

Housing Allocation Scheme

November 2018



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1 INTRODUCTION

Social Housing is housing owned by councils and registered providers (formerly known as Housing Associations). Social housing is a valuable but limited resource in Birmingham and demand for it is greater than the number of social homes available.

All councils must have an Allocation Scheme for determining priorities for allocating social housing and the procedures that will be followed. Birmingham City Council's (the Council) Allocation Scheme describes the criteria that the Council will use to prioritise applications for homes owned by the Council and homes offered to the Council by registered providers through nominations agreements.

This scheme also sets out who will and who will not be assisted, how to apply for housing and how homes will be allocated.

The Council's Allocation Scheme is supported through the delivery of the Council's housing advice service which informs applicants of their realistic prospects of obtaining social housing, and providing applicants with a range of information regarding other housing options that will include information about:

- Using the Council's housing options web pages
- Mutual exchanges with another council or registered provider tenancy
- Low cost home ownership options
- Renting in the private rented sector
- Options to remain in the current home.

The Council's Allocation Scheme supports and contributes towards the Council's wider objectives such as promoting economic growth and promoting sustainable communities, and is consistent with the Homelessness Strategy 2012 and Tenancy Strategy 2012.

2 AIMS AND OBJECTIVES

The Council's Allocation Scheme will aim to:

Be simple, fair, transparent and understandable and have due regard to the prevailing circumstances in the city.

The key objectives of the Council's Allocation Scheme are to:

- Enable fair access to social housing for applicants in housing need as defined by the scheme
- Enable the best use of the Council's and partner registered provider stock
- Be realistic and informed by stock availability
- Operate within the legal and regulatory frameworks for the allocation of social housing
- Operate a simple and understandable assessment system.

3 THE LEGAL FRAMEWORK

The Council's Allocations Scheme sits within a tight legal framework which is summarised in this section.

The 1996 Housing Act (as amended by the 2002 Homelessness Act and 2011 Localism Act) requires councils to make all allocations and nominations in accordance with a published 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.

A summary of the Council's Allocation Scheme and general principles is available from and on the Council's website (www.birmingham.gov.uk). The full version of the Allocation Scheme can be made available upon request at a cost.

The Housing Act 1996 (as amended), requires councils to give certain groups of applicants a reasonable amount of preference over other groups of applicants. This includes people living in unsatisfactory housing, those who need to move due to welfare or medical grounds, homeless people and those who would face hardship unless they moved to a particular locality within the local authority's area. This is referred to as granting 'reasonable preference'.

The Housing Act 1996 (as amended) requires councils to state within the scheme, the Council's position on offering applicants a choice of housing accommodation, or offering the opportunity for applicants to express a preference about the housing accommodation to be allocated to them (please refer to section 7.1 of this scheme). The Council operates a Choice Based Lettings system which enables the majority of applicants to place bids on properties of their choosing.

The Council's Allocation Scheme complies with the requirements of Section 166A(3) of the Housing Act 1996 (as amended). In addition, the Council has embraced the changes to allocation legislation brought about by Sections 145-147 of the Localism Act 2011.

The Council's Allocation Scheme takes into account the Allocation of Accommodation Code of Guidance for Housing Authorities 2012 and the 2013 guidance: Providing social housing for local people, which replaced all previous statutory guidance on social housing allocations. The Allocation Scheme is drafted and framed to ensure that it is compatible with the Council's equality duties including the Equality Act 2010 and has been subject to an equalities analysis.

The Council's Allocation Scheme takes into account the Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.

Any reference to legislative sections contained within the Scheme are sections contained within the 1996 Housing Act.

3.1 What is an allocation

The following are defined as allocations within this scheme:

- The selection of a person to be a secure or introductory tenant of housing accommodation held by the Council
or
- Nominating a person to be a secure or introductory tenant of housing accommodation held by another person (i.e. by another housing authority)
or
- Nominating a person to be an assured tenant of housing accommodation held by a registered provider.

3.2 What is not an allocation

The Allocation Scheme will not apply to the following:

- Succession to a tenancy
- Assignment of a tenancy through mutual exchange
- Assignment of a tenancy to a person who would be qualified to succeed to the tenancy
- Assignment of a tenancy in pursuance of a relevant court order
- Graduation from an introductory to secure tenancy.

3.3 Allocations to which Part 6 and this scheme do not apply:

Transfers that the housing authority initiates for management purposes.

3.4 Decisions on Applications

All decisions, taken in relation to applications for housing made through the provisions of this scheme, will be made by Housing Needs Officers; with the following exceptions:

- Decisions, in exceptional circumstances, to allow the qualification of applicants who would not otherwise qualify (see 4.4) – Senior Housing Needs Officer

- Decision to award a Band 1 priority (see 6.5) – Senior Housing Needs Officer; except:
 - Decision to award a Band 1 priority for an exceptional need (see 6.5.3) – Service Manager (Homeless & Pre-Tenancy).
- Decision to award a Band 2 priority for Hardship (see 6.6.3) – Senior Housing Needs Officer
- Decisions to make direct offers of accommodation to applicants (see 7.1) – Senior Service Manager (Homeless & Pre-Tenancy)
- Decisions taken on review (see 9.6.7). An officer more senior than the original decision maker will carry out reviews, as follows:
 - Decisions made by a Housing Needs Officer will be reviewed by a Senior Housing Needs Officer
 - Decisions made by a Senior Housing Needs Officer will be reviewed by a Service Manager (Homeless & Pre-Tenancy)
 - Decisions made by a Service Manager (Homeless & Pre-Tenancy) will be reviewed by a Senior Service Manager (Homeless & Pre-Tenancy)
 - Decisions made by a Senior Service Manager (Homeless & Pre-Tenancy) will be reviewed by the Head of Service (Homeless and Pre-Tenancy).

In all cases the Council reserves the right for a more senior officer than detailed above to make decisions on applications. References to officer titles include equivalent officers following any changes to organisational structures.

4 ELIGIBILITY AND QUALIFICATION

Any person can approach the Council for advice and assistance regarding housing. However, due to the extremely limited availability of social housing within Birmingham, the Council does not maintain an 'open' housing register.

In considering an application, the Council will firstly assess if an applicant is eligible for an allocation of accommodation and secondly, whether an applicant qualifies for an allocation of accommodation.

Any applicant assessed as either not eligible or who does not qualify will not be considered for an allocation and will not therefore have access to the housing register.

All applicants will be required to provide evidence to verify both their eligibility and qualification status at the point of application and again at the point of allocation.

Eligibility and/or qualification status can change and accordingly can be reassessed by the Council at any point.

4.1 Persons subject to immigration control

The Housing Act 1996 s160ZA(3) determines that a person(s) who fall(s) into the following categories may not be allocated accommodation:

- *A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he or she comes within a class prescribed in regulations made by the Secretary of State)*
- A person who is subject to immigration control is defined by the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given)

or

- *Other persons from abroad who are not subject to immigration control but prescribed by regulations as not eligible for an allocation of accommodation.*

4.2 Applicants who are eligible

The following groups are eligible for an allocation as they do not require leave to enter or remain in the UK, unless they fall within the second category above as a person from abroad prescribed as not eligible:

- British citizens
- Certain Commonwealth citizens with a right of abode in the UK
- Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area with the UK which allows free movement
- EEA nationals, and their family members, who have a right to reside in the UK that derives from EU law. Whether an EEA national or a family member has a right to reside in the UK will depend upon the circumstances and particularly their economic circumstances
- Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK and some military personnel
- Certain Afghan citizens who were locally employed by the UK government in Afghanistan and have since been granted limited leave to remain in the UK.

In addition the following classes of person subject to immigration control are eligible for an allocation of accommodation as set out in Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006:

- A person granted refugee status
- A person granted exceptional leave to enter or remain in the UK without condition that they and any dependants should make no recourse to public funds
- A person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the Common Travel Area

- A person who has humanitarian protection granted under the immigration rules.

Any other person not identified above will be a person subject to immigration control and is not eligible for an allocation of accommodation.

The legislation governing eligibility may change from time to time and the description of the current position as set out above is not definitive.

4.3 Applicants who do not qualify

The following classes of person/s will not normally qualify for an allocation:

4.3.1 Unacceptable behaviour

Applicants and/or any member of an applicant's household whose behaviour, either current or in the past, is deemed to be unacceptable which continues to make them unsuitable to be a tenant.

Such unacceptable behaviour includes but is not limited to:

- Applicants and/or any member of an applicant's family who have had a possession order made against them for arrears of rent regardless of tenure
- Applicants and/or any member of the applicant's household with a recoverable housing related debt associated with a tenancy that has now terminated
- Applicants and/or any member of the applicant's household who have been served with a Notice of Seeking Possession [or equivalent notice] in relation to behaviour or conduct of tenancy, excluding non payment of rent, regardless of tenure
- Applicants and/or any member of an applicant's household who have been given an order made in a civil court that is linked to a property or the locality of a property
- Perpetrators of domestic violence who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order

- Applicants and/or any member of an applicant's household who have been evicted from a tenancy due to a breach of any tenancy condition
- Applicants and/or any member of an applicant's household who have been convicted of using a property for immoral or illegal purposes
- Applicants and/or any member of an applicant's household who have an unspent criminal conviction committed in, or in the locality of a property
- Applicants and/or any member of an applicant's household who have committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds and/or services
- Applicants and/or any member of an applicant's household who have displayed threatening, violent or otherwise abusive behaviour towards a Council or partner registered provider employee or person employed to undertake work on their behalf.

In determining whether an applicant does not qualify due to unacceptable behaviour, the Council will consider:

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to deem the applicant unsuitable to be a tenant?
- At the time of the application or allocation, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household?

4.3.2 Persons with no assessed housing need

Persons/households assessed as having 'no housing need', in that their circumstances do not warrant inclusion in any of the bands identified within the scheme.

4.3.3 Persons with income/assets

Persons/households with a property in the UK or abroad that is suitable for their occupation.

Persons with sufficient income or levels of assets or savings that would enable them to access market housing within the city. Income levels will be based upon an annual assessment of the income required to purchase an averagely priced home in the city. The annual income level will be set at one-third of the average housing price at the end of the preceding calendar year.

The threshold for household assets or savings will be consistent with the Government's upper limit for savings set out in the common rules of the DWP Benefit and Pension Rates (or any succeeding publication).

4.3.4 Persons with no local connection to Birmingham

Local connection is established by demonstrating that:

- The person has lived through their own choice in the Council's Local Authority area for the last 12 months, unless the person is relocated to Birmingham by another local authority, in which case the person must have been resident in the Birmingham Local Authority area for a period of two years
- The person has evidenced a continuing caring responsibility for someone resident within the Council's Local Authority area
- The person is in employment or has received an evidenced offer of employment (permanent or temporary) within the Council's Local Authority area
- The person is in or evidences that they are due to undertake training or further education within the Council's Local Authority area, which has a duration of at least 6 months
- The person is aged 18, 19 or 20 and was looked after, accommodated or fostered by the Council between the ages of 16 and 18

- The person is a former Council care leaver aged 21 years of age or over, who is not a relevant student and who is vulnerable as a result of having been looked after, accommodated or fostered
- The person is a current member of Her Majesty's Regular Armed Forces or who has served in the regular forces and where the application for social housing under Part 6 of the Housing Act 1996 has been made within 5 years of discharge
- The person is a bereaved spouse or civil partner of a member of Her Majesty's Regular Armed Forces and is leaving services accommodation provided by the Ministry of Defence following the death of their spouse or partner and where that death was wholly or partly attributable to military service
- The person is a serving or former member of Her Majesty's Reserve Forces who needs to move because of serious injury, medical condition or disability wholly or partly attributable to military service.

4.3.5 Persons who are incapable in law of holding a legal tenancy, unless:

The person

- Is in the care of the Council, or a care leaver
- Has been defined as a child in need as a result of a s17 Children Act 1989 statutory assessment
- Is owed a full statutory homeless duty following a s20 Children Act 1989 statutory assessment, or
- Has an adult or adults who will act as a trustee(s) and hold a legal tenancy until the legal incapacity to hold a tenancy ends.

4.3.6 Refusals of offers of social housing

Applicants who have refused 2 suitable offers of social housing will be disqualified from the housing register for a 12 month period, after which time a new application must be made.

4.4 Exceptional circumstances

The Council recognises that there may be exceptional circumstances where it becomes necessary to reconsider the qualification criteria in the case of individual applicants who would not normally qualify. The Council may reconsider the qualification of these individuals in extreme exceptional circumstances, for example, where there is a threat to life and no other housing options are available.

4.5 Notification of decisions on eligibility and qualification

Where a person is deemed either ineligible or not to qualify for an allocation of accommodation they are entitled to request a review. Such reviews will consider if there is any evidence to support that the behaviour or circumstances upon which the decision was made have altered.

Applicants who have previously been deemed not to qualify may make a fresh application if they consider they should now be treated as qualifying, but it will be for the applicant to show that his or her circumstances have changed (s.160ZA(11)).

5 REGISTRATION

5.1 How to apply

Applicants can apply for an allocation by completing a housing application form. The application form can be completed online.

Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement at a designated office.

Once a fully completed application form has been received along with the required supporting documentation, the form will be assessed to determine if applicants are eligible and qualify for an allocation, followed by an assessment of their housing need.

Applicants will be required to provide supporting documentation where indicated or requested by the Council.

5.2 Who will be considered

The size of accommodation for which each applicant will be based upon who is included in the applicant's household.

For the purposes of assessing the size of property applicants require, the Council will take into account the details of people who normally reside with applicants or who would reasonably be expected to reside with applicants as a member of his/her household (refer to 5.4). Other people will only be considered if there are demonstrable extenuating circumstances that require them to live with applicants.

5.3 People who have an extenuating need to live with the applicant

This will only be considered if the extenuating need is to provide or receive on-going and substantial care which can be evidenced.

The applicant must demonstrate:

- That they need to be cared for and are dependent on the applicant
- That other satisfactory arrangements cannot be made
- That the arrangement is ongoing
- The member of the household will need to be resident in the UK.

The applicant will be required to provide evidence that the person to be included requires or receives support or care, e.g. proof that they are providing care and in receipt of care allowances or have had a carer assessment.

5.4 Family members not currently living with the applicant

Immediate members of the applicant's family not currently living with the applicant and who would normally live with the applicant upon allocation may be included. The applicant will be required to provide appropriate evidence regarding their current living circumstances to determine if they are eligible and if they qualify.

If applicants are applying to include family members who are not living in the UK, the application may be registered but applicants cannot be allocated together until the family has been reunited in the UK.

Applicants who have been approved for fostering or adoption and have been referred via the Council's children's services will be able to include children for whom they have been approved to foster/adopt within their household.

6 ASSESSMENT OF NEED

Only applicants who have been assessed as eligible and who qualify will be assessed for housing need.

Applicants who are assessed as not falling within one of the Council's bands will be offered advice regarding their housing options.

6.1 Reasonable preference

The Council is required by law to determine the relative priority that housing applicants are awarded. This is particularly important when, as is the case in Birmingham, the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that reasonable preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). Applicants with reasonable preference must be given a reasonable head-start in terms of accessing housing over those who do not have reasonable preference.

Reasonable preference does not mean that applicants will have an absolute priority over all other applicants.

The statutory reasonable preference categories in section 166A(3) (a) to (e) of the Housing Act 1996 (as amended) are:

- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- People who are homeless (within the meaning of Part VII of the Act)
- People who are owed a duty by any local housing authority under section 190(2) 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People who need to move on medical or welfare grounds (including grounds relating to disability)
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

6.2 Additional preference

The Council can grant ‘additional preference’ (or an extra head start) to applicants where the Council is satisfied that applicants who have been assessed as having a reasonable preference also have other exceptional or urgent housing needs.

There are special provisions for such additional preference in relation to Her Majesty’s Armed Forces personnel who have urgent housing needs (see 6.5.4).

6.3 Other Specified groups

The Council intends to exercise the legal discretion to include local priorities alongside the statutory reasonable preference categories. City local priorities can be included providing:

- That they do not dominate the Scheme
and
- Overall, the Scheme operates to give reasonable preference to those in the statutory reasonable preference categories over those who are not

For the purposes of the Scheme, Identified local priorities are referred to as ‘other specified groups’.

6.4 The structure of the Priority Banding System

The housing bands are summarised below:

Band 1 People who have a reasonable preference and are granted additional preference (very urgent need to move).

Band 2 People who need to move and fall within one of the reasonable preference categories.

Band 3 Households one bedroom overcrowded and certain homeless households to whom the Council must award reasonable preference.

Band 4 Want to move – no reasonable preference but qualify for other specified group award.

6.5 Assessment of additional preference

The award of reasonable preference with additional preference will be made in the following circumstances and applicants will be placed in Band 1.

6.5.1 Unsatisfactory accommodation – Band 1

The award of reasonable preference with additional preference will be made in the following circumstances and applicants will be placed in Band 1. Recommendations from internal and/or external advisors may be sought.

6.5.1.1 Council approved clearance and demolition, lease expiry – Band 1

Where a Council tenant is required to move because their home will be demolished or required for major works within 6 months and the tenant will not be returning. Properties must be within a Council approved clearance or regeneration area/scheme.

Where an owner of a property within a Council approved clearance or regeneration area/scheme is subject to a compulsory purchase order and vacant possession is required within 6 months.

Where a Council tenant is required to move within 6 months because the lease on the property is due to expire within this period. This may be necessary if the freehold of the property does not belong to the Council, the lease is due to end and the Council is obliged to return the property with vacant possession.

Priority is awarded for the period of time during which applicants will be expected to bid. If applicants fail to bid or bid inappropriately or unreasonably refuse suitable properties, a direct and final offer may be made.

6.5.1.2 Acute overcrowding – Band 1

Where the applicant and the applicant's household are 3 bedrooms short Band 1 priority will be awarded. For the purpose of the scheme the number of bedrooms the applicant and the applicant's household have use of will be taken in consideration.

The Council will use the bedroom standard to measure overcrowding levels for the purpose of awarding priority and allocating accommodation.

The bedroom standard states that a separate bedroom shall be required for following persons:

- a Two persons living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- b A person aged 21 years or more
- c Two persons of the same sex aged 10 years to 20 years
- d Two persons (whether of the same sex or not) aged less than 10 years
- e Two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- f Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above.

Information provided by the applicant will be verified using various Council sources and may include home visits.

This award does not apply where the applicant has been placed in any Bed and Breakfast accommodation by any Local Authority.

6.5.1.3 Under-occupied and significantly adapted social housing – Band 1

Where social housing tenants within the Council's area are currently under-occupying houses and are willing to move to a smaller sized property.

Where social housing tenants within the Council's area are releasing a significantly adapted house or designated older person's accommodation by moving and there is a potential suitable applicant/s identified for the adapted property which will be released through rehousing.

Significantly adapted properties will be defined by a Council occupational therapist.

The award will be granted only where the Council will be given vacant possession of the property.

Where the rehousing has been initiated by the Council these are by law not an allocation.

6.5.1.4 Private rented sector properties – Band 1

Where an applicant is living in a private rented sector property that has been identified as having insanitary or unfit conditions, where the conditions pose an ongoing and serious risk to health and the property conditions cannot be rectified by the owner within 6 months.

Priority will be awarded where the Council has determined that the property poses a Category 1 hazard (excluding overcrowding) under the Housing Health and Safety Rating System. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or has living conditions which are a statutory nuisance, and there is no prospect of the disrepair being remedied within a 6 month time period. Additionally the Council has assessed and is satisfied that as a result of continuing to occupy, the accommodation will pose a considerable risk to the applicant's health.

The applicant will need to demonstrate and evidence why the owner cannot resolve the property conditions within 6 months and why alternative private rented sector accommodation cannot be secured.

Priority will also be awarded where a private sector property either owned or rented that is subject to a prohibition or demolition order has been issued by the Council for disrepair and as such the applicant is likely to lose the use of the property on a permanent basis. Additionally the Council has assessed and is satisfied that as a result of the disrepair continuing to occupy the accommodation will pose a considerable risk to the applicant's health.

6.5.2 Medical and/or welfare – Band 1

The award of reasonable preference with additional preference will be made in the following circumstances and applicants will be placed in Band 1. Recommendations from relevant Council advisors might be sought.

6.5.2.1 Emergency medical or disability – Band 1

An applicant's circumstances will normally only be referred for a medical assessment if the applicant has indicated that there is a serious medical condition or disability that is made substantially worse by their current housing. This would include people whose life is at risk due to their current housing conditions or who are completely housebound because of the type of accommodation they live in.

Priority will be given depending on how unsuitable the current accommodation is in relation to their medical or disability needs. The assessment is not purely based on the applicant's health conditions.

The following are examples of circumstances that would qualify for additional preference:

- Those who, on leaving hospital, either have nowhere to live or have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations
 - Those who have nowhere at all to live when they leave hospital. These applicants will qualify for additional preference for medical, disability or welfare reasons if the need to move is urgent and all other reasonable housing options have been explored
 - Those who have somewhere to live but it is unsuitable for their medical needs and cannot be made suitable through adaptations because of cost effectiveness, structural difficulties or the property cannot be adapted within a reasonable amount of time. Applicants will be individually assessed

- Where an applicant's condition is terminal and re-housing is required to provide a basis for the provision of suitable care. The condition must be diagnosed and indicated as terminal within a period of 12 months
- Where an applicant's condition is life threatening and the existing accommodation is a major contributory factor
- Where an applicant's health is so severely affected by the accommodation that it is likely to become life threatening
- Disabled persons (as defined under the Equality Act 2010) who have restricted or limited mobility and are limited by their accommodation and unable to carry out day to day activities or have difficulties accessing facilities e.g bathroom, kitchen, toilet, inside and outside of their accommodation safely and the current accommodation cannot be reasonably adapted
- Any applicant who needs 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 Her Majesty's regular armed forces. This award only applies where the applicant's current accommodation does not meet the requirements of the occupants in terms of adaptations.

6.5.2.2 Serious threat to a child – Band 1

- The award of additional preference will be given if the Council's children's services have determined that a child(ren) or young person (under the age of 18) is at significant risk of harm and the level of risk in relation to the child(ren) or young person remaining in the current property will be so critical that no other reasonable options in relation to accommodation are available to protect the child and/or stabilise a family situation.

6.5.2.3 Move on from care – Band 1

- Young people who have reached the age of 18 referred by the Council's Children's Services as leaving the care of the Council. The young person will have a completed Pathway Plan that is approved by the Independent Reviewing Officer. The approved plan will clearly set out that the young person has been assessed as having acquired the skills needed to make the transition to the responsibilities of adulthood. This will include an assessment that the young person has the financial capability and practical skills required to manage and hold a tenancy and the arrangements that are in place for continuing care and support.

6.5.2.4 Foster Carers – Band 1

- The award of additional preference will be given following a referral from the Council's children's services to those foster carers and adopters who have been assessed and approved and whose housing prevents them from being able to start, or continue to provide foster care to a Council looked after or former looked after child
- The award will also be given to special guardians, holders of a residence order and family and friend carers who have been formally approved to provide long term care of a child(ren) because the parents are unable to provide care and there is a potential for the child(ren) to become a Council looked after child and there is a need to move to larger accommodation in order to accommodate the child(ren). The award will be given following a referral from the Council's Children's Services.

6.5.3 Exceptional need – Band 1

The Council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through the use of discretion. In the interests of fairness to all applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- Threat to life
- Applicants who are at risk of/suffering domestic abuse, extreme violence or harassment whose facts and circumstances demonstrate to the Council that the threat is immediate and it is not safe for the applicant / household to remain in their present home. This will be based upon verification by senior officers within the police or other agencies as necessary in conjunction with a Council approved risk assessment
- Emergency cases whose homes are damaged by fire, flood or other disaster may be provided with an alternative 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 who 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 and where a designated approved risk assessment has been received from a relevant agency such as the police
- Cases nominated under the Police National Witness Protection Scheme or other similar schemes that the Council has agreed to be part of
- Emergency need to move
- Where an applicant's circumstances fall outside of the scheme and have been assessed as an exceptional need to move.

6.5.4 Her Majesty's Armed Forces – Band 1

The award will be given to the following applicants who fall within one of the reasonable preference categories and have urgent housing needs:

- Former members of Her Majesty's regular armed forces
- Serving members of Her Majesty's regular armed forces who need to move because they are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their military service
- Bereaved spouses or civil partners of members of Her Majesty's regular forces who have left or will be leaving services accommodation provided by the Ministry of Defence following the death of their spouse or civil partner and whose death was attributable (wholly or partly) to their military service
- Serving or former members of Her Majesty's reserve forces who need to move because they are suffering from a serious injury, illness or disability which is attributable (wholly or partly) to their military service.

6.6 Assessment of reasonable preference

The award of reasonable preference will be made in the following circumstances and applicants will be placed in Band 2.

6.6.1 Unsatisfactory Accommodation – Band 2

The award relating to unsatisfactory accommodation will be made in the following circumstances

Applicants will be placed in Band 2.

Recommendations from internal and/or external advisors might be sought.

6.6.1.1 Council approved clearance and demolition, lease expiry – Band 2

Where a Council tenant is required to move because their home will be demolished or required for major works within 12 months and the tenant will not be returning. Properties must be within a Council approved clearance or regeneration area/Scheme.

Where an owner of a property within a Council approved clearance or regeneration area/scheme is subject to a compulsory purchase order and vacant possession is required within 12 months.

Where a Council tenant is required to move within 12 months because the lease on the property is due to expire within this period. This may be necessary if the freehold of the property does not belong to the Council, the lease is due to end and the Council is obliged to return the property with vacant possession.

Priority is awarded for the period of time during which applicants will be expected to bid. If they fail to bid or bid inappropriately or refuse suitable properties, a direct and final offer may be made.

6.6.1.2 Overcrowding – Band 2

Those overcrowded by 2 bedrooms in line with the bedroom standard will be granted reasonable preference and will be placed in Band 2.

- Where the applicant and the applicant's household are 2 bedrooms short in accordance with the bedroom standard.

Information provided by the applicant will be verified using various Council sources and may include home visits.

6.6.1.3 Under-occupied social housing – Band 2

Where social housing tenants within the Council's area are currently under-occupying a flat or maisonette and are willing to move to a smaller sized property.

The award will be granted only where the Council will be given vacant possession of the property.

6.6.1.4 Lacking facilities – Band 2

Applicants who permanently lack any or all of the following:

- A bathroom
- A kitchen
- An inside wc
- Hot or cold water supplies
- Electricity, gas or adequate heating in the living area where a temporary supply cannot be installed

and there is no prospect of the conditions being remedied with a 6 month time period.

Applicants who have access to shared facilities in shared accommodation will not qualify under these criteria.

6.6.2 Medical and/or welfare – Band 2

The award of reasonable preference will be made in the following circumstances and applicants will be placed in Band 2. Recommendations from relevant Council advisors might be sought.

6.6.2.1 Medical or disability – Band 2

An applicant's housing is unsuitable for severe medical reasons or due to their disability, but who are not housebound or whose life is not at risk due to their current housing. However, their housing conditions directly contribute to causing serious ill health and the condition of the property cannot be resolved within a reasonable period of time.

Circumstances will be assessed by a relevant officer of the Council and may need to be referred to a relevant Council advisor, depending upon the circumstances.

The following are examples of cases that would qualify for reasonable preference:

- 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
- Children with severe conditions such as autism, or cerebral palsy, where their long term needs cannot be met without suitable accommodation
- A member of the household seeking accommodation is disabled and re-housing will enable that person to overcome physical barriers created by current accommodation e.g. steps and stairs
- A person with a severe disability requiring substantial adaptations to a property which is not, and cannot be provided for in their current accommodation
- A person with a terminal illness or long term debilitating condition whose current accommodation is not having a significant impact on their condition but where their quality of life would be significantly improved by moving to alternative suitable accommodation
- A person suffering with a diagnosed mental illness where the medical condition would be significantly improved by a move to alternative accommodation.

6.6.2.2 Ready to move on from Council Accredited Supported Scheme – Band 2

Applicants will be awarded this priority for certain listed projects. Not all applicants who occupy named supported housing projects will qualify for reasonable preference. Applicants must be assessed as:

- Being in need of long term rather than short term on-going tenancy support

- Being ready to move to independent accommodation
- Having a support package (if required) that has been assessed and is in place
- Having a vulnerability whereby accommodation in the private rented sector would, through its short term, have a detrimental effect on their vulnerability.

6.6.2.3 Move on from care – Band 2

- Qualifying young people between the ages of 16 and 18 referred by the Council's Children's Services as young people leaving the care of the Council who have been assessed as tenancy ready and where access to suitable accommodation provides the secure platform that will contribute to the young person moving towards greater independence.

6.6.2.4 Child in need – Band 2

- Where a child(ren) are part of the application where there is a need to move and the accommodation is a contributory factor to the risk to the child or children. This will occur where the child or children are the subject of a child protection plan and the Child Protection Conference recommends rehousing as being important for the welfare of the child.

6.6.2.5 Threats of abuse, violence or harassment – Band 2

- Applicants who need to move due to threat of domestic abuse, violence or harassment but who are not in immediate danger, as determined by an appropriate approved risk assessment by the referral agency.

6.6.2.6 Care and Support – Band 2

- Those who need to move to give or receive care that is substantial and ongoing
- Older or disabled applicants assessed as requiring retirement, extra care or sheltered housing.

6.6.3 Hardship – Band 2

Given that the city is geographically compact, with good transport links, an award will only be made in exceptional circumstances.

Where hardship can be demonstrated, Social Housing tenants from outside of the Birmingham Local Authority area with the statutory Right to Move will be awarded a reasonable preference.

Where demand exists the Council will set aside a proportion of annual lettings in order to meet its statutory obligations with regards to the Right to Move.

6.6.4 Homelessness – Band 2 and Band 3

Where an applicant has been accepted as homeless by the Council and until such time as the Council has discharged its duties in accordance with the Housing Act 1996.

The following applicants will receive an initial Band 2 award:

- Applicants who are homeless and are owed the s193(2) Main Duty when the 189B Relief Duty comes to an end because they have been assessed as being in priority need and unintentionally homeless
- Applicants owed the s195 Prevention Duty, or s189B Relief Duty for as long as that duty is owed to the applicant regardless of priority or intentionality

The following applicants, where a s193(2) Main Duty is not owed, will receive an initial Band 3 award when the relief duty has been ended by a s184 decision:

- Applicants owed a duty for being intentionally homeless 190(2) – note the Council duty to assist remains for 28 days after which the application will be reassessed and the award may be removed.

- Applicants who are homeless within the meaning of Housing Act 1996 Part 7, but who are owed no housing duties, including the non-priority homeless.

This reasonable preference award will only be applied whilst the homeless duty is owed. The duty towards Band 2 applicants is ended by the offer of suitable accommodation. If homelessness is the sole reason for qualification to join the Housing Register, this will result in the applicant no longer having a reasonable preference, no longer qualifying and subsequently being removed from the Housing Register. No further offers will be made. These applicants will therefore only be entitled to one suitable offer.

The homelessness duty may be ended by the offer of a private rented sector tenancy.

6.6.5 Overcrowding – Band 3

Those overcrowded by 1 bedroom in line with the bedroom standard will be granted reasonable preference and will be placed in Band 3.

Where the applicant and the applicant's household are 1 bedroom short in accordance with the bedroom standard.

Information provided by the applicant will be verified using various Council sources and may include home visits.

6.7 The assessment of other specified groups – Band 4

Applicants assessed as having no reasonable preference owed but can demonstrate qualification for an other specified group award will be placed in Band 4.

6.7.1 Retirement or extra care housing – Band 4

Applicants aged 55 or over or disabled applicants seeking retirement or extra care housing.

6.7.2 Ex Armed Forces Personnel – Band 4

Applicants who have served in the British Armed Forces and lived in Birmingham for at least 6 months immediately prior to enlisting will qualify for a Band 4 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.

6.8 Registration date and priority within bands

When an applicant first applies, the application will only be accepted once all the required information is received. The application will then be assessed and placed in a band with the date of acceptance as the 'registration date'.

Applicants within the same band will be prioritised in date order.

If there is subsequently a change of circumstances the application will be reassessed and the applicant may:

Change in Circumstance	Relevant Date
Gain greater priority and be placed in a higher band.	The date at which the higher band applies (the 'Award Date')
Be assessed as being in the same band.	The registration date will be used
Lose priority or preference due to their circumstances and enter a lower band	The registration date will be used
May become ineligible or may no longer qualify for an allocation.	Will be removed from the Housing Register. Applicants may reapply at a later date if circumstances change. A new registration date will apply.

The relevant date will be used to prioritise between applicants within the same band.

7 HOW PROPERTIES ARE ALLOCATED

7.1 Choice and constraints

The amount of choice that the Council is able to offer is limited by the acute social housing shortage in Birmingham and the responsibilities owed to some groups in housing need. Applicants are able to express a preference for a particular type of property and the area in which they would like to live. However, applicants should be aware that the Council's ability to satisfy expressed preferences may be severely limited.

The Council operates a Choice Based Lettings system. The majority of applicants will be able to bid using Choice Based Lettings. There are some circumstances in which this will not apply and the Council will either restrict access to bidding (restricted bidding), make bids on behalf of an applicant (assisted bidding) or make direct offers. The Council reserves the right to do this at any time.

Applicants will be required to state areas within Birmingham where they believe they cannot live due to an evidenced risk of violence, harassment or domestic abuse. The Council must be satisfied such factors exist and that it is necessary to allocate accordingly. This will assist the Council in making more informed decisions regarding restricted bidding, assisted bidding and direct offers. It will also help support officers who may be assisting an applicant to bid to know where not to express an interest in properties.

Applicants are encouraged to bid for properties over a wide geographical area of the City and to consider properties in the private rented sector if they require a specific area where demand for social housing is high or in limited supply.

When bidding on behalf of an applicant or making a direct offer, the Council will normally take into account the following factors:

- The number of bedrooms required
- Any essential requirement concerning the type or location of housing
- The housing band into which the applicant has been assessed
- The Suitability of Accommodation Order 1996 where the

applicant has been granted a homelessness reasonable preference and is placed within Band 2.

The Council will not normally take into account:

- Non-essential preferences concerning the location or type of re-housing requested by the applicant.

Applicants will receive up to 2 suitable offers of accommodation to be made either through Choice Based Lettings or as a direct offer. If refused the applicant will be notified that they no longer qualify for an allocation for 12 months and will be removed.

The Council will offer assistance in using the Choice Based Lettings system to applicants with identified support needs.

7.2 Suitable Offers

For the purpose of this scheme, providing an offer:

- Is of the right size
- Has not been made in error by the Council
- Is accepted by the Council as not presenting a risk to the applicant in offering accommodation in the area the offer was made
- Satisfies the Suitability of Accommodation Order 1996 (when discharging homeless duties)

the offer will be regarded by the Council as a suitable offer.

Applicants will receive up to two suitable offers (note the exception in 6.6.4 for certain households awarded a Band 2 priority due to homelessness).

7.3 Annual lettings plan and quotas

Upon annual reviews of allocations the Council reserves the right to introduce an annual lettings plan and/or quotas and to make allocations in accordance with these.

The production of any annual lettings plan and/or quotas will take place following a robust review of allocations made and authority for approving annual lettings plans or quotas is delegated to the Service Lead, Commissioning Centre of Excellence or officer of equivalent authority.

In addition the Council reserves the right to introduce quotas outside of this arrangement in order to meet statutory obligations, for example the Right to Move. In such circumstances the quota will be agreed by the Service Lead, Commissioning Centre of Excellence or equivalent.

Local lettings policies

Section 166A(6)(b) of the 1996 Act enables the Council to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of s.166A(3). This is the statutory basis for 'local lettings policies' which enable the Council to set aside homes in a particular location, or certain types of properties across the stock, for applicants who meet a certain criteria.

Local lettings policies may be considered in order to achieve a wide variety of housing management and policy objectives such as achieving balanced sustainable communities.

All local lettings policies will need to be developed and approved in accordance with an agreed procedure and will be required to establish a clear evidence-based need, be time limited and subject to an annual review. Authority for approving local lettings plans is delegated to the Service Lead, Commissioning Centre of Excellence or officer of equivalent authority.

7.4 Low demand properties

If a property is advertised through the Council's Choice Based Lettings cycle at least once and has not been allocated by any form of allocation method, the Council reserves the right to determine the most appropriate method of re-advertisement.

For low demand properties, providing an applicant is both eligible and qualifies in terms of acceptable behaviour, the Council reserves the right to advertise and/or allocate outside of the normal rules of the scheme.

8 ALLOCATION CRITERIA

When determining the size of property for which applicants are eligible, the bedroom standard will usually be applied. However, there may be exceptions to this. Examples are:

- Where the Homes and Communities Agency or planning regulations stipulate
- Applicants require larger accommodation on health grounds following an assessment by the Council
- Applicants have been approved as a foster carer/adopter and require larger accommodation than would normally be required
- Applicants who need the support of a carer who will be required to sleep in the property and cannot reasonably be expected to share a bedroom with other members of the household.

8.1 The size of properties

The number of bedrooms that applicants need will be dependent upon the size of the applicant's household. (see section 5.2 for details of who can be included in applicants household).

For the purposes of allocating a home the Council will use the bedroom standard.

The bedroom standard states that a separate bedroom shall be required for following persons:

- a Two persons living together with another as husband and wife (whether that other person is of the same sex or the opposite sex)
- b A person aged 21 years or more
- c Two persons of the same sex aged 10 years to 20 years
- d Two persons (whether of the same sex or not) aged less than 10 years
- e Two persons of the same sex where one person is aged between 10 years and 20 years and the other is aged less than 10 years
- f Any person aged under 21 years in any case where he or she cannot be paired with another occupier of the dwelling so as to fall within (c), (d) or (e) above.

Social housing tenants releasing a property with three or more bedrooms may choose a property with one bedroom more than they need.

The type of properties

To enable the best use of the Council and partner registered provider stock, properties will be allocated to those applicants who need that size and type of property.

As such, preference for houses with two or more bedrooms will be allocated to families with dependent children.

Sheltered housing and extra care accommodation will be allocated to older people.

Properties with adaptations will be allocated to persons with a physical or sensory disability.

9 MANAGEMENT OF THE SCHEME

9.1 Advice and information on the scheme

The Council will make available information and offer advice to assist applicants in understanding how the scheme operates.

The Council will provide the following:

9.2 General Information

- A summary of the scheme
- Information about how to apply and how to bid for vacant advertised properties
- How their application will be treated and whether they will be given any preference
- Whether housing accommodation appropriate to their needs is likely to become available and how long they may have to wait for an allocation of such accommodation
- Information about how we award priorities within the Scheme
- How successful applicants will be selected for vacant properties
- The rules on how properties will be advertised via the Choice Based Lettings system, including details of the bidding cycles and assisted bidding
- Information about review procedures.

9.3 Information for applicants about their own application

- The band the applicant is awarded under the scheme
- The properties the applicant is entitled to bid for
- The likelihood of successfully bidding on the property types and areas in which the applicant expressed a preference
- What the applicant needs to provide as evidence to support their application and when this information will need to be provided
- If the applicant does not qualify or is found to be ineligible, this decision will be notified in writing giving clear grounds for the decision based upon the relevant facts of the case.

If the applicant is not eligible or does not qualify for an allocation, they will be offered advice and assistance on alternative housing options available.

Applicants who have any difficulty reading or understanding this allocations scheme will be offered the following services:

- An interpretation service if their first language is not English
- Signing if speech or hearing is impaired
- Provision of documents in large print or Braille if an applicant is visually impaired
- An interview to explain the content of this document and information
- Details of where independent advice can be obtained about the Council's scheme.

9.4 Requests for information

The Council will, upon request from the applicant, provide such information that is practicable and reasonable to supply, in order to explain the applicant's position and priority for an allocation in relation to an offer of suitable accommodation. An applicant has the right to be informed of any decision regarding their application.

9.5 Transitional Arrangements

All applicants registered on the previous housing register will be required to re-apply under the new scheme.

Applicants must re-apply by completing a housing application form. The application form can be completed online.

Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement at a designated office.

All applicants registered on the previous housing register will be notified in writing of the need to re-apply under the new scheme.

Those applicants who are eligible and who qualify will retain their previous registration date within the band they are awarded under the new scheme. Those who do not re-apply by the designated date and subsequently apply will not retain their original date of registration.

Those who do not re-apply will not be placed on the housing register.

9.6 Management of applications within each band

9.6.1 Assisted bids and the number of offers

In total, applicants can receive up to two suitable offers of accommodation (note the exception in 6.6.4 for certain households awarded a Band 2 priority due to homelessness).

Applicants in Band 1 will receive one suitable offer whilst in Band 1.

If the Council considers that the applicant has unreasonably refused two offers of suitable accommodation the application will no longer qualify for an allocation and the applicant will not be entitled to apply again within 12 months of the date of disqualification.

An offer of accommodation which is arranged by way of a nomination to a registered provider will be considered to be a suitable offer.

An offer of a local authority secure flexible tenancy will be considered to be suitable.

Applicants will be notified of all decisions and the applicant has the right to a review on any decision that is made.

The Council reserves the right to place a bid on behalf of the applicant (assisted bidding).

9.6.2 Band 1

All applicants within Band 1 will be actively case managed. Applicants within Band 1 will receive one suitable offer of accommodation. If a suitable offer of accommodation is refused the applicant may be removed from Band 1 and placed into Band 2.

If the applicant has not reasonably bid for a suitable property within 3 months of their Band 1 award, the local authority reserves the right to place bids on the applicant's behalf (assisted bidding).

All applications within Band 1 will be re-assessed after 6 months to determine whether the circumstances/needs that led to the award are still prevailing. If upon the Council's re-assessment a lesser award is given the application will be given the original date of registration.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

9.6.3 Band 2

Applicants within Band 2 will receive up to two suitable offers of accommodation (note the exception in 6.6.4 for certain households awarded a Band 2 priority due to homelessness). Applicants who have previously refused a suitable offer made whilst in a higher Band will receive one further suitable offer.

Applicants within Band 2 awarded a homelessness reasonable preference award will be expected to bid for suitable properties in the first available bidding cycle. Should applicants within Band 2 with a homelessness reasonable preference fail to bid for suitable properties at the first opportunity, the Council reserves the right to place bids on their behalf (assisted bidding).

For all other applicants in Band 2 that have not reasonably bid for a suitable property within 6 months of their Band 2 award, the local authority reserves the right to place bids on the applicant's behalf (assisted bidding).

All applications within Band 2 will be re-assessed after 12 months to determine whether the circumstances/needs that led to the award are still prevailing. If upon the Council's re-assessment a lesser award is given, the application will revert to the original date of registration.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

9.6.4 Band 3

Applicants within Band 3 will be entitled to up to two suitable offers of accommodation. Applicants who have previously refused a suitable offer made whilst in a higher band will receive one further suitable offer.

All applications within Band 3 will be reviewed after 18 months to determine whether the circumstances/needs that led to the award are still prevailing. If, upon the Council's review, a lesser award is given the application will revert to the original date of registration.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

Where applicants fail to respond to the Council's review, the application may be cancelled.

9.6.5 Band 4

Applicants within Band 4 will be entitled to up to two suitable offers of accommodation. Applicants who have previously refused a suitable offer made whilst in a higher band will receive one further suitable offer.

All applications within Band 4 will be reviewed after 18 months to determine whether the circumstances/needs that led to the award are still prevailing.

Applicants will be notified in writing of all decisions and the applicant has the right to a review on any decision that is made.

Where applicants fail to respond to the Council's review, the application may be cancelled.

9.6.6 Changes in circumstances

It is the responsibility of the applicant to notify the Council immediately of any change in their circumstances by completing an online form.

Should applicants require assistance in completing the form or require the form to be made available in other formats this can be requested by telephone or by prior arrangement at a designated office.

This will include, for example:

- A change of address, for themselves or any other person on their application
- Any additions to the family or any other person they would wish to join the application (the Council will decide whether to allow the person/s to join the application)
- Any member of the family or any other person included on the application who has left the accommodation
- Any change in income, assets or savings which results in the applicant exceeding the threshold for qualification (see 4.3.3)
- Any change in employment, training or volunteering.

Applicants will not be able to bid or be considered for an allocation whilst the application is re-assessed. This will include applicants where circumstances have changed, the applicant has failed to inform the Council, and it subsequently comes to the Council's attention.

9.6.7 Decisions and reviews

Applicants have the right to information about decisions and rights of review of decisions made relating to their application. This will include:

- The right, on request, to be informed of any decision about the relevant facts of their case which has been, or is likely to be, taken into account in considering whether to make an allocation to them

- The right, on request, to review a decision mentioned above, or a decision to treat them as ineligible or not qualifying for an allocation
- The right to be informed of the decision on the review and grounds for it.

Applicants or their representatives should request a review in writing within 21 days of being notified of a decision.

The Council will consider the review within 56 days of the request. A longer period may be agreed with the applicant.

The Council will notify the applicant of the outcome of the review including the reasons if the original decision is confirmed.

The Council's decision on review is final and can only be challenged by way of a judicial review.

An officer more senior (than the original decision maker) within the Council will carry out reviews.

10 GENERAL PROVISIONS

10.1 Data Protection and Information Sharing

Any individual has the legal right to request to see any information that is held about them by the Council, in accordance with the Data Protection Act 1998. Wherever possible, the Council will seek to comply with such requests.

Upon receipt of a valid request, and satisfactory proof of identity, the Council will seek to make available (within 40 days) applicants' personal data, either by way of copies or allowing applicants to view the information requested. However, there may be situations where a fee is charged.

To make such a request, please contact

Corporate Information Management Team
Performance & Information Division
PO Box 16266
Birmingham
B2 2YY

Or complete and send the Subject Request Form located at <http://www.birmingham.gov.uk/foi>

However, there may be situations where the Council may not be able to release all the information requested.

These include:

- Where the information requested may identify a third party, and they have not consented to the Council releasing that information
- Where the disclosure of information may cause serious harm to the wellbeing of an individual
- Where the disclosure of the information requested could prejudice or hinder the prevention and/or detection of crime or anti-social behaviour; or
- Where the time involved in locating and collating the information requested exceeds 18 hours.

Whilst the Council seeks to ensure that the personal data held by it is accurate and up to date, there may be situations where the information is inaccurate. If this occurs, the applicant should contact the Council with details of the inaccuracy, together with any supporting evidence, so the

Council can investigate and, where the information is found to be inaccurate, can correct it.

For information on how the Council will use any information (including personal data) provided to it, including when it may pass on information onto third parties, please visit www.birmingham.gov.uk/privacy.

The information provided on the application form will be checked and be used for data matching, to detect potential incidents of benefit and housing fraud, including illegal sub-letting of social housing.

10.2 Fraudulent Activity and withholding Information

It is a criminal offence for applicants and/or anyone providing information in relation to this scheme to knowingly or recklessly make false statements or knowingly withhold reasonably requested information relevant to their application (S171 Housing Act 1996). This includes, but is not limited to, information:

- Requested on the housing registration form
- In response to a request for further information in support of the application
- In response to correspondence at the review of the application
- Relating to any other review of the application.

An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Where there is suspicion or an allegation that a person has either provided false information or has withheld information, the application will be excluded from being considered for offers during the investigation and until an outcome is reached.

In addition the Council reserves the right to take legal action including prosecution under any relevant legislation including fraud where it possesses the evidence.

If the outcome of any investigation is that an applicant did not provide false information or did not withhold

information or was not found to be withheld knowingly, then the application will be reinstated from the date of registration, meaning the relevant applicant should not suffer prejudice.

If the Council determines that an applicant directly, or through a person acting on his or her behalf, has given false information or withheld required information it may result in an applicant being disqualified from an allocation.

Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the 1996 Act, S146) enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation. Where this is the case the Council will actively pursue recovery of possession.

10.3 Lettings to staff, Council Members and relatives of these groups

Council staff and Members and their relatives are treated as any other applicant and must be seen not to be gaining any advantage, disadvantage or any preferential treatment in the course of their application.

Accordingly, the aforementioned persons must declare their interest and have no direct input into any decisions regarding their re-housing.

Applications should be clearly marked on the housing management system that the application is that of a staff member, Council member, or relative.

10.4 Equality and Diversity

The Council's aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of gender, marital status, race, nationality, ethnic or national origin, disability, age or sexual orientation, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law. Allocations will only be made to those persons who are eligible. The policy will fully comply with the Equality Act 2010.

11. Monitoring of the scheme

The Council recognises that it is important for applicants for housing and the wider community to understand how social housing is allocated and who is getting social housing. Therefore we will publish information on the Housing Register and lettings outcomes which will be made available on the Council's website.

The Council will also produce monitoring reports to assess whether or not the scheme:

1. Delivers its objectives (section 2)
2. Continues to give reasonable preference to those in greatest housing need and that the scheme is not dominated in any way by applicants who fall outside of the categories of need outlined in this scheme.

Reviews of this policy will be undertaken by the Council when required and in response to any:

1. Policy related issues identified in the monitoring reports referred
2. Changes in legislation that affect the policy
3. Changes in national guidance.

For further information about the Council's Housing Allocation Scheme, please go to **www.birmingham.gov.uk/allocation-scheme**

Approved by Cabinet on 28 July 2014 with minor revisions on 18 May 2016 and November 2018