

HOUSING ALLOCATION SCHEME

FEBRUARY 2021

www.walthamforest.gov.uk

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1 Introduction

- 1.1 This is the Council's scheme for determining the priority of applicants and the procedure to be followed when it allocates social housing (Council and Housing Association homes). It replaces previous Housing Allocation Schemes, in respect of current and future applications, and takes effect from 4th February 2021. Please note that where this document refers to "the Council", this means Waltham Forest Council.
- 1.2 The Council maintains a Housing Register as the most appropriate way to determine the relative priority of applicants for social housing.
- 1.3 It is the Council's policy to offer applicants a choice of accommodation wherever possible. This is achieved by the operation of a Choice Based Lettings system for allocations, whereby applicants are provided with details of available properties and can bid on the system for those properties to which they wish to move. Section 9 sets out the circumstances in which the Choice Based Lettings system will not be applied and when the Council will make direct offers of accommodation instead.
- 1.4 Within Waltham Forest there is a high demand for accommodation but a very limited supply of social housing. Although the Council is committed to delivering large numbers of new social homes, both directly as new Council homes and in partnership with Housing Associations, there will still be a large imbalance between the high number of residents seeking social housing and the relatively low number of properties which are available.
- 1.5 In this context, we have to ensure that we have an allocation scheme that enables us to allocate this scarce resource as fairly as possible, while using the resources available to us as effectively as possible, in a way that best meets the needs and aspirations of the whole community as well as complying with statutory requirements.
- 1.6 This allocation scheme has been written to comply with the provisions of the Housing Act 1996 as amended by the Homelessness Act 2002 and the Localism Act 2011. It also takes into account the Code of Guidance on Allocations of June 2012, and the Supplementary Guidance of December 2013 *Providing social housing for local people*, of March 2015 *Right to Move* and of November 2018 *Improving Access to Social Housing for Victims of Domestic Abuse in Refuges*. It has been drafted in line with the Council's Housing Strategy, Homelessness Strategy, Tenancy Strategy, the London Housing Strategy and in accordance with the Council's equality duties.
- 1.7 We set out below who is eligible to be on our Housing Register (sometimes called the waiting list) and how we decide what priority applicants will have, based on their circumstances. Eligible applicants will be placed in one of five Priority Bands, and details about how this decision is made can be found in Section 4.

- 1.8 We want to encourage existing Council and Housing Association tenants who are under-occupying their current accommodation to move to smaller accommodation if, for example, household members have moved away and they no longer require all of the available bedrooms. We therefore offer incentive schemes for under-occupiers, details of which can be obtained from the Rehousing Team.
- 1.9 There are a number of cross-borough and mobility schemes operating within London which facilitate moves into and out of Waltham Forest. Cross-borough moves and the exchange of properties between various social landlords are monitored to maintain an equal balance between the number of applicants moving into an area and those moving out.
- 1.10 As the Council cannot offer social housing to most of those who apply for it, applicants are encouraged to consider the following alternative housing options:
- Low cost home ownership (see www.shareto-buy.com/firststeps for further information about this).
 - A mutual exchange (swap) of accommodation (this is a scheme that applies to council and housing association tenants). To assist tenants in finding suitable mutual exchange partners, the Council has subscribed to the national Home Swapper Scheme. Tenants can register free of charge on this scheme to advertise for an exchange. More information can be found at www.homeswapper.co.uk
 - Renting in the private sector.
 - Staying where you are now but getting help to make the property more suitable for your needs. If your property is in a poor state of repair, or you are having problems with your landlord, we may be able to help. Please contact the Council's Property Licensing Team at propertylicensing@walthamforest.gov.uk or by calling 0208 496 3000.
 - Applying for housing in other parts of the country where there is a better balance between the supply and demand for social housing.
 - Housingmoves – a Greater London Authority scheme for tenants of social housing who wish to move from one London borough to another – full details are available on the website for the scheme www.housingmoves.org
 - Seaside and Country Homes Scheme
 - Homefinder Scheme – A government funded scheme for applicants who may be interested in moving to social housing outside London (nearest homes being 100+ miles away). Properties are available in areas such as Leicester, Birmingham, Liverpool, Carlisle, Lancashire and many other areas outside of London, and moves through this scheme could potentially happen fairly quickly.

- Sheltered housing for applicants aged 50+ who may need some support to live independently.

More information on these options can be found on the Council's website

www.walthamforest.gov.uk/housing

- 1.11 The Allocation Scheme cannot cover every eventuality. In special cases in which there are exceptional circumstances, the Divisional Director for Housing Solutions (or an equivalent senior manager) has discretionary power to award additional priority and to approve offers of housing. This will only apply in circumstances that the decision maker considers to be exceptional.
- 1.12 Assistance and further information about the Allocation Scheme can be obtained from the Council's website **www.walthamforest.gov.uk/housing** or from the Council on **0208 496 3000**.

2 Who is eligible for social housing in Waltham Forest?

2.1 Immigration Status

The Government says that in general we cannot allocate housing to people who need leave to enter or remain in the UK – and this applies to everyone except British citizens and people with a right to reside in the UK under European law.

If you need leave to enter or remain in the UK (regardless of whether or not you have leave) you will only be eligible to join the housing list if you fall into one of the following categories:

- (A) a person recorded by the Secretary of State as a refugee,
- (B) a person granted Exceptional Leave to Remain outside of the Immigration Rules which is not subject to a condition of non-recourse to public funds (Indefinite Leave to Remain),
- (C) a person who has unconditional and unlimited leave to remain in the UK, is habitually resident in the Common Travel Area (UK, Channel Islands, Isle of Man or EIRE) and who (subject to exceptions) is not sponsored,
- (D) a person who has been granted Humanitarian Protection,
- (E) Afghan citizens granted limited leave to enter the UK under paragraph 276BA1 of the Immigration Rules who are habitually resident in the Common Travel Area,
- (F) a person granted limited leave to enter or remain in the UK on family or private life grounds under article 8 of the European Convention of Human Rights under paragraph 276BE(1 or 276DG or Appendix FM of the Immigration Rules which is not subject to a condition of non-recourse to public funds,
- (G) a person who is habitually resident in the Common Travel Area, who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules and
- (H) a person who is habitually resident in the Common Travel Area and has Calais leave to remain under paragraph 352J of the Immigration Rules.

The Government also says that we cannot allocate housing to anyone unless they are habitually resident in the Common Travel Area, subject to certain exceptions for people with rights of residence under European law and people who are in the UK as a result of being deported or expelled from another country. The Government also says that we cannot allocate housing to a person whose only right to reside in the UK arises under European law based on their status as a jobseeker or an initial 3 months' right of residence, or is a derivative right of residence based on being the principal carer for a British citizen.

The Council is not allowed to allocate housing to an ineligible person by granting them a joint tenancy with another, eligible person.

These rules do not apply to a person who is already a secure or introductory tenant or an assured tenant of accommodation to which they have been nominated by a local housing authority. In that case, you are free to apply for a transfer regardless of your immigration status.

The detailed provisions of these rules are quite complex and the above is only a summary of them. The summary is accurate at the time of publication, but these rules are subject to change by statutory instruments issued from time to time.

2.2 Unacceptable Behaviour

The Council may decide that an applicant is ineligible for social housing if it is satisfied that:

- S/he, or a member of his/her household, has been guilty of unacceptable behaviour (such as non-payment of rent, causing a nuisance or annoyance, or domestic violence/abuse, harassment, threats of harassment, or violence) serious enough to make him/her unsuitable to be a tenant of the Council, **and**
- in the circumstances at the time his/her application is considered as unsuitable, s/he is unsuitable to be a tenant of the Council by reason of that behaviour.

2.3 Residence requirement

In order to be included on the Housing Register, you will normally have to show that you reside in the London Borough of Waltham Forest and have lived in the borough continuously for the last five years. This requirement does not apply to:

- Homeless households within the meaning of Part VII of the Housing Act 1996
- Anyone who is owed a duty by any local housing authority under the Housing Act 1996, s190(2), s193(2) or s195(2)
- Care leavers who are the responsibility of the Council
- Applicants accepted as part of the Move-On Quota
- Those formerly residing in the borough but living in supported housing schemes outside the borough commissioned by the Council
- Any social housing tenant who needs to move to the Council's district because s/he works or has been offered work in the Council's district and has a genuine intention of taking up the offer, where the work is not (a) short term or marginal, (b) ancillary to work in another district or (c) voluntary work
- Applicants seeking to move to the Council's district in order to escape domestic or other violence in another area
- Applicants nominated to the Council through the Witness Protection Scheme, Pan London Mobility Scheme, Safe & Secure scheme or other similar schemes that the Council has agreed to be part of
- Travellers or gypsies whose inability to show five years residence in Waltham Forest is the result of having followed a traditional travelling lifestyle
- Refugees who during some or all of the last five years have been accommodated by the National Asylum Support Service under the Immigration and Asylum Act 1999
- A current or former member of the armed forces who is a "relevant person" as defined by The Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012
- Waltham Forest Council secure tenants (including those living in out-of-borough properties)
- An applicant who can demonstrate that they have a particular need to be housed within the London Borough of Waltham Forest due to special circumstances (including medical or welfare needs related to disability): these applicants should make a request for a Social Needs Panel to consider the circumstances of their case.

2.4 Age

In order to be included on the Housing Register an applicant must be

- (i) aged 18 or over,
- (ii) a young person leaving care nominated by the Council's Leaving Care Service or
- (iii) a 16 or 17 year old who has applied to the Council for housing assistance under Part VII of the Housing Act 1996 (homelessness).

3 Applying for social housing in Waltham Forest

- 3.1 All applicants must complete an online housing application form at **www.walthamforest.gov.uk/housing**. An automated assessment will then be carried out to make an initial decision about the applicant's eligibility and housing priority based on the information provided. The information will be checked and documentary evidence required to support it.

Applicants who require advice or assistance on how to complete the online application form can obtain this from our Contact Centre on **020 8496 3000** or by emailing **wfdirect@walthamforest.gov.uk**.

- 3.2 Available council properties in Waltham Forest are listed on the **East London Lettings Company (ELLC) website**, and are allocated via a bidding system. The system is explained on the website.
- 3.3 Before being allocated a property, applicants must provide documentary evidence of the information that they give when applying and of their current circumstances. At that point their eligibility and housing priority will be verified. If an applicant fails to provide the evidence and information requested, they will not be allocated a property.
- 3.4 Applicants must inform the Council of any changes in their circumstances by using the Change of Circumstances form on the **Council's website**. This includes informing the Council if they move to a new property. Applicants who do not keep the Council informed of a change in their circumstances may have their housing application cancelled.

Assessment of priority is specific to the applicant's current address. The Council may delay assessment or reassessment if the applicant is likely to move within the next 28 days. It will be assumed that the applicant is likely to move in the next 28 days if they have a pending offer of accommodation, for example an offer of temporary accommodation, or if it appears to the decision maker that the applicant is likely to be made an offer of accommodation within this period of time.

- 3.5 Registration is time limited to 12 months and applicants are required to re-apply annually. Individual review dates for all applicants will be clearly displayed on the Waltham Forest area of the Choice Homes website www.elcchoicehomes.org.uk under the heading of 'My Social Housing'. It is applicants' responsibility to check their review dates on a regular basis as they may change. We recommend that applicants check their details on a monthly basis as a minimum. Applicants must re-register their applications during the review period shown.
- 3.6 The Council may review an applicant's eligibility and housing priority at any time.
- 3.7 Following re-assessment of their case, if the Council considers that the existing priority level is no longer appropriate, applicants placed in Bands 1–4 may have their priority downgraded. In some cases, this could mean that an applicant is no longer eligible for an offer of accommodation.

3.8 **Failure to provide information**

Unless there are exceptional circumstances, an applicant will be removed from the Housing Register if:

- S/he does not respond to a request for information within 21 days of a written request being sent to him/her.
- S/he has changed his/her address without telling the Council within four weeks of the change and has not fully updated his/her application for housing via the Council's online registration system.
- S/he does not re-register for housing as required, in line with the automated annual review process (see 3.4).
- S/he does not respond to a written interview appointment request as part of the Council's verification process and does not make subsequent contact with the Council to re-schedule the appointment to take place within 21 days of the original appointment date.

Removal from the Housing Register will result in the loss of any previously awarded priority and accumulated time waiting on the register if the applicant subsequently re-applies for housing or has their previous application reinstated on the Housing Register, with the exception of those applications that are re-registered or reinstated within 42 days from the date of their removal/cancellation from the register.

3.9 **Verification interviews**

An applicant may be invited to attend the Council's offices for the purpose of verifying his/her housing circumstances and application. Where an applicant has been invited to attend such an interview, s/he will not be able to bid until such time as s/he has been approved for an offer by the Council. This provision also applies if the applicant has been asked to provide verification information by other means, for example by remote interview.

3.10 **Pending offers**

Once an applicant has been offered a property, they will not be able to bid for other properties until they have accepted or refused that offer, and they will not be allocated another property. This will apply in the following circumstances:

- Applicants who have been made an offer of temporary accommodation or a private rented sector offer

- Applicants under offer for a Council home
- Applicants invited to a multiple viewing and in viewing priority position 1, 2 or 3
- Applicants nominated or referred to a Housing Association for an offer or for a multiple viewing and in viewing priority position 1, 2 or 3

Housing Associations operate different policies and adhere to different timescales from the Council. This means that when an applicant has been nominated or referred to a Housing Association there may be a delay (15–20 working days and sometimes longer) before they are contacted by the Housing Association. In the case of new-build homes, it may be a number of weeks (4–16 weeks and sometimes longer) before an applicant is contacted by the Housing Association.

The Council will not be held responsible for any delays or errors made on the part of the Housing Association landlord where an applicant has been referred or nominated to any such landlord.

3.11 **Accepted offers**

Once an applicant has accepted an offer of Council or Housing Association accommodation, or an offer of private sector accommodation secured by the Council, their housing application will be closed. Any further application made after this will constitute a fresh application effective from the date submitted and any previously awarded priority and accumulated waiting time on the Housing Register will be lost.

For the avoidance of doubt, an applicant will be considered as having accepted an offer of accommodation once s/he has signed a pre-tenancy document or full tenancy/licence agreement.

Where an applicant subsequently ends the tenancy/licence of an accepted offer or fails to move in (regardless of timescale since the initial acceptance of the offer), s/he may submit a new application for housing (via the Council's online housing registration system) if s/he wishes. However, this will constitute a fresh application effective from the date submitted and any previously awarded priority and accumulated waiting time on the Housing Register will be lost.

The Council may also take into account the circumstances of the applicant at the time, including the reason/s for ending the tenancy or failing to move in. In certain limited circumstances, this could mean that an applicant may not be eligible for further housing or may be assessed as having a lower level of priority and housing need.

3.12 **Advertisements**

The Council will make every effort to ensure that property advertisements are accurate but cannot accept responsibility for any errors. Where possible, a picture of each individual property or block will be displayed within the advertisement. However, sometimes the Council may display a substitute picture of a similar property or block, and this fact will be noted on the advertisement.

3.13 **Withdrawal of properties**

The Council and other housing providers reserve the right to withdraw properties from the Choice Homes Scheme at any time. For example, it is possible that some advertised properties may still be awaiting surveyor inspections and may have to be withdrawn from the Choice Homes Scheme if it later becomes apparent that they require extensive maintenance works. Where an applicant has placed a bid for a property that is subsequently withdrawn from the scheme, the bid shall be considered for all purposes as not having been made, regardless of the final bidding position.

3.14 **Disregarded Bids**

A bid placed for an advertised property may be disregarded if:

- Priority was only awarded to an applicant for a specific type of property and the bid was for accommodation that did not meet that criterion.
- The applicant owes rent arrears to the Council.
- The applicant has bid for accommodation that does not meet the household size requirements policy of the landlord.
- The applicant has bid for accommodation that is considered as substantially smaller than his/her assessed housing need and/or statutory overcrowding may occur at the time of the property being allocated.
- The applicant is a council tenant and the Council is in the process of taking eviction action against him/her for a breach of the terms and conditions of their tenancy.
- The applicant already has an outstanding offer of alternative accommodation.
- The applicant has placed a successful bid for more than one property and is under consideration for an alternative offer of accommodation.
- The applicant has failed to provide sufficient information and necessary documentation to enable the Council to fully verify their correct level of housing need.
- The applicant's housing need has been re-assessed resulting in a lower level of priority.
- The property has been withdrawn from the Choice Homes Scheme.

3.15 **Formal offers**

3.15.1 Being the highest ranked applicant for a property at the end of the bidding cycle does not guarantee the applicant an offer of housing. No commitment is made until a formal offer of accommodation has been made.

3.15.2 Many landlords operate their own allocation policies which may differ from the Council's allocation scheme. Where an applicant is nominated to another landlord, any resultant offer of accommodation is subject to the applicant satisfying the criteria of the receiving landlord's own allocation policy.

- 3.15.3 All applicants may be required to attend pre-tenancy training before they are offered or nominated for an offer of accommodation. The training will take place at a time determined by the Council but prior to the move into permanent accommodation.
- 3.15.4 Updated information about how the scheme operates will be published through the Choice Homes website **www.ellchoicehomes.org.uk**. Applicants should regularly visit this website as this will be the primary source of information relating to the Allocation Scheme and their own application. For example, if applicants do not access the website they will not be alerted to their applications being due for an annual review or being cancelled.

3.16 Preparation for Go-live

- 3.16.1 As part of the implementation of the new Housing Allocation Scheme, all applicants on the Housing Register will be invited to update their application so that their eligibility and priority can be assessed in line with the new scheme. Applicants will not be able to bid until they have updated their application.
- 3.16.2 Applicants previously awarded priority by the Social Needs Panel, the Sheltered and Extra Care Housing Panel, or on the recommendation of the Independent Medical Adviser under the previous scheme must make a new request for their application to be assessed. Existing priority will not be carried forward automatically.

3.16.3 Migration of existing applications to the new Allocation Scheme

The following table details how existing Housing Register applicants, previously assessed in line with the earlier Allocation Scheme of September 2013, will be migrated over to new Allocation Scheme commencing 4th February 2021. Where it is stated that an applicant ‘Will retain previous priority start date’ within the table below, this refers to the relevant priority start date recorded on their housing application as at 03 February 2021, prior to the migration of existing applications to the new Allocation Scheme.

Priority level awarded in line with earlier Allocation Scheme of September 2013	Priority level awarded following initial migration of applicants to the new Allocation Scheme	Priority start date following initial migration of applicants to the new Allocation Scheme
Applicants awarded Additional Preference (where the priority award has not expired on or before 4th February 2021)		
Applicants awarded priority on Medical (disability and health) grounds	Banding level will be subject to the outcome of a new assessment	Priority start date will be subject to the outcome of the new assessment and level of priority awarded
Applicants awarded priority on Social Need Grounds	Banding level will be subject to the outcome of a new assessment	Priority start date will be subject to the outcome of the new assessment and level of priority awarded

Priority level awarded in line with earlier Allocation Scheme of September 2013	Priority level awarded following initial migration of applicants to the new Allocation Scheme	Priority start date following initial migration of applicants to the new Allocation Scheme
Applicants awarded priority on Medical (disability and health) and Social Need grounds only	Banding level will be subject to the outcome of new assessments	Priority start date will be subject to the outcome of new assessments and level of priority awarded
Applicants awarded priority 1 for sheltered housing	Sheltered housing Priority 1	Will retain previous priority start date
Under-occupiers (including agreed succession downsize applicants)	Band 1	Will retain previous priority start date
Tenants giving up adapted accommodation	Band 1	Will retain previous priority start date
Council tenants awaiting urgent discharge	Band 1	Will retain previous priority start date
Release from detention	Band 2	Will retain previous priority start date
Decants	Band 2	Will retain previous priority start date
Care Leavers	Band 2	Will retain previous priority start date
Applicants agreed under the Carer Policy	Band 2	Will retain previous priority start date
Move on Quota	Band 2	Will retain previous priority start date
Foster Care Quota	Band 2	Will retain previous priority start date
Veteran Nomination Quota	Band 2	Will retain previous priority start date
Retiring Council caretaker in tied accommodation	Band 2	Will retain previous priority start date
Applicants awarded Reasonable Preference		
Applicants awarded priority on Medical (disability and health) grounds only	Banding level will be subject to the outcome of a new assessment	Priority start date will be subject to the outcome of the new assessment and level of priority awarded
Applicants awarded priority on Social Need grounds only	Banding level will be subject to the outcome of a new assessment	Priority start date will be subject to the outcome of the new assessment and level of priority awarded
Applicants awarded priority on Medical (disability and health) and Social Need grounds only	Banding level will be subject to the outcome of new assessments	Priority start date will be subject to the outcome of new assessments and level of priority awarded

Priority level awarded in line with earlier Allocation Scheme of September 2013	Priority level awarded following initial migration of applicants to the new Allocation Scheme	Priority start date following initial migration of applicants to the new Allocation Scheme
Applicants awarded priority 2 or priority 3 for sheltered housing	Sheltered housing Priority 2	Will retain previous priority start date
Applicants awarded priority on the grounds of overcrowding only (those applicants awarded overcrowding points only)	Band 3	Will retain previous priority start date
Applicants awarded priority on the grounds of overcrowding (those awarded overcrowding points) and who have also been awarded one or more of the following: <ul style="list-style-type: none"> • 3 points following acceptance of a property via the Council’s Rent Deposit Scheme (prior to 01/04/2013), • 3 points awarded following acceptance of accommodation offered as a qualified assured shorthold tenancy, • medical points, or • social need points 	Band 3	Will retain previous priority start date
Applicants awarded 3 points following acceptance of a property via the Council’s Rent Deposit Scheme (prior to 01/04/2013) or 3 points awarded following acceptance of accommodation offered as a qualified assured shorthold tenancy, only	Band 3	Will retain previous priority start date
Applicants awarded 3 points following acceptance of a property via the Council’s Rent Deposit Scheme (prior to 01/04/2013) or 3 points awarded following acceptance of accommodation offered as a qualified assured shorthold tenancy and who have also been awarded one or more of the following: <ul style="list-style-type: none"> • medical points or • social need points 	Band 3	Will retain previous priority start date

Priority level awarded in line with earlier Allocation Scheme of September 2013	Priority level awarded following initial migration of applicants to the new Allocation Scheme	Priority start date following initial migration of applicants to the new Allocation Scheme
Applicants threatened with homelessness and awarded 6 prevention points (regardless of any other reasonable preference points that may have been awarded)	Band 3	Will retain previous priority start date
Agreed homeless applicants where Waltham Forest Council has accepted a full housing duty under s193(2) of the Housing Act 1996 (regardless of any other reasonable preference points that may have been awarded)	Band 3	Will have a new priority start date that is equal to the date that the Council accepted a full housing duty towards them
Homeless applicants who are owed any housing duty (other than a full housing duty) under Part VII of the Housing Act 1996 by Waltham Forest Council (regardless of any other reasonable preference points that may have been awarded)	Band 4	Will have a new priority start date that is equal to the start date of their homeless application
Homeless applicants who are owed a duty by any local authority (other than Waltham Forest Council) under section 190(2), 193(2), or 195(2), of the Housing Act 1996 (regardless of any other reasonable preference points that may have been awarded)	Band 4	Will retain previous priority start date
Applicants awarded priority on the sole ground of them living in accommodation that is not self-contained (those applicants awarded sharing points only)	Band 5	Will retain previous priority start date
<p>Note. Where there is any change in the level of priority awarded to an applicant who may have previously been assessed as having Reasonable Preference in line with the earlier Allocation Scheme of September 2013 (for example, but not limited to, an applicant whose previously assessed level of overcrowding no longer applies as a result of the Council's revision of the Property Size Rules), the applicant's banding level and associated priority start date will be reviewed in line with the criteria of the new Allocation Scheme of 4th February 2021.</p>		
Applicants awarded No Preference		
No Preference	Band 5	Will retain previous priority start date

3.17 **Prevention of Fraud**

- 3.17.1 It is a criminal offence for any applicant and/or anyone providing supporting information to knowingly or recklessly make a false statement or knowingly to withhold reasonably requested information relevant to the housing application. If there is evidence that a criminal offence has been committed, the Council may take proceedings that could result in a criminal record, a fine or imprisonment. The Council will also seek possession of any home obtained as a result of fraud.
- 3.17.2 Where an applicant provides false information in connection with their application and this subsequently comes to the Council's attention, the housing application may be suspended or closed, as determined by the Rehousing Manager.

3.18 **Applications from Members of the Council, staff members and their relatives.**

- 3.18.1 Any housing applicant including existing council tenants must tell the Council when they apply to the Housing Register if they are:
- An elected member of the Council: or
 - A council employee: or
 - Related to any of the above
 - Partner of any of the above
 - Living with any of the above
- 3.18.2 The application from any of the above will be identified on the Council's computer system to show their status.
- 3.18.3 Where an applicant fails to disclose the above information and this subsequently comes to the Council's attention, the housing application may be suspended or closed, as determined by the Rehousing Manager.

3.19 **Use of information you supply**

- 3.19.1 The information you provide in your on-line housing application may be shared with other public agencies (such as the Department for Work and Pensions and the Police) and Council departments (such as Housing Benefits and Council Tax) to detect and prevent fraud. This is because we have a duty to protect public funds.
- 3.19.2 We will share the information you give us with housing associations and other housing authorities for the purposes of housing nominations.
- 3.19.3 We may need to check that the information you have given us is correct. We will do this in a variety of ways, which may include speaking to other agencies about your application and also talking to your current landlord.
- 3.19.4 Any medical information you supply may be shared with Council officers in other departments, where necessary.
- 3.19.5 By making a housing application to the Council, you consent to the Council using your private information in the ways described above.

4 How we assess housing need: priority bands

4.1 Qualifying applicants for social housing are placed into one of five priority bands in accordance with the criteria set out below. The bands are as follows:

Band 1 Emergency Priority	Band 4 Medium Priority
Band 2 High Priority	Band 5 No Priority
Band 3 Medium Priority Plus	

Please see Section 5 for the rules the Council uses to determine who counts as a member of the applicant's household, as well as the size and type of property for which an applicant can bid. The Council will disregard, save in exceptional circumstances, the needs of any member of the applicant's household who either:

- needs leave to enter or remain in the UK but does not have it, or
- has leave to enter or remain in the UK subject to a condition that s/he will not have recourse to public funds.

Certain properties are advertised with specific criteria attached, as determined by a local lettings policy or because they are offered as specialist accommodation, such as sheltered and extra care accommodation, or housing available only to certain groups. This will be made clear on the advertisement. The specific rules which apply to these properties are explained at Sections 6 to 8 below.

4.2 In order to bid successfully for a property, applicants must meet the criteria for that size and type of property (see Section 5 for details). Priority is then determined firstly by the band in which the applicant is placed (based on their circumstances) and then by their waiting time in that band. If more than one applicant has the same waiting time in the band, the date of application to the housing register will be the deciding factor. If there are applicants with the same waiting time in the band and with the same date of application to the housing register, priority between these applicants will be determined by a process of random selection. There are no points awarded under the allocation scheme.

Some advertised properties are offered through multiple viewings whereby up to five applicants will be invited to view the property at the same time. This is done to speed up the allocation process and to minimise void periods in social housing.

4.3 If an applicant moves up from a lower band to a higher band - for example Band 3 to Band 2 (Band 1 is the highest band), the priority date will be the date that they were assessed as meeting the higher Band 2 criteria. If the applicant moves down a band - for example from Band 3 to Band 4 - the priority date will be the same as the priority date that they had in Band 3, or any earlier priority date that they had in a higher band.

Example 1 –

- An applicant applies to the Housing Register on 15.1.21 and is awarded Band 2; the effective priority date will be 15.1.21.
- On 20.2.21 the same applicant is reassessed due to a change in circumstances and awarded Band 1; the new effective priority date will be 20.2.21.
- On 29.3.21 the applicant was reassessed again and awarded Band 3; the effective priority date will go back to 15.1.21.

Example 2 –

- An applicant applies to the Housing Register on 14.12.20 and is awarded Band 3; the effective priority date will be 14.12.20.
- On 21.1.21, the same applicant is reassessed due to a change in circumstances and awarded Band 2 – the new effective priority date will be 21.1.21.
- On 10.2.21, the applicant is reassessed again and awarded Band 1 – the new effective priority date will be 10.2.21.
- On 4.3.21 the applicant is reassessed again and awarded Band 3 – the effective priority date will go back to 14.12.20.
- On 5.5.21 the applicant is reassessed again and awarded Band 4 – the effective priority date will remain at 14.12.20.

The rules stated above do not apply when the earlier and later band priorities are separated by a period of closure or suspension of the application. Where there has been an intervening period of closure or suspension, this will be treated as a new application and priority date will be awarded accordingly.

4.4 **Band 1 – Emergency Priority**

The following applicants will be placed in Band 1:

- 4.4.1 **Exceptional circumstances / emergencies** – as determined by the Divisional Director of Housing Solutions or equivalent senior manager, i.e. applicants and/or their households with an exceptionally urgent need to move based on all the circumstances of their case which overrides the normal criteria to determine relative priority.
- 4.4.2 **Urgent need for the property** – as determined by the Divisional Director of Housing Solutions or equivalent senior manager, when the Council urgently needs possession of the applicant's property (such as the need to decant, redevelop, rehabilitate, refurbish, repair or demolish the property or where it is in the Council's interest to rehouse urgently).
- 4.4.3 **Under-occupiers** – an applicant who occupies Council or Housing Association accommodation (including through succession) that has one or more bedrooms above his/her household's requirements (according to the Council's assessment of his/her housing need as set out in this scheme). In the case of Housing Association accommodation, this only applies to applicants with assured or secure tenancies, where the Council has been given the right to nominate an applicant to be a tenant of the property (in addition to existing nomination rights).

- 4.4.4 **Tenants giving up adapted accommodation** – an applicant who occupies Council or Housing Association accommodation which is accessible and specifically built or adapted for wheelchair use, where no member of the applicant’s household has such a need. In the case of Housing Association accommodation, this only applies where the Council has been given the right to nominate an applicant to be a tenant of the property (in addition to existing nomination rights).
- 4.4.5 **Waltham Forest Council tenants** who cannot be discharged from hospital due to their current home being so unsuitable as to make it unreasonable for them to occupy it, taking into account the recommendation of the Council’s Independent Medical Adviser. In this instance a direct offer will be made.
- 4.4.6 **Service personnel.** If you:
- (a) have served in the Regular Forces within the period of five years before applying to join the Housing Register,
 - (b) are a serving member of the Regular Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of your service,
 - (c) are a bereaved spouse or civil partner of a member of the Regular Forces leaving Services Family Accommodation following the death of your spouse or partner as a result of their service, or
 - (d) are a serving or former member of the Reserve Forces who needs to move because of a serious injury, medical condition or disability sustained as a result of your service,

AND are assessed as qualifying for Band 2 High Priority, you will be granted additional priority and in consequence moved up into Band 1 Emergency Priority.

4.5 **Band 2 High Priority**

Applicants will be placed in Band 2 if they fall into any of the following categories:

- 4.5.1 The Council decides, taking into account the recommendation of an Independent Medical Advisor, that the physical or mental health of the applicant or a member of his/her household is severely adversely affected as a result of their current housing situation and the Council is satisfied that they cannot be housed satisfactorily in the private rented sector or via private sector leasing or other temporary accommodation and that they need to be rehoused urgently.
- 4.5.2 The Council’s Social Needs Panel decides that the applicant is occupying unsatisfactory housing that poses an ongoing and severe threat to the wellbeing of the applicant or a member of his/her household and the Council is satisfied that they cannot be housed satisfactorily in the private rented sector or via private sector leasing or other temporary accommodation and that they need to be rehoused urgently.

4.5.3 Applicants nominated to the Council under the Move On quota by a hostel provider from an agreed list of organisations managing supported schemes for single people who are ready to move into independent general needs accommodation, whose needs are not met by the private rented sector and for whom the Council has a contractual obligation to provide Move On accommodation:

- Including ex-service personnel through the Veterans Nominations Scheme or equivalent.
- Including applicants awaiting urgent discharge from a mental health unit, rehabilitation centre or other similar facility and requiring immediate rehousing into alternative permanent accommodation.

The number of units allocated to individual agencies will be reviewed annually by the Divisional Director of Housing Solutions in consultation with Housing Senior Leadership Team.

4.5.4 Applicants approved by Children’s Services (Waltham Forest Social Services) as eligible for nomination under the foster care quota. This will include approved foster carers and adopters accepting responsibility for Waltham Forest children. Applications will need to be supported by Children’s Services and referred cases will be considered by the Council’s Social Needs Panel. Property size will be dependent on the assessed caring capability of the agreed foster carer or adopted parent.

4.5.5 Young people who have been looked after by the Council and for whom the Council has a corporate parent responsibility. This applies to a “relevant child” within the meaning of section 23A of the Children Act 1989 and a “former relevant child” within the meaning of section 23C of the Children Act 1989.

4.5.6 The applicant was formerly a Council caretaker in tied accommodation (i.e. Housing, Social Services and Education) and has retired on grounds of age or ill health. This will only apply to caretakers where an earlier commitment was made to provide them with alternative housing upon retirement as part of their original terms and conditions of employment and where they do not have the ability to move to a property that they already own (including having a part or shared interest) or to which they are able reasonably to gain access.

4.5.7 The Council has previously entered into a written agreement to provide accommodation to a former Council tenant upon their release from detention in prison, a psychiatric unit or other similar institution, following an earlier surrender of their Council tenancy. This will only apply to residual cases.

4.5.8 The Council needs possession of the applicant’s property (such as the need to decant, redevelop, rehabilitate, refurbish, repair or demolish the property), but not within such a short time that the applicant should be placed in Band 1.

4.5.9 The applicant qualifies for an offer of accommodation under the Carers Policy (see Appendix 5).

4.6 **Band 3 Medium Priority Plus**

Applicants will be placed in Band 3 if they fall into any of the following categories:

4.6.1 The applicant is occupying accommodation that was offered as a qualifying assured shorthold tenancy under s193(7B) of the Housing Act 1996 and made an application to join the Housing Register within three months of the start of that tenancy.

- 4.6.2 The applicant is occupying:
- Private sector accommodation obtained through the Council's Rent Deposit Scheme or Self-Help Scheme prior to 01/04/2013 OR
 - Private sector accommodation obtained through the Council's private sector lettings scheme in order to prevent homelessness. This does not include accommodation secured pursuant to the Council's duties under Part VII of the Housing Act 1996, including the prevention duty under s195, the initial duty under s189B or the full housing duty under s193.
- 4.6.3 The applicant is owed the full housing duty by the Council under s193 (2) of the Housing Act 1996 and is occupying accommodation secured by the Council.
- 4.6.4 The Council decides, taking into account the recommendation of an Independent Medical Advisor, that the physical or mental health of the applicant or a member of his/her household is being significantly adversely affected as a result of their housing situation and the Council is satisfied that they cannot be housed satisfactorily in the private rented sector or via private sector leasing or other temporary accommodation and that they need to be rehoused on a non-urgent basis.
- 4.6.5 The Council's Social Needs Panel decides that the applicant is occupying unsatisfactory housing that is having a significantly adverse affect on the wellbeing of the applicant or a member of his/her household, and the Council is satisfied that they cannot be housed satisfactorily in the private rented sector or via private sector leasing or other temporary accommodation and that s/he needs to be rehoused on a non-urgent basis.
- 4.6.6 The applicant is living in accommodation that is overcrowded in relation to the Council's size rules set out in Section 5.
- 4.6.7 The Council's Social Needs Panel decides that the applicant needs to move to a particular locality within Waltham Forest and a failure to meet that need would cause hardship to the applicant or others.
- 4.6.8 Households living in housing conditions which the Council considers unsatisfactory having regard to the existence on the premises of a statutory nuisance under Part III of the Environmental Protection Act 1990, a category 1 or 2 hazard under the Housing Health and Safety Rating System under Part I of the Housing Act 2004 and/or whether the premises are fit for human habitation, where other means of improving their housing conditions have been tried and failed. The Housing Register is not normally regarded as the remedy of first resort for poor housing conditions.
- 4.6.9 Where the Council is satisfied that:
- The applicant is threatened with homelessness, is eligible for assistance and in priority need, and did not become threatened with homelessness intentionally, in accordance with s195(1) and s195(2) of the Housing Act 1996;
 - and
 - the applicant resides in the borough;

and

- if the Council's temporary accommodation policy applied, the applicant would qualify for accommodation within the borough;

and

- the applicant continues to reside in the borough, and continues to meet the criteria under the temporary accommodation policy.

4.7 **Band 4 Medium Priority**

Applicants will be placed in Band 4 if they fall into any of the following categories:

- 4.7.1 The applicant is owed a duty by any local authority under section 190(2), 193(2) or 195(2) of the Housing Act 1996 but is not already included in a higher band.
- 4.7.2 The applicant is homeless within the meaning of Part 7 of the Housing Act 1996, but is not already included in a higher band.
- 4.7.3 A social housing tenant who needs to move into the Council's district because she/he works or has been offered work in the Council's district and genuinely intends to take up the offer, where the work is not (a) short term or marginal, (b) ancillary to work in another district or (c) voluntary.
- 4.7.4 If the applicant has not resided in the London Borough of Waltham Forest for the last five years but is owed a duty by any local authority other than the Council under section 190(2), 193(2) or 195(2) of the Housing Act 1996, then the applicant will be awarded Band 4 priority regardless of whether they might otherwise qualify for inclusion in a higher band.

4.8 **Band 5 No Priority**

- 4.8.1 An applicant will be determined as having no priority if s/he does not qualify for Bands 1–4.
- 4.8.2 The Council may accord an applicant no priority, even if s/he would otherwise qualify for Bands 1–4, if s/he has sufficient financial resources to enable him/her to secure his/her own accommodation. This may apply in the following circumstances:
- Where an applicant has a financial interest or part-share in a property (including business premises) either in the UK or abroad (including, but not restricted to, applicants and family members that are leaseholders, freeholders, and those contributing to a property loan/mortgage etc.).
 - Where an applicant and/or his or her combined household has savings or other capital greater than £70,000.

5 Household and property size

- 5.1 The size of property that an applicant can bid for or be allocated is, with certain exceptions, based on the number of people in the household and their relationship to each other. The rules about who counts as a member of the applicant's household and what size of property they can bid for are outlined below. All allocations to Council accommodation may be made subject to an affordability assessment, to ensure that the applicant can afford the rent and other charges for the tenancy.
- 5.2 Where an applicant's household increases in size, his/her application will be reassessed based on the new household size, subject to the rules listed below. Where the change leads to a change in housing priority, the priority date will be when the reassessment is completed and the new priority is awarded. This is to ensure that no one overtakes an existing household who is already in a particular band. See also 4.3 with regard to changes in priority.
- 5.3 **Who can be considered as part of a household?**
- 5.3.1 Each person requiring accommodation (either alone or as part of a household) may be included on a maximum of one housing application only. For example, an adult child with his/her own housing application cannot also be included as part of his/her parents' housing application for the purpose of assessing housing priority and the size of accommodation they can bid for. In such cases, the individual concerned will need to decide which housing application s/he wishes to be included in.
- 5.3.2 Normally, only the applicant, the applicant's permanent partner (if any) and their children will be considered as part of the same household. Other relatives and siblings, and any other adult included as part of an application, will be expected to make their own separate housing applications.
- 5.3.3 The Council will disregard, save in exceptional circumstances, the existence and needs of any member of the applicant's household who either:
- needs leave to enter or remain in the UK but does not have it, or
 - has leave to enter or remain in the UK subject to a condition that s/he will not have recourse to public funds.
- 5.3.4 The following people will be accepted as part of the applicant's household, if they are residing with the applicant on a permanent basis:
- A partner who is in a permanent relationship with the applicant and has lived with them for at least 12 months, or who is married to the applicant or in a civil partnership with the applicant. We refer to the applicant and such a partner collectively as a "couple".
 - Children of the applicant and the applicant's permanent partner (if any) meeting the above criteria.

- Other dependent children under the age of 18 for whom the applicant has parental responsibility (e.g. formal guardianship or a residence order or child arrangements order providing for the child to live with them).
- Persons accepted as household members of the applicant for the purposes of a homeless application where the Council has accepted and retains the full housing duty towards the applicant.
- A dependent relative who has joined the applicant's household because they are no longer able to live independently due to medical reasons (subject to a medical assessment and appropriate medical recommendation from the Council's Independent Medical Adviser, or a recommendation from Adult Services or Mental Health Services).
- A carer, where the applicant can demonstrate that a live-in carer is needed, has been identified and has either moved in with the applicant, or would be ready to do so when alternative housing is made available (subject to a medical assessment and appropriate medical recommendation from the Council's Independent Medical Adviser, or a recommendation from Adult Services or Mental Health Services).
- Further exceptions will be made where there are good reasons, e.g. where parents of a child have died and the applicant has taken over the responsibility for caring for the child full-time.

5.3.5 The Council will ordinarily only count as members of the household people who are resident with the applicant on a permanent basis. Children who live part of the time with the applicant and part of the time elsewhere (e.g. an order for shared residence) will not be counted as part of the applicant's household.

5.3.6 In relation to adult children who are living away from their home with the applicant and studying at university, the Council will consider these adult children to be part of the household, if they were living with the applicant on a permanent basis immediately prior to leaving the parental home to commence their studies and intend to return to live with the applicant on a permanent basis following the completion of their studies.

5.3.7 Details of all applicants and household members will be verified during the application process or at the point of an offer of accommodation being made. An unborn child will not be counted as part of an applicant's household until after the birth and once the applicant has added the child to their housing application via the online registration process. The Council will require an applicant to provide the full birth certificate at the point of verifying their application.

5.4 **What are the size rules?**

5.4.1 A lone parent household is eligible for the same property size that a two-parent household (with the same number of children) would be eligible for. Couples are expected to share a bedroom.

5.4.2 Two children under the age of 10 are expected to share a bedroom regardless of their sex.

5.4.3 Two household members (other than the applicant and partner) are expected to share the same bedroom if they are of the same sex and generation (ie an age gap of no more than thirty years).

5.4.4 The following table shows examples of bedroom requirements by household composition.

Property size	Example of household
Bedsit	Single person (including pregnant woman) or couple
1 bedroom	Single person (including pregnant woman) or couple
2 bedrooms	Parent/s + 1 child Parent/s + 2 children of same sex Parent/s + 2 children of different sex if both under 10 Applicant + 1 household member (not partner)
3 bedrooms	Parent/s + 2 children of different sex if at least 1 child is 10 or over Parent/s + 3 children Parent/s + 4 children if a) all are the same sex b) 2 of each sex c) 3 of same sex, 1 of different sex, and 1 of each sex is under 10 Applicant plus 2 household members (not partners) of different sex
4 bedrooms	Parent/s + 3 children of same sex and 1 of different sex who is 10 or over Parent/s with 5+ children

5.4.5 The Council may, subject to an affordability assessment, make an exception to the normal size rules set out above if:

- a Council Panel authorises an increased size on disability/health or social grounds. This power enables the Council to consider, for example, any specific needs of a child or adult to have their own bedroom or any need for a live-in carer.
- the bid is for a housing association or local authority property (via the cross-borough bidding scheme) that uses different size criteria. For example, most housing associations will not allow a pregnant woman to accept a one bedroom flat that would become overcrowded when the child is born. Some housing associations will not allow two children of the same sex to share a bedroom if they are more than a certain number of years apart in age.
- the Council authorises a larger property for a person on the grounds of:
 - ◇ under-occupation in order to release an even larger property, or
 - ◇ urgency, in order to enable the transfer to proceed expeditiously.

- 5.4.6 In order to make the best use of available stock, where there is a mismatch between demand and supply, the Council may make an offer of accommodation smaller than the applicant's assessed need, provided that no statutory overcrowding is created.

5.5 **Permitted size of property for bidding**

- 5.5.1 An applicant may bid for a property of the size that the Council has assessed him/her as needing, or for a property with one bedroom less than the assessed need. This only applies to advertised Council properties and not Housing Association properties. Housing Associations have their own size rules that applicants must comply with.
- 5.5.2 If an applicant successfully bids for and accepts a property smaller than their assessed need and later re-registers for a transfer, their new application will start afresh and will not be backdated to the date of their previous application. This means that any previously accumulated waiting time will be lost.

5.6 **Permitted type of property for bidding**

- 5.6.1 The Choice Based Lettings system allows most applicants to bid for any type of property they may prefer within the limits of the size rules detailed above.
- 5.6.2 However, where priority has been awarded with a recommendation for a specific type of property, the Council reserves the right not to offer the accommodation to an applicant who has successfully bid for it, if the property does not meet their assessed need. For example, if a ground floor flat with no stairs has been recommended, a successful bid placed for a house will not result in an offer of the house.
- 5.6.3 Applicants awarded high priority for adapted and/or accessible accommodation in accordance with the Accessible Housing Register (AHR) categories are able to bid for properties advertised with the appropriate categories via the Choice Homes scheme, with some degree of flexibility where appropriate. However, if they bid successfully for a property which has not been placed in a category similar to the one they require, the Council reserves the right not to offer it to them.

6 Allocating sheltered and extra care housing

- 6.1 Sheltered and extra care housing schemes for older people in Waltham Forest are managed by the Council and Housing Associations with differing models of intensive housing management and support including scheme-based staff and floating support.
- 6.2 To be eligible for sheltered or extra care housing the applicant will:
- be aged 50 years or over,
 - benefit from the intensive housing management and support of an independent living officer
 - be in accommodation that is unsuitable for his/her needs, and
 - have a disability/health or social need for sheltered or extra care housing.
- 6.3 Applicants for sheltered and extra care housing will be prioritised according to their level of need. The Sheltered/Extra Care Housing Panel will award applicants a level of priority based on their personal circumstances. The ranking for sheltered and extra care housing is slightly different from what is applicable to general needs accommodation (see Section 4 above):
- Those in Band 1 will be given Sheltered Priority 1
 - Those in Bands 2, 3 and 4 will be given Sheltered Priority 2 (but see below for homeless households)
 - Applicants owed any housing duty under homelessness legislation will be given Sheltered Priority 1
 - Other applicants will be given Sheltered Priority 3.
 - Applicants assessed and approved for extra care housing will be awarded one level of priority only
- 6.4 Where there is more than one applicant with the same level of priority, applicants will be ranked in order of their waiting time at that priority level, with the earliest priority date being ranked first. Where two or more applicants are from the same priority group, and have the same waiting time within that group, their applications are ranked in order of their waiting time on the Housing Register.
- 6.5 Where a sheltered/extra care housing vacancy occurs that is considered more suitable for a couple because of its size, joint applicants may receive greater priority for the vacancy, which will prevail over the normal priority criteria stated above.
- 6.6 The allocation of extra care housing vacancies will be made by direct offer only.
- 6.7 Applicants need to choose to apply for either general needs or sheltered/extra care housing, and cannot register for both at the same time.

7 Allocating accessible housing

- 7.1 Properties advertised with an Accessible Housing Register (AHR) category of A to E+ will ordinarily be allocated to a bidder with a corresponding AHR recommendation based on a disability and health assessment. Further details of the priority order for accessible housing are set out below.

Property in AHR category A

1. Applicants with AHR recommendation A
 2. Applicants with AHR recommendation B
 3. Applicants with AHR recommendation C
 4. Applicants with AHR recommendation D
- Other applicants will not be able to bid.

Property in AHR category B

1. Applicants with AHR recommendation B
2. Applicants with AHR recommendation A
3. Applicants with AHR recommendation C
4. Applicants with AHR recommendation D
5. Other applicants

Property in AHR category C

1. Applicants with AHR recommendation C
2. Applicants with AHR recommendation B
3. Applicants with AHR recommendation D
4. Applicants with AHR recommendation A
5. Other applicants

Property in AHR category D

1. Applicants with AHR recommendation D
2. Applicants with AHR recommendation C
3. Applicants with AHR recommendation B
4. Applicants with AHR recommendation A
5. Other applicants

Property in AHR category E

1. Applicants with AHR recommendation E
2. Applicants with AHR recommendation D
3. Applicants with AHR recommendation C
4. Other applicants

Property in AHR category E+

1. Applicants with AHR recommendation E+
2. Applicants with AHR recommendation E
3. Other applicants

- 7.2 Where there is more than one bidder with the same level of priority, applicants will be ranked in order of their waiting time at that priority level, with the earliest priority date being ranked first. Where two or more bidders are from the same priority group, and have the same waiting time within that group, their bids are ranked in order of their waiting time on the Housing Register.
- 7.3 The Council reserves the right to allocate accessible accommodation outside of the normal priority order if required to meet urgent housing needs and to make the best use of our housing stock.

8 Restricted bidding

- 8.1 Where there is a need to respond to local conditions, the Council may operate a local lettings policy for a specific group of properties that is different from the rules set out in this allocation scheme. Information on such policies will be published when the properties are advertised.
- 8.2 The Council may restrict bidding or give higher priority to specific groups applying for certain properties. This will apply to the following:
- Allocations of accessible housing available under the Accessible Housing Register (AHR). These properties will be restricted to applicants assessed by the Council as needing a specific Accessible Housing Register (AHR) property (Category codes of A to E+).
 - Allocations to social housing tenants who have been awarded priority as a result of a need to move because they work or have been offered work in the Council's district and have a genuine intention of taking up the offer. The Council has a target of allocating 1% of all vacant units to these applicants, subject to demand.
 - Allocations to existing Council tenants (transfers).
 - Allocations to homeless applicants owed the main housing duty and living in temporary accommodation provided by the Council.
 - Allocations to existing Council tenants where the Council requires vacant possession of their current home as part of a large regeneration/ redevelopment scheme (Decants).
 - Allocations of affordable housing where it is necessary for applicants to meet a minimum income threshold which demonstrates an ability to afford the available home(s).
 - Other specific groups of applicants as determined by the Council from time to time.
 - The Council may also specify the maximum number of occupants allowed in a property regardless of the number of bedrooms.

9 Direct offers and limited bidding

- 9.1 **Direct Offers** - the Council has a discretion to make an allocation of accommodation through a direct offer of a particular property to an applicant. Certain applicants will only receive a direct offer. For other applicants, the Council may make a direct offer. The relevant categories of applicants are set out in the table below.
- 9.2 Direct offers may also be made in particular in the following situations:
- Where a property has particular features to meet specific needs of the applicant or their household
 - Where the applicant or their household has particular support needs (including applicants agreed for sheltered and/or extra care housing)
 - For urgent housing management reasons, such as an urgent need to decant an occupier or in order to move an occupier into a place of safety away from a threat of violence
 - Where the applicant has, in the opinion of the Director for Housing Solutions or an equivalent senior manager, an exceptionally urgent need to be rehoused
 - Where a homeless applicant is occupying a Council property as temporary accommodation on an estate earmarked for regeneration, and it is subsequently determined that the proposed regeneration process is no longer viable. This will ordinarily result in a permanent offer of the property already occupied as temporary accommodation.
- 9.3 **Time Limited Priority**
- 9.3.1 Some applicants are awarded priority for a limited period, as set out in the table below. Where applicants have been awarded priority for a limited period, at the end of this period, the applicant will lose his/her priority. S/he will move to a lower band, if s/he meets the criteria for a lower priority category . A direct offer may be made at any time during the higher priority period.
- 9.3.2 When the time limited priority period has expired, the applicant may request that the period be extended. Requests will be referred to the officer or panel responsible for having granted the original priority. Any extension is in the discretion of the decision maker, but the applicant will normally need to show that they have made reasonable efforts to bid for properties.
- 9.3.3 The Council retains the right to end a Band 1-3 bidding period at any time for example, to make the best use of available stock.
- 9.4 **Limited Offer Policy** – certain applicants will be subject to the Council's one offer policy. These applicants will only be eligible to receive one offer of suitable accommodation.
- 9.5 Sheltered housing applicants who are existing Council tenants will be eligible for two offers of accommodation.

9.6 The table below sets out which applicants are affected by these provisions:

Reason for Priority	Priority Band	Bidding Time Limit	May receive direct offer during bidding period	Subject to limited offer policy (number of offers)
Exceptional Circumstances / Emergencies (including Director of Housing Solutions decisions)	1	3 months	Y	1
Urgent Housing Needs (including urgent decants)	1	6 months	Y	n/a
Succession to Council tenancy (under-occupier)	1	3 months	Y	1
Under Occupation	1	24 months	Y	n/a
Council tenants vacating adapted accommodation	1	6 months	Y	n/a
Sheltered Housing applicants – non-Council tenants/homeless applicants	1	12 months	Y	1
Sheltered Housing applicants (existing Waltham Forest Council tenants)	1	12 months	Y	2
Service Personnel	1	6 months	Y	1
Urgent medical need	2	24 months	Y	n/a
Social Needs Panel decision	2	12 months	Y	subject to panel recommendation
Foster Carers	2	12 months	Y	n/a
Care Leaver	2	3 months	Y	1
Retiring Caretaker	2	3 months	Y	1
Council tenant's carer (agreed by Social Needs Panel)	2	3 months	Y	1
Non-urgent decant	2	3-24 months	Y	n/a
All homeless applicants owed a full housing duty under S193 of the Housing Act	1-3	No time limit	Y	1
Applicant with high priority for wheelchair accessible accommodation (Cat A or B)	1-3	3 years	Y	n/a
Sheltered Housing applicants – non-Council tenants/homeless applicants	2-5	No time limit	Y	1
Sheltered Housing applicants (existing Waltham Forest Council tenants)	2-5	No time limit	Y	2
Agreed former Council tenants leaving prison/other institutions (see 4.6.6)	2	–	Direct offer only	1
Council tenants in temporary accommodation	1-3	–	Direct offer only	1
Delayed discharge (cannot leave hospital)	1 or 2	–	Direct offer only	1
Move on quota	2	–	Direct offer only	1
Extra Care Housing	Any	–	Direct offer only	1

10 Council sole tenants seeking a joint tenancy and vice versa

10.1 The Council is not legally obliged to make any changes to an existing tenancy, including from joint to sole, or from sole to joint, unless required to do so by a court order. Where a court order has been granted, the Council will make the required change as soon as possible.

10.2 **Existing sole tenant requesting a joint tenancy**

- This is treated for legal purposes as an assignment of the tenancy from the sole tenant to the joint tenants. Tenants should seek legal advice about assigning the tenancy to joint tenants, which may be obtained from the Citizen's Advice Bureau. Where an existing sole tenant submits a written request to the Council for a husband, wife, partner, family member or other person to be added to their tenancy, granting the request would have the effect of creating a new joint tenancy. Such requests will not ordinarily be considered.
- Where a husband, wife, partner, family member, or other person wishes to reside with the tenant, s/he can legally do so with the tenant's consent and whilst the tenant continues to occupy the property as his/her principal home.

10.3 **Existing joint tenant/s requesting a new sole tenancy**

- Where one party to a joint tenancy has left a Council property on a permanent basis, the Council may consider granting a new sole tenancy to the remaining joint tenant. The decision to grant a new sole tenancy to a remaining joint tenant is at the discretion of the Council. If the Council agrees, the prospective sole tenant will be required to serve a Notice to Quit to terminate the existing joint tenancy before the Council grants the new tenancy.
- Where an existing tenant has changed his/her name, for example by way of deed poll or marriage, the Council will give consideration to a written request from the tenant to update the tenancy records to reflect the change of name.

11 Council tenants placed in temporary accommodation

- 11.1 Waltham Forest Council tenants placed into temporary accommodation on an emergency basis will be made one direct offer only of alternative housing in line with the recommendations of the Social Needs Panel.
- 11.2 A tenant has the right to request a review of the suitability of the offer, if s/he feels that it does not meet his/her needs.
- 11.3 Where an offer is deemed to be suitable by the Council, the tenant will be expected to accept the offer and vacate his/her temporary accommodation immediately upon the offered property being ready for occupation.
- 11.4 In the case of a tenant failing to accept a suitable offer following a review, his/her temporary accommodation will be withdrawn. Following this, the tenant will not be eligible to receive any further offers of alternative housing. In such cases, the tenant will then be required to make his/her own alternative housing arrangements or return to their former Council tenancy if it is still available to them.

12 Requests for information

- 12.1 An applicant has the right to request such general information as will enable him/her to assess:
- how his/her application is likely to be treated under the scheme (including in particular which band s/he is likely to be placed in); and
 - whether housing accommodation appropriate to his/her needs is likely to be made available to him/her and, if so, how long it is likely to be before such accommodation becomes available to him/her.
- 12.2 An applicant has the right to request the Council to inform him/her of any decision about the facts of his/her case which is likely to be, or has been, taken into account in considering whether to allocate accommodation to him/her.

13 Reviews

- 13.1 For the following decisions an applicant has the right to be informed of the decision and the grounds for it and to request a review of the decision:
- that the applicant is not eligible for the Council's Housing Register by virtue of s160ZA(2) or (4) of the Housing Act 1996.
 - that the applicant is not a qualifying person under s160ZA(7) of the Housing Act 1996.
 - about the facts of his/her case which are likely to be, or have been, taken into account in considering whether to allocate accommodation to him/her.
- 13.2 A review must be requested in writing within 21 days of the decision being notified to the applicant, and when requested the Council will notify the applicant:
- that s/he or somebody acting on his/her behalf may make written representations in connection with the review, and
 - of the procedure to be followed in connection with the review (if it has not already done so).
- 13.3 The Council will notify the applicant of the review decision within eight weeks of the day on which the request is made to the Council, or such longer period as the Council and the applicant may agree in writing.
- 13.4 The review decision will be made by a Council officer who was not involved in the original decision and who is senior to the officer who made the original decision, unless made by a Panel. In the case of a Panel's decision, the review will be conducted by an officer senior to the Chair of the Panel which made the original decision.

14 Decision taking

Please note that restructuring of services may lead to changes in job titles or team names.

However, decisions will continue to be made at the appropriate level of seniority. Where decision making responsibility rests with a named post, the Council reserves the right to delegate decision making responsibility to another post-holder with equivalent or greater seniority.

Decision	Decision Maker/s
Eligibility for offer	Rehousing Officer
Priority status on Housing Register	Rehousing Officer
Exceptions to 5 year residency rule for eligibility	Social Needs Panel (or Chair)
Exceptions to arrears policy	Social Needs Panel (or Chair) OR Rehousing Manager
Appeals against deletion from Housing Register	Officer senior to the original decision maker, as appropriate
Urgent need to be rehoused	Social Needs Panel Chair
Mutual Exchange	Rehousing officer
Social Needs Panel decision	<p>Panel consists of two or more of the following:</p> <ul style="list-style-type: none"> • Head of Service from Housing Solutions (Chair) • Senior Officer Social Services • Rehousing Manager • Senior Officer from Housing Management • Mental Health and Housing Link worker (or representative) from North East London Mental HealthTrust <p>In the absence of a Head of Service from Housing Solutions, the Panel may be chaired by the Rehousing Manager.</p> <p>In urgent circumstances decisions can be made by the Panel Chair only, but that decision will be referred to the next full Panel for ratification</p>
Sheltered/Extra Care Housing Panel Decision	<p>Panel consists of two or more of the following:</p> <ul style="list-style-type: none"> • Head of Service from Housing Solutions (Chair) • Independent Living Service Manager • Senior Officer from Housing Solutions • Senior Officer from Adult Social Care <p>In urgent circumstances decisions can be made by the Panel Chair only but that decision will be referred to the next full Panel for ratification</p>

Decision	Decision Maker/s
Reviews and appeals against the suitability of offers	Reviews Officer/appropriate Senior Officer (senior to the original decision maker)
Succession to a Council tenancy – whether applicant meets statutory requirements	Rehousing Manager and/or Service Head (Housing Management)
Decisions on requests for changes to existing tenancies	Rehousing Manager and/or Service Head (Housing Management in consultation with the Rehousing Manager)
Reviews of Panel Decisions	The review will be considered by the next full Panel but chaired by an officer senior to the chair of the previous panel. The role of panel members involved in the previous decision will be limited to clarification of facts. If the original decision is upheld, the applicant will be advised to consider pursuing the matter through the Council's complaints process. The complaints process will only review the administration process or adherence to procedures and/or policy and will not consider or comment on the panel or officer's decision.
Reviews of Officers' Statutory Decisions	The review will be considered by an officer senior to the officer who made the original decision
Variations to bidding periods in exceptional circumstances	Divisional Director of Housing Solutions, appropriate Service Head and/or Rehousing Manager

Appendix 1: Assessments and Panels – Disability & Health Assessments, Social Needs Panel, and Sheltered Housing Panel

1.0 Disability and Health Assessments

- 1.1 Disability and Health Assessments will ordinarily be based on the recommendations of the Council's Independent Medical Adviser. The Council's Senior Occupational Therapist in Housing may also make property recommendations following advice from the Council's Independent Medical Adviser.
- 1.2 The Independent Medical Adviser may:
- recommend the level of priority to be awarded on disability/health grounds
 - recommend that an applicant/household needs to live in a particular locality
 - provide advice on reviews submitted against offers of accommodation on the grounds of their suitability to meet the medical and/or disability/health needs of the applicant and members of his/her household.
- 1.3 The Council's Independent Medical Adviser and/or the Council's Senior Occupational Therapist in Housing may recommend the type of property required by an applicant including, where appropriate, an Accessible Housing Register (AHR) category, in addition to other specific facilities required to meet a person's disability/health needs.
- 1.4 The Council's Senior Occupational Therapist in Housing may also assist the Rehousing Team to prioritise applicants for offers of Accessible Homes in line with the Council's allocation criteria for Accessible Homes.

2.0 Social Needs Panel

- a) A referral for an assessment by the Social Needs Panel will only be made if authorised by the Divisional Director of Housing Solutions or the Rehousing Manager/equivalent senior manager. A referral to the panel will only be authorised if, in the opinion of the authorising manager, there is a reasonable prospect that the panel will make a decision in the applicant's favour.
- b) When considering whether to give priority the panel should take into account whether demand for the type or location of the accommodation for which the applicant has an assessed need exceeds supply and, if so, the extent to which the applicant's housing situation can only realistically be resolved by an offer of social rented housing.
- 2.1 The Social Needs Panel considers applications from applicants in Bands 1-5 who:
- Are experiencing mental health problems, disabling social factors, learning disabilities, drug/alcohol dependency or other social problems, including those being discharged from institutional care (other than those who will actually be homeless on discharge).
 - Have health problems that are not sufficient on their own to confer priority, but where there are other relevant social factors.
 - Will only be able to cope with independent housing if accompanied by a committed package of support.

- Need more settled accommodation in order to deal with issues arising under the Children Act.
- Have a child with behavioural difficulties, who may require an additional/separate bedroom or particular type of accommodation.
- Are suffering domestic violence/abuse.
- Require additional room/s such as for a carer, taking into account any recommendations from the Independent Medical Adviser.

2.2 The Panel may decide:

- the level of priority to be awarded on social or welfare grounds
- to make an exception to the usual size rules
- to extend a time-limited bidding period
- that there is a need for a household to live in a particular locality.

2.3 The Panel may consider:

- The risk level of a potentially vulnerable person continuing to live at his/her current address.
- The suitability of an offer of accommodation.
- The need for rehousing due to irreconcilable neighbour difficulties.
- Requests to agree exceptions to established policies e.g. rent arrears policy, where to adhere to the policy would cause special hardship.
- Requests to agree an applicant for any type of special housing provision. For example, floating support, supported housing because of a learning difficulty, mental health problems, alcohol or drug misuse, sensory difficulties, a need for low-rise or low density accommodation, or housing in specific areas of the borough to give or receive support.
- Requests to agree that an additional household member can be added to an existing application without the loss of time waiting on the Housing Register, especially if this would affect the number of bedrooms required.
- Requests to transfer following harassment including: verbal abuse, insults, intimidation, damage to property or possessions, threatening or abusive behaviour, racist, homophobic or other abusive graffiti, unprovoked assaults including common assault, actual bodily harm and grievous bodily harm, use of dogs, arson and attempted arson, threatening letters, witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes. NB People in these circumstances will be moved via one direct offer only, to a property of the same size and type as the property they are moving from, unless there is evidence that this will disadvantage them – for example if they are close to being allocated a larger property (consistently finishing in the top ten of bidders over the six months prior to the award of priority for the reasons listed above) due to overcrowding or other reason. If they are still in housing need after the emergency move, they will keep the relevant priority that they had before their move.
- Requests for priority on the basis that an applicant needs to move to a particular locality in Waltham Forest where a failure to meet their need would cause hardship (to themselves or others).
- Requests for accommodation from an established carer of a Council tenant who has died.

In reaching a decision the panel will have regard to the following :

- Current rehousing prospects - if the household is close to being made an offer through their assessed priority for example coming within the top five of the bidding queue (depending on the number of bedrooms required), the panel may not award them additional priority.
- If the household is homeless or owed a homeless duty, then a transfer to alternative temporary accommodation or private sector accommodation will be more appropriate.

The panel may award additional priority, for example where three or more of the circumstances detailed below apply:

- a) Severe overcrowding lacking three or more bedrooms
- b) Two or more members of the household need to be rehoused on non-urgent medical grounds taking into account the recommendations of the Council's Independent Medical Adviser
- c) The household needs to be rehoused on urgent welfare grounds for example child protection issues
- d) The household needs to move to avoid severe hardship

3.0 Sheltered and Extra Care Housing Panel

- 3.1 Applications for sheltered and extra care housing are assessed and priority is awarded by the Sheltered and Extra Care Housing Panel in line with the criteria set out in Section 6 above.

Appendix 2: Policy for Rent Arrears and other debts

- 1.0 Other than those placed in Bands 1 or 2, applicants will not be eligible to receive an offer of accommodation if they have outstanding arrears to the Council of more than 8 weeks rent payments (after benefits are calculated) or £1000 (whichever is the lower amount). This will apply to any current or former temporary licence or permanent tenancy rent account, including set-aside accounts, and those set up for the purpose of collecting court costs.

Although they may still take part in the bidding process, they will not be made an offer of accommodation. The property will be offered to the next eligible applicant.

- 2.0 With the exception of agreed homeless cases, applicants placed in Bands 1 and 2 will still be eligible to receive an offer of accommodation if they have arrears. However, the Council reserves the right to exclude an applicant from receiving an offer if this will conflict with on-going eviction proceedings in relation to rent arrears. The Council may also exclude an applicant from receiving an offer of accommodation if the applicant is not making satisfactory efforts to make regular payments to reduce and clear any outstanding arrears.

3.0 Exceptions

The general policy of the Council concerning rent arrears and allocation of accommodation can only be waived (and/or modified) in circumstances that are, in the Council's view, exceptional and where it is fair and just to do so. Any applicant or his or her representatives may make representations to the Council as to why the general policy regarding rent arrears should be waived or modified.

When making offers of accommodation, the Council reserves the right to exercise discretion (on a case-by-case basis or more broadly) in relation to levels of rent arrears that would otherwise prevent an offer of accommodation from being made, if it is in the interest of the Council to do so (for example, to reduce void periods of empty properties or to minimise the use of expensive temporary accommodation).

Appendix 3: Types of Council Tenancies

1.0 Introductory Tenancies

New housing tenants of the Council (for example, homeless applicants and non-Council tenants) will normally be offered an Introductory Tenancy if rehoused into a Waltham Forest Council home. Ordinarily, the introductory period will last for 12 months, although this may be extended if there has been any breach of the Introductory Tenancy terms and conditions. Introductory Tenants who pass their introductory probationary period may be offered a secure tenancy in the future, subject to them keeping to the terms and conditions of tenancy.

2.0 Secure Tenancies

All existing Council housing tenants of Waltham Forest Council will be offered a secure tenancy if rehoused into another Waltham Forest Council home, subject to his/her move being directly from another property where a secure tenancy is held by them. New tenants of the Council (for example, homeless applicants and non-Council tenants) will not be offered a secure tenancy.

3.0 Sole / Joint Tenancies upon Receiving an Offer of Housing

- 3.1 When making offers of accommodation the Council may decide to create either a sole or joint tenancy, subject to the individual circumstances of the case. The decision whether to offer a sole or joint tenancy is at the discretion of the Council.
- 3.2 If a couple specify that they are applying jointly, we will consider offering a joint tenancy.
- 3.3 If not specified, but where there are children in the household who are the offspring of both adults, the tenancy may ordinarily be offered as a joint tenancy.
- 3.4 Where an applicant does not specify in his/her application that s/he would like a joint tenancy, we will ordinarily offer a sole tenancy to the first applicant but may offer the choice of a joint tenancy.
- 3.5 Where priority for a successful application has been achieved by another adult member of the household (over 16) being awarded priority (for example, via one of the Council's Panels), that person may be included as a joint tenant.
- 3.6 Similarly, if a homeless application includes household members from three generations and priority is achieved because of the presence of a child, the child's parent(s) may be included as one of the joint tenants.
- 3.7 Set out below are some important points regarding sole and joint tenancies that applicants should consider:
 - 3.7.1 If a joint tenancy is created, each tenant of the property will be individually and jointly liable for the accommodation and compliance with all tenancy terms and conditions, including any rent payments and/or rent arrears that may accrue.

- 3.7.2 Entitlement to housing benefit/universal credit is based upon who is residing in the property and the level of income (wages/benefits/grants/pensions etc.) for the entire household. Ordinarily, a sole or joint tenancy will have no effect on the amount of housing benefit that may be paid. However, if one of the joint tenants later leaves the property, entitlement to benefit may be reduced, depending upon the circumstances of the case.
- 3.7.3 A sole or joint tenancy will have no effect on the level of any current or future rehousing priority.
- 3.7.4 As a sole tenant, a person will have the right to decide who s/he may wish to live with them, (subject to seeking, and being granted, the Council's permission where required). However, if a joint tenancy is created, each joint tenant will have the right to decide who may live with them in the household.
- 3.7.5 As a sole tenant, a partner or other close family member may still be eligible to succeed to the tenancy of the property if the tenant were to die in the future whilst still a tenant of the address (subject to legal succession criteria).
- 3.7.6 Where a joint tenancy is created and one party leaves the property in the future (for example, as a result of a relationship breakdown) it will not be possible to simply 'remove' the absent joint tenant from the existing joint tenancy. The only exception to this would be in an instance of court proceedings under the Family Law Act 1996 where one of the tenants has applied and a County Court judge has granted a formal court order (for example, a property adjustment order) to make a change or transfer of the tenancy. See also section on 'Existing Joint Tenants Requesting a New Sole Tenancy' for more information.
- 3.7.7 If a sole tenancy is created, only the sole tenant can end the tenancy.
- 3.7.8 In the event of relationship breakdown, a sole tenant's spouse or partner may be able to apply under the Family Law Act 1996 for the tenancy to be transferred to them by a court order (for example, via a property adjustment order).
- 3.7.9 If a joint tenancy is created, either joint tenant can end the entire tenancy without the knowledge or permission of the other joint tenant. This will end the full joint tenancy for all joint tenants and the Council will not be legally obliged to offer a new sole tenancy to any former remaining joint tenant(s). This could potentially result in any remaining joint tenant(s) becoming homeless.

Appendix 4: Failed successions, unauthorised occupants, squatters and trespassers

- 1 In line with its obligation to fulfil its statutory duties and the requirement to allocate accommodation to those applicants in greatest housing need, subject to the exceptions set out in the paragraphs below or elsewhere in this allocation scheme and appendices, Waltham Forest Council will take legal action as necessary to recover vacant possession of a dwelling occupied by any person other than an existing tenant. This will apply in the case of failed successions (where an applicant does not meet the necessary legal criteria to succeed), unauthorised occupants, squatters, and trespassers.
- 2 When taking action in such cases, the Council will refer the occupant/s to the Housing Solutions team for an assessment of their housing needs.
- 3 The Council will also consider, having regard to the requirements of the Equalities Act 2010, Children Acts and the Human Rights Act 1998, whether a decision to commence legal action to recover possession of the residential accommodation is proportionate, taking full account of:
 - the applicant's current circumstances *and*
 - in comparison to other applicants who are awaiting rehousing via the Housing Register *and*
 - whether the property is larger than the occupant's assessed need *and*
 - how far the demand for properties of the size of the property in that location exceeds supply.
4. Exceptions:
 - a) where the occupant is the current husband, wife, or civil partner of an existing tenant and remains a member of the tenant's household.
 - b) where the occupant is occupying a Waltham Forest Council property following a relationship breakdown ***and***
 - the tenant of the property no longer lives at the property as his or her principal or only home ***and***
 - the occupant's ex-partner is or was the tenant ***and either***
 - having regard to the requirements of the Equalities Act 2010, Children Acts and the Human Rights Act 1998 it would be disproportionate to the purpose of this allocations policy to evict the occupant ***or***
 - if the occupant were evicted s/he would be accepted as homeless, s/he has joined the Waltham Forest Council housing register, the property is assessed as suitable for his/her needs and if s/he were made homeless his/her assessed priority is sufficient that if s/he were to bid for this property it is likely s/he would be offered it.
 - c) The occupant is occupying a Waltham Forest Council property following a relationship breakdown ***and***
 - s/he was a joint tenant but the ex-partner has ended the tenancy by serving a Notice to Quit ***and either***
 - having regard to the requirements of the Equalities Act 2010, Children Acts and the Human Rights Act 1998 it would be disproportionate to the purpose of this allocations policy to evict the occupant ***or***
 - if the occupant were evicted s/he would be accepted as homeless, s/he has joined the Waltham Forest Council housing register, the property is assessed as suitable for his/her needs and if s/he were made homeless his/her assessed priority is sufficient that if s/he were to bid for this property it is likely s/he would be offered it.

- 5 If the occupant's ex-partner has not ended the tenancy and the occupant is, or will shortly be, exercising rights under Family law or under the Children Acts to have the tenancy transferred into his/her name, Waltham Forest Council will not pursue possession proceeding for as long as it appears to the Council that the occupant has a genuine intention of making that application. The Council's policy as to whether it will agree to such a transfer is based on the policy set out above.

Appendix 5: Carer Policy

- 1.0 In the case of an individual or family being left residing in a Waltham Forest Council rented property following the death of the tenant (where no legal right to succeed exists) or, as a result of the tenant(s) moving out of the accommodation to take up occupation of a property elsewhere within sheltered accommodation, supported housing, or residential care, the Council may, at its own discretion, consider making the individual or family one offer only, of a new tenancy. This could be an offer of the property currently occupied or that of alternative accommodation, subject to the applicant's assessed housing need. This will only apply to non-family sized units ie studio/one bedroom/sheltered accommodation.
- 2.0 It should be noted that consideration may only apply in cases where the individual or family has provided a high level of care to the tenant and where they have occupied the property as their only, or principal home, for a minimum period of the 5 consecutive years prior to the death of the tenant or the 5 consecutive years prior to the date that the tenant(s) moved out of the accommodation.
- 3.0 To qualify, the individual or family must be able to demonstrate to the satisfaction of the Council's Social Needs Panel that they have been providing a high level of care to the tenant(s) of the property. To simply state that the individual or family has been residing in the accommodation as the tenant's carer(s) would not be sufficient.
- 4.0 In addition, the individual or family must have been (or include) a close relative of the deceased or departed tenant(s). In determining who the Council may consider as being a close relative, the Council will apply the criteria of the succession legislation (Section 113 of the Housing Act 1985).
- 5.0 When dealing with any request for assistance by an individual or family who claims to have acted as a carer to the deceased or departed tenant(s), the Council will consider various factors as relevant to the exercise of the discretion to provide a new tenancy. Factors that the Council may take into account are:
 - 5.1 Whether the individual or family concerned is related to the tenant and how closely they are related.
 - 5.2 The length of time that the individual or family has lived at the premises (or in previous premises) with the tenant(s).
 - 5.3 Any other property which the individual or family may own or have an interest in (whether situated in the UK or elsewhere) and his/her/their financial and other resources.
 - 5.4 The degree to which the individual or family concerned has provided care and assistance to the tenant(s), the length of time over which such care and assistance has been provided and whether or not the individual or family concerned has foregone any 'life opportunities' (for example, in work, education or marriage/relationships) by reason of the provision of such care and assistance.
 - 5.5 Whether the individual or family concerned are themselves likely to be adjudged vulnerable within the meaning of Part VII of the Housing Act 1996 or has dependent children such that a duty to rehouse that person might in any event fall upon the Council in the event of a homelessness application being made and likely to be offered the particular accommodation and in borough accommodation in line with the Temporary Accommodation Allocations Policy.

- 5.6 Whether there have been any anti-social behaviour issues relating to the current tenancy or occupants of the property.
- 5.7 Whether there are any outstanding rent arrears or possession proceedings relating to the current tenancy.
- 5.8 Any other matters which may be relevant in the circumstances of each cases.
- 5.9 Additionally, the Council may have regard to the level of demand made upon the Council for housing generally and also the level of demand for accommodation of the particular size and type being occupied.
- 5.10 Having regard to the Equalities Act, Children's Act and the Human Rights Act, it would be disproportionate to the purpose of this allocations policy to evict the person in question.
- 6.0 The offer or grant of a tenancy to a person following the exercise of this discretion may be made subject to such terms as are, in the view of the Council, reasonable in all the circumstances. Such terms may include the payment of monies. For example:
- 6.1 In circumstances where it is discovered that the applicant knew that the deceased or departed tenant(s) had wrongfully claimed to have been living alone on his/her housing benefit and Council Tax benefit applications.
- 6.2 In circumstances where the deceased or departed tenant(s) had left rent arrears.
- 7.0 Where discretion for an offer of a new tenancy is granted, the individual or family concerned may be offered the tenancy of the property currently occupied, if it is of a size (number of bedrooms) that meets the family's assessed housing need. In such cases, the Council will not ordinarily permit any under-occupation of the accommodation.
- 8.0 However, the decision of whether to offer an individual or family a tenancy of the current property or that of alternative accommodation will remain the right of the Council, regardless of the size required and/or the property currently occupied.
- 9.0 Where it is decided that an offer of alternative accommodation should be made, the Council will ordinarily award the applicant Band 1 priority for three months to bid for alternative accommodation. The applicant will be made one offer only, of a size (number of bedrooms) that meets the family's assessed housing need. The applicant will not be made an offer of a size (number of bedrooms) in excess of the family's assessed housing need.
- 10.0 If an applicant does not place a successful bid for alternative accommodation during the three month Band 1 bidding period, the Council will make one direct offer only of alternative accommodation. It should be noted that to make the best use of its stock, the Council reserves the right to intercept and end the three-month additional preference bidding period with a direct offer at any time.
- 11.0 Consideration of discretion in line with the Carer Policy will not apply where a person exists (the individual concerned or another party) who is eligible to succeed to the current tenancy.
- 12.0 In addition, the Council will not consider making offers to a number of applicants as a result of multiple applications when exercising its discretion in line with the Carer Policy. Only one individual new tenancy will be offered in the case of discretion being considered and granted.

Appendix 6: Succession for Council Tenancies granted BEFORE 1 April 2012

- 1.0 The following conditions apply for tenancies granted BEFORE 1 April 2012
- 1.1 When a secure tenant dies, their tenancy will pass on to their husband, wife, civil partner, or other family member living in their home, subject to certain conditions being met. Succession can only occur following the death of the tenant.
- 1.2 For a succession to take place, the deceased tenant must have had a secure tenancy at the time of his/her death. There may not have been a secure tenancy if the deceased tenant had not been living at the property as his/her only, or principal home, when he/she died. For example:
- If he/she had been staying elsewhere with relatives on a long-term basis due to illness and there had been no realistic possibility of him/her being able to return to the property.
 - Where the tenant had moved into a residential care home on a permanent basis with no intention or realistic prospect of returning home.
 - Where the tenant had been in hospital for some time with no realistic prospect of returning home.
- 1.3 A remaining husband, wife, or civil partner will automatically succeed to the tenancy upon the death of his/her partner (excludes a divorced spouse), providing that the deceased partner was the original tenant and not themselves a successor. The spouse must have been occupying the property as his/her only or principal home at the time of the tenant's death.
- 1.4 A child under the age of 18 can also succeed to a tenancy, subject to the usual legal conditions of succession being met. In such cases, a trustee would need to be agreed to hold the tenancy in trust for the child. This could be a family member or the local authority.
- 1.5 All persons that may be eligible to succeed to the tenancy as family members are listed in Section 113 of the Housing Act 1985. Those family members that may be eligible can include a husband, wife, civil partner, the tenant's parents, grandparents, children, grandchildren, brothers, sisters, uncles, aunts, nephews, and nieces. A male or female partner of the tenant (including gay and lesbian partners) may fall within the definitions of having lived with the tenant as their husband or wife.
- 1.6 A family member must have lived with the tenant for at least the full 12 consecutive months prior to the tenant's death, to qualify for succession to the tenancy. This condition does not apply to a spouse or civil partner of the deceased tenant unless the spouse or civil partner and tenant were divorced. When determining a family member's residence, it must be noted that this is with the tenant, not with the property. The residence does not have to be at a particular house or even in Council housing, as long as the family member lived in the property with the tenant at the time the tenant died and that they had resided together for the 12 months before the death.
- 1.7 If an applicant does not meet the legal requirements to succeed to the tenancy or is unable to prove, to the satisfaction of the Council, his/her residence in the property for at least the full 12 months prior to the death of the tenant, the applicant will not succeed to the tenancy.

- 1.8 Whether or not a family member has actually lived with the tenant is a question of fact in each case. However, the burden of proof is on an occupier (the family member) to establish the right to succeed.
- 1.9 Only one statutory succession can take place and there can therefore be no succession beyond the life of the longest living tenant.
- 1.10 Where the deceased tenant was a successor and not the original tenant, there will be no further statutory succession. In addition, the Council will not in such circumstances consider a request to permit a second non- statutory succession.
- 1.11 There cannot be a succession to a tenancy by more than one person. This means that a joint tenancy cannot be created through a succession. If there is more than one person entitled to succeed to a tenancy, a spouse or civil partner will take preference over another family member. Where there are two or more family members entitled to succeed to a tenancy, they may agree between them who should succeed. Where there is no such agreement, the Council will decide who should succeed.
- 1.12 If no legal right to succeed applies, the Council will consider whether an applicant may be eligible for consideration of discretion in line with the Carer Policy (see Appendix 5).
- 1.13 Adapted Properties: household members for whom a property has been significantly adapted or specifically designed will also be entitled to be considered for (non-statutory) succession. These cases will be referred to the Social Needs Panel for a recommendation.
- 1.14 Where an applicant does not meet the necessary criteria for succession or consideration of discretion in line with the Carer Policy (Appendix 5), or the Adapted Properties policy (1.13 above) the Council or its agent will commence proceedings to recover possession of the accommodation. The applicant(s) will be referred to the Housing Solutions Team for assessment and consideration to see whether they qualify for alternative accommodation.
- 1.15 There is a legal ground for possession of the accommodation where a statutory succession by a family member (not spouse or civil partner) results in the under-occupation of the home.
- 1.16 In cases where under-occupation would occur, the Council will ordinarily award the applicant Band 1 priority for three months to bid for smaller alternative accommodation. The applicant will be made one offer only, of a size (number of bedrooms) that meets the family's assessed housing need. The applicant will not be made an offer of a size (number of bedrooms) in excess of the family's assessed housing need.
- 1.17 If an applicant does not place a successful bid for smaller alternative accommodation during the three-month Band 1 bidding period, the Council will make one direct offer only of alternative accommodation. It should be noted that to make the best use of its stock, the Council reserves the right to intercept and end the three-month Band 1 bidding period with a direct offer at any time.
- 1.18 Where a succession by a family member results in the under-occupation of the home and the family member refuses to accept an offer of smaller accommodation, the Council or its agent will commence legal proceedings to recover possession of the accommodation.

Appendix 7: Succession for Council Tenancies granted ON OR AFTER 1 April 2012

For tenancies granted ON OR AFTER 1 April 2012, the following conditions apply

- 1.1 A remaining spouse – ie husband, wife, civil partner or partner who had been living with the tenant as husband and wife (including same sex couples) - will automatically succeed to the tenancy upon the death of his/her partner, providing that the partner was the original tenant and not themselves a successor. The spouse must have been occupying the property as his/her only or principal home at the time of the tenant's death. This right of succession does not apply to divorced partners.
- 1.2 Whether or not a partner was actually living with the tenant is a question of fact in each case. However, the burden of proof is on an occupier (the family member) to establish the right to succeed.
- 1.3 Adapted Properties: household members for whom a property has been significantly adapted or specifically designed will also be entitled to be considered for (non-statutory) succession. These cases will be referred to the Social Needs Panel for a recommendation, subject to a recommendation from the Council's Independent Medical Advisor.
- 1.4 For a succession to take place, the deceased tenant must have had a secure tenancy at the time of his/her death. There may not have been a secure tenancy if the deceased tenant had not been living at the property as his/her only, or principal home, when he/she died. For example:
 - if he/she had been staying elsewhere with relatives on a long-term basis due to illness and there had been no realistic possibility of him/her being able to return to the property.
 - where the tenant had moved into a residential care home on a permanent basis with no intention or realistic prospect of returning home.
 - where the tenant had been in hospital for some time with no realistic prospect of returning home.

Only one statutory succession can take place and there can therefore be no succession beyond the life of the longest living tenant.
- 1.6 Where the deceased tenant was a successor and not the original tenant, there will be no legal right to succeed to the tenancy and as such, no further (non-statutory) requests to succeed to the tenancy will be considered. In addition, it should be noted that the Council will not consider a request to permit a second non-statutory succession.
- 1.7 There cannot be a succession of a tenancy by more than one person. This means that a joint tenancy cannot be created through a succession. If there is more than one person entitled to succeed to a tenancy, a spouse or civil partner will take preference over another household member. Where there are two or more household members entitled to succeed to a tenancy, they may agree between them who should succeed. Where there is no such agreement, the Council will decide who should succeed.

- 1.8 If the person succeeding to the tenancy is under the age of 18, a trustee would need to be agreed to hold the tenancy in trust for the child. This could be a family member or the local authority.
- 1.9 If no legal right to succeed applies, the Council will consider whether an applicant may be eligible for consideration of discretion in line with the Carer Policy (see Appendix 5)
- 1.10 Where an applicant does not meet the necessary criteria for succession, the Council or its agent will commence proceedings to recover possession of the accommodation. The applicant(s) will be referred to the Housing Solutions team for assessment and consideration to see whether they qualify for alternative accommodation.

Appendix 8: Decant Policy

- 19.1 The Decant offer process set out below applies in the following circumstances and is subject to the following conditions:
- 19.1.1 Decanting will only be carried out where a Council property is due to be demolished, refurbished, extensively repaired, or modified (for example, change of use/ size). This may relate to an individual property or as part of a redevelopment or regeneration project. Rehousing may be temporary or permanent depending on the individual circumstances of each case and/or the proposed future of the property/ development. The Council will not rehouse non-council tenants that require decanting from their existing accommodation.
- 19.1.2 Major Repairs to Council Properties: where a property is in a state of extensive disrepair, a survey may be carried out by a maintenance surveyor employed by the Council (or its agent) to investigate the extent of disrepair and to report back their findings and recommendations. If extensive repairs are necessary and they cannot be carried out whilst the tenant remains in occupation of the property, the surveyor may recommend rehousing the tenant to enable works to be completed. This may relate to an individual property or occur as part of a redevelopment or regeneration project.
- 19.1.3 Improvement Programmes: these are programmes designed to improve the structural condition and fabric of Council accommodation. In some cases, it may include changing the layout of a property to enable the installation of necessary amenities that may have been lacking previously (for example the installation of an internal toilet and bathing facilities) and/or an increase/ decrease in the number of available rooms.
- 19.1.4 Emergency Decants: occasionally, a situation may arise whereby a Waltham Forest Council tenant's property may be deemed as unsafe and the tenant will require alternative accommodation immediately. A situation like this could occur following a major fire, flood, or other major structural problems. In these cases, the tenant may be placed in temporary accommodation while the situation is investigated and a decision made as to whether they can resume their tenancy.

19.2 Decant Offer Process

- 19.2.1 With the exception of emergency decants, all Waltham Forest Council tenants that require decanting will be dealt with by the Housing Solutions service.
- 19.2.2 The following will also apply:
- Each tenant will be asked to indicate whether s/he would prefer to be rehoused on a temporary or permanent basis. In some cases it may not be possible to allow the tenant to return to the property in the future. In such cases this will be explained to the tenant and later confirmed in writing.
 - Where a decanted property was previously under-occupied by one or more bedrooms in excess of assessed housing need, the vacating tenant will not ordinarily have any right to re-occupy that property in the future.
 - Each tenant being decanted will ordinarily only be eligible to receive an offer of accommodation of the size that the Council has assessed them as needing, regardless of the size of property that they may be moving from (subject to the available supply). However, in the case of a large family requiring a home with four or more bedrooms, the Council reserves the right to make an offer of smaller accommodation, subject to no statutory overcrowding being created at the time of allocation.

- Ordinarily, each tenant approved for decant status will be awarded Band 1 or 2 priority to enable them to bid for advertised vacancies via the Council's Choice Homes Scheme. The period of priority award will last for between three months and two years (at the Council's discretion), depending on the nature of the case and the urgency required for rehousing or the deadline placed upon the Council. In some instances, rehousing may be via a direct offer process. The Council reserves the right to make a direct offer at any time in all decant cases.
 - When making direct offers to decant cases, the Council will endeavour to give each tenant a choice between suitable properties, subject to availability. In cases where the Council is required to meet a close rehousing deadline or vacant possession of the property is required as a matter of urgency, a direct offer will be made as close as possible to the type of property required and area requested. If a direct offer is refused, the Council may apply to the County Court to decide if the offer is "on reasonable terms" as specified by the Land Compensation Act 1973.
 - The Council will arrange for the tenant's removals to the new address if required. However, the cost of these will ordinarily be deducted from any compensation payment/s that a tenant may be eligible to receive.
 - In the case of a tenant being permanently decanted to a smaller property with fewer bedrooms, the Council will arrange and pay for removals to the new address if they are organised and carried out by the Council's approved contractor.
- 19.3 Notice of Seeking Possession and Legal Proceedings: the Council may serve a Notice of Seeking Possession on the tenant/s of a property at any time, where vacant possession is required as part of the decant process. Where an offer of alternative accommodation has been refused, the Council may apply to the County Court to obtain vacant possession of a Council property as part of the decant process.
- 19.4 Compensation: there are two forms of payment made to people under the Land Compensation Act 1973.
- 19.4.1 Home Loss Payment: this may only be made where a tenant cannot return to the property. For example, where the property has been or will be demolished or disposed of, whereby it will no longer be suitable. To qualify, an applicant must have been a secure tenant of the property for a period of at least twelve months.
- 19.4.2 Disturbance Payment
- These payments may be made in respect of expenses incurred as a result of a tenant moving to a new property. The allowance would include an amount towards removal expenses, costs associated with the disconnection and reconnection of services (gas/electricity/telephone), and a contribution towards curtains and carpets.
 - Where a Council tenant takes up the right to return to their previously decanted property, they are entitled to a disturbance allowance towards the removals and disconnection and reconnection of services following both moves. An allowance towards carpets and curtains would not apply in this case.
 - If there are any outstanding rent arrears, any payment due will be made directly into the tenant's rent account/s. If the amount of compensation exceeds the level of arrears, the balance will be paid directly to the tenant.
- 19.4.3. Under-Occupation Scheme: in addition to the payments mentioned above, a decanted tenant moving to a smaller property on a permanent basis may qualify for an under-occupation incentive. This may take the form of a cash payment or help with removal arrangements. Full details of the current incentive scheme can be obtained from the Rehousing Team.

Appendix 9: Mutual Exchange

- 1.0 The Council's policy on mutual exchanges reflects the legal position and the rights of secure tenants, as laid out in the Housing Act 1985, Section 92 (Assignment By Way Of Exchange).
- 2.0 All permanent secure council tenants have a legal right to exchange accommodation with another permanent secure or assured tenant (Council or other registered social landlord) within England, Scotland, Wales, and Northern Ireland, subject to specific grounds for refusal set out in legislation.
- 3.0 An exchange of accommodation may take place between two or more tenants and relies on each party taking up permanent residence of the exchange partner's property.
- 4.0 Where two or more tenants submit an application for a mutual exchange, the following will apply:
- Each tenant involved in an exchange must have a clear rent account. This condition may be waived (and/or modified) in circumstances that are, in the Councils' view, exceptional and where it is fair and just to do so. Any applicant or his/her representative may make representations to the Council as to why the general policy of the Council regarding rent arrears should be waived or modified.
 - Each tenant must obtain written permission from the Council and any other landlord involved, before making any arrangements to move.
 - Tenants may be permitted to exchange and move into a property with a maximum of one bedroom in excess of their assessed housing need (Waltham Forest Council's policy). Permission may be subject to an affordability assessment. It should be noted that some social landlords may not permit tenants to move into a property larger than their assessed need.
 - Tenants may also be permitted to exchange and move into a property with fewer bedrooms than their assessed housing need, subject to there being no statutory overcrowding. However, it should be noted that some other social landlords may not permit this. Where a tenant does move into a Waltham Forest Council property with fewer bedrooms than their assessed housing need, they will be required to sign a written statement to acknowledge responsibility for any overcrowding that may occur.
 - The Council may refuse an exchange on certain grounds, as laid out in the Housing Act 1985, Schedule 3 (Grounds for Withholding Consent to Assignment By Way Of Exchange). It may also permit an exchange but impose certain conditions.
 - Where an exchange is permitted, each tenant will assign (sign over) their existing tenancy to the proposed exchange partner.
 - There is no financial help available towards the cost of moving and tenants who move by way of a mutual exchange may not be eligible for Under-Occupation Incentive Payments. Tenants should obtain information on the current Under-Occupation Incentive Scheme from the Rehousing Team.
- 5.0 To assist tenants in finding suitable mutual exchange partners, the Council has subscribed to the national Home Swapper Scheme. Tenants can register free of charge on this scheme to advertise for an exchange. More information can be found at **www.homeswapper.co.uk**

Appendix 10: Under-occupation scheme

- 1.0 We want to encourage existing tenants to move to smaller accommodation if, for example, household members have moved away and they no longer require all of the available bedrooms. We therefore offer an incentive scheme to encourage the best use of housing stock. Any payments (including for removal service or any other services) will be offered subject to available funding and subject to the circumstances of the applicant.
- 2.0 Incentives and payments may be amended, withdrawn or suspended at any time.
- 3.0 Applicants will only be considered for an incentive where they meet the incentive scheme criteria and where they have been liaising with and engaging the assistance of a Rehousing Officer in order to obtain a move to smaller accommodation. Incentive payments will not be made to tenants who move to smaller accommodation who have not previously been agreed to move in line with the scheme criteria.
- 4.0 If an existing council tenant is rehoused into a smaller property with fewer bedrooms through a move facilitated by the Council, the Council may make them an Under-Occupation Incentive Payment after they have moved. If there are any outstanding rent arrears, the payment will be made directly into the tenant's rent account/s.
- 5.0 In the case of existing housing association tenants, Under-Occupation Incentive Payments will only be made available where the Council agreed to rehouse the applicant/s through our Under-Occupation Scheme, and where we have agreement from the housing association that we can nominate another applicant to them for the property that has been vacated, over and above our normal nomination quota.
- 6.0 Under-Occupation Incentive Payments may not be available to tenants who move by way of a mutual exchange, or where a tenant vacates a property and the move has not been facilitated by the Council. However, tenants should check the scheme for details.
- 7.0 Full details of the current incentive scheme can be obtained from the Rehousing Team.

Version control

Version	Changes	Approval	Date
1.0	Original Version	Cabinet	04/02/2021

HOUSING ALLOCATION SCHEME

FEBRUARY 2021