an offer of social housing or private rented housing made with the intention of ending a full homeless duty. Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the council to decide on the facts of the case whether the offer is suitable using the guidance in this annexe to help the officer make the decision.

The council will consider that a property is suitable if all of the following criteria are met:

- it is located in an area that the council considers to be suitable for the applicant and their household. This could include accommodation located outside of the Barnet area;
- if it is affordable for the applicant and his or her household based on his or her financial circumstances at the time of offer;
- it is sized in accordance with the criteria in this Scheme;
- it complies with any recommendation made by a medical or other relevant advisor.

In determining the suitability of accommodation, the council will consider the following:

- a) the significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household;
- b) the accessibility of medical or other support facilities that are currently used by the applicant or a member of the household;
- c) the accessibility of local services, including places of worship, amenities, and transport;
- d) its duty to safeguard children under Section 11 Children Act 2004;
- e) its public sector equality duty under Section 149 Equality Act 2010;
- f) if a suitable property is located outside of the borough's boundary then the council has to take into consideration the distance from the applicant's existing accommodation in the borough.

The above are matters for the council to determine based on the facts of the case.

Guidance for assessing officers on how the council will assess reasonable and unreasonable refusals:

1) Property size

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally

be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the council.

2) Property type

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore, an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the council.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) offers of wheelchair standard housing to households which do not have wheelchair users;
- b) offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy;
- c) offers of sheltered housing where the applicant is not of the appropriate age.

3) Property condition

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

4) Area of choice

An offer will still be considered reasonable even if it is not within an applicant's area of choice.

5) Racial harassment

Where an applicant from an ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

6) Choice of landlord

An applicant cannot choose whether they are rehoused by a specific Private Registered Provider. Therefore, any refusal for example by an applicant of a property because it is a Private Registered Provider property with no 'Right to Buy', or 'Right to Acquire', or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

7) Pets

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the council or Private Registered Provider tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore, any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

ANNEX 6:

EXAMPLES OF WHEN AN APPLICANT MAY BE AWARDED PRIORITY BAND 1 OR 2 ON THE BASIS OF A MEDICAL OR DISABILITY NEED

Examples of circumstances to help the assessing officer to decide when Band 1 (Emergency) may be awarded on medical or disability grounds

The following examples are intended to guide the assessing officer on the threshold set for a Band 1 award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A Band 1 award is for “*Applicants who are **suffering sudden or severe progressive life-threatening** medical conditions and **need an immediate move** (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and **poses an immediate and serious danger** to the individual.*”

- a) Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in.
- b) Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability.
- c) Applicants who have a progressive, chronic or life-threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.
- d) A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care.
- e) The applicant’s health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant’s consultant or mental health services.
- f) Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible.
- g) A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home.
- h) Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition.

Examples of circumstances to help the assessing officer to decide when Band 2 should be awarded on medical or disability grounds

- a) A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage.

- b) A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.
- c) A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation.
- d) An applicant or member of his/her household usually has a chronic condition; examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation.
- e) Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs.
- f) People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life, and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household.
- g) People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs.
- h) Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability.
- i) Someone with a medical or disability who's housing has rendered them housebound.
- j) Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications.
- k) Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the number and nature of steps, stairs or other hazards that may increase the risk of serious injury.
- l) The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective.
- m) Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service.
- n) Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces.
- o) An occupational therapist has identified that the current accommodation is partially suitable but:
 - the applicant or member of his/her household needs a major adaptation, such as a level access shower; or
 - the applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and
 - the adaptations are unlikely to be completed in a reasonable period of time
- p) Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation.

- q) Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities.
- r) Children with severe conditions such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation.
- s) A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation.
- t) Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

GUIDELINES FOR ASSESSING EXTRA BEDROOM REQUESTS FOR ADHD, ASPERGERS, SENSORY PROCESSING DIFFICULTIES AND OTHER MENTAL OR PHYSICAL HEALTH PROBLEMS

Following a successful Court challenge the Government has issued new guidance in relation to the social size criteria which allows Housing Benefit to be paid on an extra room for children who are unable to share because of their severe disabilities.

The judgement is not binding on councils in respect of their Allocation Scheme, however, when an applicant says that their children are unable to share a bedroom it will be for the council to satisfy itself that this is the case.

In making an assessment for an extra bedroom for ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems the council will consider the following framework to help guide the assessing officer:

- the nature and severity of the disability;
- the nature and frequency of any care required during the night; and
- the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom.

In all cases this will come down to a matter of judgement on facts of each individual case.

A claim should normally be supported by medical evidence and many children will be in receipt of Disability Living Allowance (DLA) care component at the middle or highest rate for their medical condition or Personal Independence Payment (PIP) at the enhanced rate or mobility component.

Requested evidence will include, but may not be limited to, the following:

- medical evidence detailing the nature of the disability, how this effected by the home environment and the impact on other members of the household;
- other supporting information from care and support agencies involved with the child and family (this should be specific information relating to the request for re-housing rather than a general letter of support and is likely to be from specialist rather than universal services); and,
- proof of DLA entitlement.

The circumstances where a possible award of an extra bedroom may be made include a consideration of all of the facts set out below:

- a) Supporting letters for example from school SENCO stating that they also use a calm room at school and why, a letter specifying aggressive behaviour and frequency, behaviour flow charts, list of aggressive behaviours displayed at school, also stating the danger of child sharing alone with another child, their sensory issues, their inability to cope with small changes and reaction as a result.
- b) Where there is professionally assessed evidence of a child or young person up to the age of 25 in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature and has a limited understanding around the impact of this on others. This may need to be certified by a consultant psychiatrist.
- c) The applicant or a member of their household (adult or child), need major medical equipment for the long term, such as home dialysis, equipment for percutaneous external gastrostomy feeding, long term large assistive equipment or and/or bulky medical supplies which need to be used and stored on a permanent basis.
- d) A DLA or PIP award letter indicating high care and low mobility.
- e) An assessment of need which supports the claim for an additional bedroom based on a severe impact where that assessment has been undertaken by the appropriate health or care professionals. The assessment would need to evidence that sharing with another family member who has care needs or behavioural problems that severely affect that family members ability to sleep, which in turn is having a very significant negative impact on their employment (to the extent that they may lose their permanent employment), or on their mental health (to the extent that they have been assessed with a severe mental health condition, or their current condition has become severe, as a result of having to share).
- f) Carer's award letter (or social services report) stating care award is due to care needing to be given day and night.

Examples unlikely to qualify include:

- a) Circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom.
- b) Where children share and the claim is that by having to share this is impacting on their ability to study and complete homework but there is evidence that they are able to study elsewhere in the home or at relatives or using library services.
- c) Where family members provide overnight care and support only at weekends or for part of the year.
- d) People with mental health issues who say they want an extra room for a friend or relative who provides support.
- e) A claim based solely on the wish that the applicant requires an additional room so that a child can cut themselves off from the world, which they claim is essential to their mental wellbeing.
- f) People who are in receipt of formal overnight care (provided by NHS continuing care nurses, visiting agency carers, etc)

ANNEX 7: RIGHT TO MOVE QUALIFYING CRITERIA

Right to Move – Statutory guidance on social housing allocations for local housing authorities in England

An existing social housing tenant (living outside of the Barnet area) will not be disqualified on the grounds of no residential connection if they: have reasonable preference under s166(3)(e) because of a need to move to the Barnet area because the tenant works in Barnet or needs to move to take up an offer of work.

Whether or not the applicant meets the above criteria isn't solely determined by the need to move for work, but that it would cause them hardship if they were able to do so.

Definition of Work

- Work should be a permanent contract or one with a minimum term of 12 months.
- Work should be of 16 or more hours a week (unless it can be demonstrated that the earnings are substantial).
- Work should not be voluntary.
- Work can include apprenticeships.
- The relevant district should be the main place of work.
- In the case of self-employed tenants, work should be regular as opposed to intermittent.

Distance, time and travel costs

When determining hardship, the time taken to travel to work and the cost of the travel should be taken into account. The council considers the following criteria may suggest hardship:

- Travel time to get to work is in excess of two hours each way (personal or public transport depending on circumstances).
- Travel costs are more than £30 per day or 25% of net income from the employment or there is no transport available at all.

Other factors

These factors are all considered on a case-by-case basis as to whether hardship would be faced by the applicant if they could not move:

- Would failure to move mean the applicant would lose an opportunity to gain a better job/promotion, an apprenticeship, increase hours/pay or move from unemployment to employment.
- If the nature of work likely to be available closer to the applicant's home.
- Personal factors including care responsibilities and medical conditions affected by the tenant not being able to move closer to work.
- Any other situation where hardship would be demonstrable if the tenant could not move.

Discretion

Every application will be dealt with on a case-by-case basis allowing all circumstances and variables to be considered.

Proof of Work

A combination of the following can be used to prove that work or a job offer is genuine:

- Contract of employment (particularly if stating main place of work).
- Wage slips showing hours worked (particularly if zero hours contract) but they are unlikely to evidence the location of work.
- A letter offering employment (it is likely that the employer will be contacted to confirm acceptance).
- A letter from an employer to prove the work and location.

Right to Move Quota

No more than 1% of all lettings will be prioritised for Right to Move applicants based on the total of the previous year's lettings by the council.

DRAFT

VERSION CONTROL

| Version | Date | Author | Comments |
|---------|----------|-----------|--|
| 0.1 | 17/02/23 | Andy Gale | |
| 0.2 | 21/02/23 | L Giles | Minor revisions for accuracy, and formatting changes |
| 0.3 | 26/06/23 | L Giles | Minor amendments following consultation |