

APPENDIX 1 – FINAL DRAFT LETTINGS POLICY 2023

Title	<i>The Barnsley Homeseeker Scheme</i>
Responsible Officer	<i>Sarah Cartwright, Head of Housing Sustainability and Climate Change</i>
Author	<i>Sarah Barnes, Head of Customer Services, Berneslai Homes</i>
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Document Control

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Part 1 - Introduction

A home is central to good health, wellbeing, educational opportunities, economic and social prosperity and developing strong family and community networks. Finding an affordable, safe, secure, and well-maintained home is essential for individuals and their families.

With limited availability of council housing in the Borough, and a high demand from people in housing need this Barnsley Homeseeker Scheme was approved by Barnsley Council on XX/XX/XX and is delivered on our behalf by Berneslai Homes.

The scheme sets out how we let council homes, allocate priority, and work with partners to deliver the following objectives.

- To adhere to relevant legislative and regulatory framework.
- To respond to housing need in the borough by making the best use of council housing and other available social housing.
- To give reasonable preference to meet the housing needs of those households in greatest need and prevent hardship to themselves or others.
- To support individuals in getting onto the Homeseeker Scheme and offer a pathway to successfully manage a social housing tenancy.
- To offer opportunity, give support, manage expectations, and give advice about other housing options to all applicants, but in particular to those households with lower needs and who are less likely to get a council house
- To work with other registered social housing providers in the borough, making best use of our nomination agreements and increasing access to registered providers waiting lists.
- To contribute to the development of balanced and sustainable communities.
- To create and, wherever possible, maximise choice for housing applicants.
- To provide flexible and affordable housing options which meet needs and expectations.
- To promote social inclusion.
- To minimise relet void periods.
- To minimise the incidence of difficult to let property.
- To promote and achieve equality of opportunity.
- To let council homes fairly in an open and transparent way.
- To assist Barnsley Council in meeting its other statutory and corporate responsibilities towards Barnsley residents.

1.1 The Barnsley Homeseeker Scheme

The Barnsley Homeseeker Scheme sets out the following.

- How the Barnsley Homeseeker Scheme works.
- How we assess customers' housing needs.
- How we offer choice and let our homes.
- How we nominate people to registered providers with homes in the borough.

A comprehensive and transparent Code of Guidance and easy to understand information supports the scheme.

All lettings of council homes and nominations to Registered Social Landlords with homes in the Borough(RSLs) (2.2) will be made in accordance with this scheme.

1.2 The Legal Framework

The Barnsley Homeseeker Scheme is consistent with legislative requirements as follows:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England)
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017
- The Statutory Code of Guidance on the Allocation of Accommodation June 2012.
- The Allocation of Housing (qualification Criteria for Armed Forces) (England) Regulations 2012 (SI 2012/1869).
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
- Allocation of Housing (England) Regulations 2002, SI 2002/3264
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and all subsequent amendments
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015
- ‘The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 SI 2019/861’
- Equality Act 2010.
- Data Protection Act 2018 and contained within the General Data Protection Regulation 2018 (GDPR).
- Care Act 2014
- Human Rights Act 1998
- Domestic Abuse Act 2021
- Any other relevant legislation and government guidance.

The Barnsley Allocation Scheme supports the Council’s corporate objectives, Tenancy Strategy and Tenancy Policy.

The scheme is supported by a range of procedures which give more detailed guidance to staff on the application of the scheme.

The scheme has links to other Barnsley Homes Policies as referred to within this scheme and listed in Appendix 3

1.3 The Right to Move

To meet the requirements of the Right to Move statutory guidance (The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015 (SI 2015/967)) we aim to let no more than 1% of our available homes to social housing tenants from outside the Barnsley borough who need to move for employment purposes.

We will publish performance against this requirement on Berneslai Homes website.

1.4 Allocation of a tenancy

An allocation of a tenancy will be made under the terms of this scheme in the following ways:

- When we select a person from the Homeseeker Register to be a secure, flexible, or introductory tenant for a Barnsley Council home.
- When we transfer an existing Barnsley Council tenant on the Homeseeker Register to a different Barnsley Council home.
- When we nominate a person to be an assured or assured shorthold tenant of a housing association or other private registered provider of social housing in the borough. This includes tenancies let at an affordable rent.

In certain situations, the rules of the Barnsley Homeseeker Scheme do not apply and lettings will be made outside of the scheme. These are summarised below:

- A person succeeds in law to the tenancy on the death of the secure, flexible, or introductory tenant.
- A person is assigned the tenancy or the tenancy is transferred in a mutual exchange.
- A secure, flexible, or introductory tenant assigns the tenancy to someone who would be qualified to succeed on death.
- A non-statutory succession is granted following the death of the tenant.
- A property adjustment order is made in matrimonial proceedings or under the Children's Act 1989.
- A joint tenancy is ended and it is fair and reasonable to create a sole tenancy (See our joint to single policy).
- An introductory tenant is granted a secure or flexible tenancy following the end of their introductory tenancy.
- A secure tenancy is granted at the end of a flexible tenancy (See our flexible tenancy policy).
- A person is provided suitable alternative accommodation under section 39 of the Land Compensation Act 1973.
- A former owner-occupier or tenant of a defective dwelling that Barnsley Council has repurchased is offered a secure tenancy.
- A tenancy is offered to a family intervention tenant.

1.5 Data Protection

In delivering the Barnsley Homeseeker Scheme we will meet the requirements of the Data Protection Act 2018.

The information of all new, current, housed or otherwise former applicants will be:

- processed in a fair and transparent manner;
- stored safely;
- collected only for specific and legitimate for the purpose;
- kept up to date and disposed of in line with our retention policy; and
- shared only with other organisations for legitimate processing, the prevention of fraud or with the applicant's explicit consent.

An applicant's permission to share their personal information is a qualification condition of being accepted onto the Homeseeker Scheme.

The privacy notice in respect of the Barnsley Homeseeker Scheme is developed by Berneslai Homes and is available on their website:

<https://www.berneslaihomes.co.uk/information-and-privacy/>

1.5.1 Right to Confidentiality

With the exception of lawful sharing of data under the terms of the Barnsley Homeseeker Scheme, we will not divulge (without their consent) information about a housing applicant. This includes the fact that they are an applicant.

1.5.2 Right to Information

An applicant has the right to see information held about them in respect of any application they have made under the Barnsley Homeseeker Scheme. We will provide this information within 30 calendar days of their request and it will be free of charge.

Where we make a decision about an applicant, we will tell them in writing within 10 working days of making the decision. We will explain the basis for the decision, what this means for them and how they can ask for a review of any decisions. (See Part 6)

We will provide a range of freely available and easy to understand information on Berneslai Homes website to help applicants make informed choices about the housing. This includes:

- The types and number of properties we own in the Borough.
- The rules around who is eligible for these homes.
- A summary of the lettings made by priority bands.
- A summary of lettings made outside of the Barnsley Homeseeker Scheme.
- A summary of the nominations we have made.

Where an applicant cannot easily and reasonably use the website, we will offer this information in alternative formats.

1.6 Equalities, Access, and Monitoring

The Barnsley Homeseeker Scheme recognises, respects, and responds to the needs of

diverse individuals and communities and ensures all applicants can easily access the scheme, in particular those with vulnerabilities or other specific needs.

The scheme is fully compliant with equality laws and was subject to an equality analysis before it was implemented. We will continue to monitor the equality impact of the scheme and if we find evidence of discrimination, we will review and change the allocation scheme (see section 1.8).

By equality laws, we mean those covering people with the following protected characteristics.

- Age
- Disability
- Gender
- Gender identity
- Marriage and Civil Partnerships
- Pregnancy and maternity
- Race, colour, and national and ethnic origin
- Religion and belief
- Sexual orientation

To identify and assess the needs of our applicants, our application process asks specific questions relating to protected characteristics. We use this information to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments.

The Barnsley Homeseeker Scheme enables all eligible applicants to access the Homeseeker Register. It ensures we assess all applicants for housing on the basis of their individual needs. In addition, our assessment will identify any special requirements, so that we can remove potential barriers. For example, language barriers, barriers in making bids for vacant homes due to learning difficulties, visual impairments, mental health issues, or any other reason.

Where, in this policy, we refer to advising applicants 'in writing', we will ensure that, wherever possible, we use an alternative or preferred method to remove communication barriers. This could include large print, telephone, or face to face interpreting (including British Sign language), email and verbal communication.

1.7 Delays or interruptions to the scheme

We will not be liable for any delay or interruption in meeting our obligations under The Barnsley Homeseeker Scheme where circumstances beyond our control prevent us from doing so. This includes but is not limited to strikes or other industrial disputes, adverse weather, pandemic, epidemic, act of terrorism, war, riot, civil commotion, malicious accident, breakdown of plant or machinery, fire, flood, storm or other adverse weather conditions or default of third parties.

Where such events occur, we will provide reasonable action and notification to customers.

1.8 Changes to the Allocation Scheme

We reserve the right to change Barnsley Homeseeker Scheme in the following circumstances.

- Where there is new legislation.
- Where there are new working arrangements within the council or Berneslai Homes.
- Where equality monitoring highlights negative impacts.
- Where there is a need to expand or change the scheme to meet changes in housing need or stock availability.
- Where there are other significant changes within the borough which is affected by this scheme or which affects this scheme.
- Where there has been judicial review which affects the legality of any aspect of the scheme.

The table below sets out the approval route we will follow when we need to make changes.

Dependent upon the scope and impact of the changes this may also require partner and public consultation as dictated by law and direct contact with affected applicants.

Type of change	Approval route
Major change	Full Council
Minor change/limited impact	BMBC Cabinet
Minor Change/high impact	Full Council
Local Lettings Plan	BMBC Cabinet and Local Ward involvement
Process change	BMBC Communities DMT

In all instances of change we will undertake the following:

- Equality Impact Assessment
- Data Protection Impact Assessment
- Legal assessment
- Regulatory assessment

We will publicise changes to the scheme on Berneslai Homes' website and where relevant direct to applicants. Where required under law we will complete relevant consultation and inform applicants of the changes and how they affect them.

1.9 Role of Elected Members

Elected Members have the following role to play in the letting of council homes.

- Forming, developing, and continually reviewing the Homeseeker Scheme (1.9.1).
- Sharing local knowledge. (1.9.2)
- Representing the interests of the electorate and their communities. (1.9.3)
- Assisting applicants who have exercised their right to a review. (1.9.4)
- Monitoring performance. (1.9.5)

1.9.1 Formation, Development and Review of the Lettings' Policy

To ensure this role is effective, the following activity will take place.

- Where requested, a senior designated officer of Berneslai Homes or Barnsley Council will attend meetings with Elected Members to discuss general issues around the management of the Homeseeker Scheme.
- Where, there is a need to make a very sensitive letting where designated senior officers in Berneslai Homes and BMBC cannot reach a decision on the allocation, Berneslai Homes may consult the Cabinet Spokesperson responsible for housing to request they contribute to the decision.
- Where there is a need to amend the property-matching rules substantially and permanently, for either an individual property or range of properties. Berneslai Homes will consult local ward councillors before asking for approval from BMBC (1.8)

1.9.2 Sharing local knowledge

It is important that local knowledge is shared to ensure that the Barnsley Homeseeker Scheme meets its aim of supporting sustainability and balance within our communities. Elected Members have good local knowledge and an obligation to support both the individual and collective needs of their community.

Members may share information and raise concerns about a location or particular vacancy, where doing so will ensure that sustainability and balance of communities.

Members may advise officers of any substantive and supported information about a member of the public who they believe may be on the Homeseeker Register.

Where Members raise concerns, officers will investigate this information in line with Berneslai Homes Elected Member Enquiry Protocol and the Homeseeker Scheme.

Members have the right to raise issues about the management of new tenancies and the management of the Homeseeker Scheme. Performance information, as outlined in 1.9.5, will assist members in monitoring the effectiveness of the policy and will allow members to raise concerns.

1.9.3 Representing the interest of the electorate and their communities

Elected Members have an important role within the community. Elected Members have good local knowledge and an obligation to support the individual and collective needs of their community.

The public may approach their Elected Members for advice in getting on the Homeseeker Register and/or to ask for assistance in respect of their housing application.

Officers will respond to any member referrals in accordance with the standard protocols, and by following the terms of the Barnsley Homeseeker Scheme.

- If asked to do so by the applicant, an Elected Member can advise Berneslai Homes Officers about an applicant's interest in a vacant property. The interest will be actioned by staff in line with the policy. If the applicant is successful, we will contact the applicant in the same way as if they had made direct contact.

- Elected Members may make referrals on behalf of a client regarding their status or priority on the register. Officers will respond direct to the applicant and (with the applicant's permission) will copy the response to the elected member.

Officers will consider any referrals made by Members the in line with the terms of the Homeseeker Scheme.

1.9.4 Elected Members Role in appeals and reviews

Elected Members have no decision-making role in the Appeal and Review Process (Part 6) They can, however, provide information to support the customer and/or represent customers at review meetings.

1.9.5 Elected Members Role in monitoring the Homeseeker Scheme

Elected Members as part of their local electorate duties, do not receive nor are actively involved in monitoring performance or impact of the scheme. They can ask Berneslai Homes to supply local performance information to help them fulfil their roles. Information provided would not be at an individual address level, but would summarise overall performance in line with the Homeseeker Scheme. We aim to provide this information within 10 working days.

Elected Members may receive periodic updates from BMBC on the impact of the Homeseeker Scheme in meeting its objectives.

Cabinet Members with portfolio responsibilities will be more routinely and actively involved in monitoring the impact of the scheme and supporting any necessary scheme reviews and amendments.

1.9.6 Information provided to Elected Members

Elected Members have access to the online weekly vacancy advert and on request they can be included in any general lettings e-bulletins sent to applicants.

Elected Members have access to all publicly available information regarding lettings made and stock owned via Berneslai Homes' website, this includes the interactive supply and demand tool.

1.10 Statement on Choice

The Barnsley Homeseeker Scheme is a fully choice based lettings scheme which means applicants can choose where and what property types to apply for. Vacant homes are advertised on Berneslai Homes' website.

To make the best use of our stock we have rules around the type of property an applicant is eligible for and this includes property type and bedroom numbers (see Part 4.4.15) We advise applicants of their property eligibility when they join the register and at such times as there are changes to their application or the scheme rules. We also advise applicants of the impact of limiting their property type and areas of choice and that unrealistic limiting can have an impact on their priority banding.

We may reduce an applicant's choice of property type and area to reduce risk to them or the community (5.2.1)

Applicants not making bids for or refusing suitable vacancies may have their rehousing preference reduced (4.4.3). Whilst this does not remove their choice, it will give them less preference for any vacancies they apply for.

We may reduce choice for high priority applicants by making a direct offer (5.2.1).

We may also reduce choice for applicants owed a homeless duty under Part 7 of the Housing Act 1996 and BMBC Housing Options may make them a direct offer of suitable accommodation to discharge our duties (5.2.1).

In some instances, we may not advertise a vacancy and make a direct let to a specific applicant. (5.2.1)

Part 2 – The Barnsley Homeseeker Service

The Barnsley Homeseeker Scheme sets out rules about how we allocate council housing and nominate to RSLs. However, we recognise that we cannot meet the needs of every applicant with the timely allocation of a council or RSL home, and not every applicant will be eligible for and/or qualify for inclusion on the Homeseeker Register.

This Homeseeker Scheme is supported by a front- end Homeseeker service which offers the right advice and support to applicants in finding their long-term home. This is our service offer:

- Applicants are aware of their housing options at the earliest opportunity and we manage their expectations.
- Applicants know how to use the service and we support those having difficulties.
- Applicants are connected with other agencies to prevent and respond to crisis.
- Applicants in need of support to maintain a tenancy are identified and a tailored support package is developed to ensure that they have the best possible chance of managing a successful tenancy.

The following outlines the service offer which supports the Barnsley Homeseeker Scheme.

2.1 Offering housing options and managing expectations

With reduced supply of council homes and increased demand from those in need, council housing isn't a realistic option for many residents wanting a home. The following is our commitment to raise awareness of all housing options and manage the expectations of those wanting council housing.

- We will promote and signpost people wanting housing to Berneslai Homes' website which provides a gateway to information about a range of housing options within the borough including council housing, RSL homes, private landlords and low-cost home ownership schemes. We will do this using a range of media.
- Before completing an application for the Homeseeker Scheme, we will encourage applicants to use our interactive Supply and Demand tool which provides information about the number and type of homes we manage, how often they become available and the estimated wait time for applicants by type and priority band.
- We will offer a telephone interview with a Homeseeker Assistant for any applicant thinking of applying to the Barnsley Homeseeker Scheme and who needs advice or guidance.
- When Berneslai Homes receive an application to join the Homeseeker register, they will make contact with the applicant to discuss and manage their expectations and the other options available to them.

2.2 Using the Homeseeker Service

- The Homeseeker service is an online service where applicants can search and apply for vacancies and keep their application up to date.
- We will give assistance to those who find the self-service portal difficult to use.
- Any member of the public can create an account to view available properties on our online portal. Only applicants accepted onto the register can bid.

2.3 Preventing and managing crisis

BMBC Housing Options are responsible for the assessment and discharge of duties to homeless or potentially homeless persons under part 7 of the Housing Act 1996. This can be (but is not always) achieved through an allocation under the Barnsley Homeseeker Scheme.

[Barnsley Council's Homeless and Rough Sleeping Strategy](#) sets out how they support those facing or in crisis. Information about the Housing Options Service is available on [BMBC's Website](#) and this includes:

- How they prevent homelessness
- How they assess and fulfil their duties under Part 7 of the Housing Act 1996
- How they support people with excellent quality Temporary Accommodation that meets the applicant's needs and minimises the use of Bed and Breakfast accommodation.
- How they support people to help find a longer-term home
- How they offer wraparound support for those who need more than just a roof

We recognise that people facing crisis may not always know which service to contact and so BMBC Housing Options and Berneslai Homes are committed to working together to ensure that those who are homeless or facing homelessness have easy access to support and advice, whichever service they access first.

This is Berneslai Homes commitment under the Barnsley Homeseeker Scheme to support homeless people owed a duty under Part 7 of the 1996 Housing Act:

- Berneslai Homes will make referrals to BMBC Housing Options where they are approached by a person who they believe are owed duties under part 7 of the Housing Act 1996 and who has not already been assessed by Housing Options.
- Berneslai Homes will prioritise the assessment and registration of applicants onto the Barnsley Homeseeker Register who are owed duties under part 7 of the Housing Act 1996.
- Berneslai Homes will involve BMBC Housing Options in any decision where they are minded to reject an application to the Homeseeker Scheme on the grounds that they do not qualify.
- Berneslai Homes will keep in regular contact with BMBC Housing Options in respect of any applicant on the Homeseeker register who is owed duties under part 7 of the Housing Act 1996 – this includes sharing information about bidding, refusing, and accepting offers or any information which may affect the discharge of duties, and also those applicants in the reduced preference category.

2.4 Support to maintain a tenancy

Not every applicant will be ready for rehousing when they first apply to join the Homeseeker Scheme and we are committed to making sure applicants are ready for rehousing by supporting them to build resilience and tenancy management skills.

Berneslai Homes will assess an applicant's ability to maintain a tenancy at the initial application stage. Where there are concerns the Homeseeker Service will work with the

applicant and other support agencies to put in place a rehousing support plan. It may be that the applicant is placed in an inactive bidding category (4.4.3) until such time as they are ready to maintain a tenancy.

Those applicants who need continued support will be rehoused with a personalised rehousing support plan.

2.5 Barnsley Registered Providers Framework

We have negotiated nomination agreements with Registered Social Landlords (RSLs) that have accommodation for rent in the borough. The RSLs we work with are listed in Appendix 2.

This works as follows:

- Step 1** The RSL lets us know they have a vacancy.
- Step 2** We advertise the vacancy.
- Step 3** Applicants on our Homeseeker Register apply in the same way as they do a council home.
- Step 4** We nominate interested applicants who match the property and in priority order.
- Step 5** The RSL decides about the letting and any offer will be subject to the individual provider's policies and procedures.
- Step 6** The RSL advises us of the outcome of the nomination.

In general terms we have 100% nomination right for any new developments an RSL builds and then 50% for any subsequent vacancy the RSL has.

The Homeseeker Scheme refusal rules (part 5.4.4) applies to registered provider's nominations.

Where an applicant successfully obtains a home from a registered provider through the nomination process, we will cancel their housing application (4.6).

Barneslai Homes website provides up to date information about RSL homes in the borough and also information about how to apply to join their own rehousing register.

Part 3 – Eligibility and Qualification

3.1 Eligibility and Qualification

The Barnsley Homeseeker Register is a list of applicants who have a right to apply for social housing and are either residents in the borough or who reside outside the borough and are eligible through a local connection for inclusion on the register. It includes general applicants (those not currently a Barnsley Council Tenant) and transfer applicants (those currently a Barnsley Council tenant).

However, there are two categories of applicant who we **do not** allow onto the Homeseeker Scheme:

- People from abroad who are not legally eligible to apply for social housing (see 3.1.2).
- People we class as non-qualifying (see 3.2).

3.1.1 Special Arrangements for 16-18-year-olds

The minimum age for inclusion on Barnsley Homeseeker Register is 16. However, people under 18 cannot legally hold a tenancy.

We will only allocate a tenancy to an applicant under 18 where they are in a priority need category (**bands 1 and 2**) and where they have been assessed as being able to maintain a tenancy with or without support. The decision to grant a tenancy to a person under 18 must be authorised by a Barnsley Homes Head of Service or Executive Director.

- If an applicant is owed a duty in the Children Act, Children's Services will act as a guarantor and a tenancy will be held in trust by them until they reach 18. This will be subject to an applicant being able to live independently and manage their tenancy. Children's services will need to provide a support package to prevent the risk of losing the tenancy.
- If an applicant is not owed a duty under the Children Act, we may still offer a tenancy, but only where they can provide a suitable person to act as a guarantor such as a parent, legal guardian or relative. The guarantor accepts responsibility for the tenancy whilst the tenancy is held in trust until the applicant reaches 18.

3.1.2 Non eligible people from abroad

Section 160ZA of the Housing Act 1996 sets out the following category of applicant who are not eligible for social housing. The following category are not eligible:

- People who are subject to immigration control within the meaning of the Asylum & Immigration Act 1996 or any subsequent Immigration legislation.
- People from outside the United Kingdom who fail the habitual residence test.
- People who do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man, or the Republic of Ireland).
- People who do not have the right to live in the UK.
- People from outside the United Kingdom who are in breach of, or whose residence does not comply with, European Union Rights of Residence Directive and Statutory Instruments.

- People from abroad who the Secretary of State determines are ineligible.

If we receive applications from people in the above categories we will inform them, in writing, that they are not eligible to appear on the Homeseeker Scheme. We will do this within 10 working days of the decision being made and they have the right to ask for a review of that decision (See Part 6).

3.2 Non qualifying applicants

Once a person can demonstrate that they are eligible for social housing, we have the right under section 160ZA (7) of the Housing Act 1996 to determine rules of other categories of applicants who qualify or do not qualify to appear on the Barnsley Homeseeker Register.

The following section outlines those rules.

3.2.1 People who DO NOT qualify to appear on the Barnsley Homeseeker Scheme.

These are the following **key principles** that we have considered when setting out who we do not allow onto our Homeseeker Scheme:

- Social housing should be allocated in the first instance to those people who cannot afford housing in the private sector or who do not have the financial means or ability otherwise to resolve their housing needs.
- Social housing in Barnsley is in high demand and should be for those people living in or with a connection to the borough (as set out in 3.2.2) unless we have any other statutory duty to secure their housing.
- Social housing tenants should be able to successfully maintain a tenancy (with or without support) and should be able to live harmoniously and make a positive contribution to their communities.

The following applicants, subject to an assessment of exceptional and mitigating circumstances (see 3.3) will **not** be allowed onto the Barnsley Council Homeseeker Scheme:

1. An applicant who has held their current social housing tenancy for less than 12 months unless their circumstances have changed since their tenancy started and the home is no longer suitable.
2. An applicant or a member of their household who have the independent financial means to purchase another home which meets their needs.

Independent financial means includes the following:

- Income from employment and/or pensions.
- Savings.
- Equity in a property they own or part own. We take into account any equity from property gifted by the applicant or a member of their household in the last 7 years.
- Other assets or investments (even if they are not immediately available to the applicant).

We do not allow homeowners onto the register unless they have insufficient financial means to purchase a home that we determine meets their needs or the ability adapt their home (with or without grants) to meet their needs.

We will make exceptions where the application is for housing in Independent Living Schemes (see section 5.2.8) and some housing for older people and they will benefit from this type of accommodation, or where the property is advertised under our low demand direct let scheme.

Where we accept an owner occupier or applicant with high income, assets, or savings onto the register and we determine that they can meet their rehousing need in other ways, we will place them in Band 4.

We disregard any lump sum received by a member of the armed forces as compensation for an injury or disability on active service.

3. An applicant from outside of Barnsley without a local connection as set out in 3.2.2 (unless we owe them homeless duties under Part 7 Housing Act 1996 or they are moving to work in the borough who are applying under the Right to Move Scheme).
4. An applicant under 18 not in priority need and who does not have a guarantor and cannot show they will be supported in a tenancy where we assess that support is needed to sustain a tenancy.
5. An applicant, or a member of their household, who have been evicted for rent or mortgage arrears and have not had a settled period of a minimum of six months nor met the criteria for reassessment.
6. An applicant, or a member of their household who cannot demonstrate that they have a rent or mortgage account which is less than 4 months in arrears. This is irrelevant of whether they pay their rent or mortgage in full, are on partial housing benefit or the housing element of Universal Credit. We will make exceptions in respect of housing benefit/ housing element of Universal Credit an exception may be made if they have provided the information required and their claim is being assessed. Where an applicant has arrears, we will consider whether there are any reasonable circumstances beyond their control which have resulted in those arrears.
7. An applicant or a member of their household has made a fraudulent claim for housing and/or housing benefit or committed social housing fraud in the last 5 years or longer where they have not repaid the fraudulently obtained funds or have any related unspent convictions.
8. An applicant, or a member of their household, has caused damage to a property and been charged for damages and/or recharges and/or court costs of over £1000.
9. An applicant, or a member of their household, or has been evicted for anti-social behaviour or unacceptable behaviour and there has been no demonstrable evidence of behaviour change in settled accommodation.
10. An applicant, or a member of their household or visitors are causing anti-social behaviour in their home or neighbourhood, and they are subject to breach of tenancy action by their landlord or where they are not tenants are subject to other forms of legal action by the Council or police because of that behaviour.
11. An applicant, or a member of their household, have unspent criminal convictions

which would make them unsuitable to be a tenant.

12. An applicant who is currently in the process of exercising their Right to Buy of their existing social housing property.
13. An applicant whose application we have cancelled in the last 2 years as a result of them:
 - not bidding (4.6)
 - unreasonably refusing more than the allowed number of reasonable offers (5.4.4); or (where they were in the inactive bidding category)
 - failing to take the necessary action to become an active applicant (see 4.6).

3.2.2 Local Connection to the Borough

A person has a local connection in the following circumstances.

- They have lived for 3 out of the last 5 years in Barnsley or have lived in Barnsley for 6 months out of the last 12 months.
- They are currently employed in the Barnsley area.
- They have close family who have lived in Barnsley for 3 out of the last 5 years or have lived in Barnsley for 6 months out of the last 12 months. Close family are parents, grandparents, sons and daughters and siblings
- Members of the Armed Forces and former service personnel, where the application is made within five years of discharge from HM Forces.
- Bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or civil partner
- Serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability which is wholly or partly attributable to their military service.
- They have other special circumstances that connect them to Barnsley.
- They have been deemed to have a local connection under current homelessness law.

If a person has a local connection they are assessed as if they lived within the borough and as such can be awarded priority in Bands 1 to 4. Applicants awarded priority under Homelessness Duties (Part 7) by another local authority will not benefit from priority for the same reasons on the Barnsley Homeseeker Scheme.

3.3 Exceptional or Mitigating Circumstances

We assess each application individually when deciding whether they qualify to join the Homeseeker Scheme and we can use our discretion where there are exceptional or mitigating circumstances which will put the applicant or their household at risk or hardship should they not have the opportunity to join the Homeseeker Scheme. This only applies where the applicant is likely to be in priority bands 1, 2 or 3.

In some instances, we would allow the applicant to qualify for and join the register but we may place them in a reduced preference category (inactive bidding) for an agreed period of time and subject to meeting a set of conditions (for example a repayment plan, housing coach support). Or we may allow them to join the register but restrict their choice on property types and areas.

The exceptional or mitigating factors we consider are (not exhaustively):

- Any physical disability
- Mental illness and/or severe depression
- Physical illness or frailty
- Special educational needs
- Learning disabilities
- Financial resources or substantial debt problems
- Low income/benefit
- Support or floating support needs
- Rooflessness/homelessness
- Inability to find alternative accommodation
- Size of family (including young children)
- Known forms of violence have occurred including domestic abuse and neighbour disputes.

When advising an applicant that they do not qualify to join the register, we will explain our decision and outline what action they need to take to enable them to reapply.

An applicant has the right to request a review of the decision that they do not qualify to join the Homeseeker Scheme. See Part 6.

3.4 Reassessment of Applicants who have not qualified

Applicants who do not qualify to join the Homeseeker Scheme for one or more of the reasons listed in 3.2.1 can reapply to join the register if they can supply evidence that their circumstances have changed and they now believe they qualify for the register.

If we agree that they now qualify we may still treat their application as one of the two categories of reduced preference (inactive bidding or lowest preference band) as set out in section 4.4.3.

The table below sets out the type of evidence an applicant must supply before we will accept and consider another application from them. This is not a comprehensive list and it may differ from applicant to applicant, dependent upon their circumstances and what we had agreed with them when we initially advised them that they did not qualify. If an applicant does not supply the required evidence, then we will automatically reject their new application.

Reason for non-qualification	Evidence needed before applicant can reapply
Eviction from a tenancy for rent arrears (excluding no fault eviction)	Minimum six month settled accommodation with up-to-date rent account. Repayment plan in place and adhered to for a minimum of six months
Eviction from a property for mortgage arrears	Minimum six month settled accommodation with up-to-date rent account. Repayment plan in place and adhered to for a minimum of six months
Rent or mortgage arrears of greater than 4 months	Up to date rent or mortgage account (where relevant) or repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments, whichever is sooner. Confirmation of information provided for a housing benefit claim to be assessed.
Damage to a property and been charged for damages and/or recharges and/or court costs of over £1000	Repayment plan in place and adhered to for a minimum of six months or the debt has been cleared by regular payments whichever is sooner
Eviction from a tenancy for anti-social behaviour	Minimum six month settled accommodation with no complaints relating to behaviour.
They are breaching the terms of their existing tenancy and we have commenced formal action or ASB action in other tenures.	Breach is remedied and they have a six-month settled period where the breach does not reoccur

3.5 Armed Forces Covenant

In March 2020 Barnsley Council and local representatives of charitable, voluntary, health, housing, education, and business sectors resigned the Armed Forces Covenant to demonstrate that communities across the borough recognise and remember the sacrifices faced by the armed forces community. This covenant is refreshed and formally signed again every 5 years. The agreement sets out the working partnership to ensure that those who serve or have served in the armed forces, and their families, are not disadvantaged in accessing services across all sectors.

The Barnsley Council Allocation scheme does not disadvantage current or former members of the armed forces and specifically:

- offers reasonable preference;
- removes the local connection criteria (see 3.2.1); and
- disregards ongoing or lump sum injury or disability payment when assessing priority.

More information about support available for the armed forces community can be found at

www.barnsley.gov.uk/services/community-and-volunteering/armed-forces/armed-forces-covenant/

3.6 Safe Surrender Agreements

A Safe Surrender Agreement is an agreement for a tenant to give up their existing failing tenancy by mutual agreement in the knowledge that it will not negatively affect an application for rehousing made before the tenancy comes to an end. A Safe Surrender Agreement is considered both a prevention and stabilisation action which enables the surrender of the tenancy before the situation escalates to a crisis and/or eviction. It shows the tenant is being responsible and taking the necessary action and has taken the time to negotiate safeguards.

The agreement is between Landlord, Tenant, and Barnsley Council (if they are not the current landlord) and if agreed the conditions are:

- The tenant will give usual 28-day notice.
- The landlord may agree a shorter notice period at their discretion.
- The tenant must be unable to manage the tenancy due to illness and/or other support needs which cannot be met at that time.
- The property is in danger of deterioration but substantial deterioration has not yet occurred and does not occur before vacant possession is given.
- The tenant is struggling to pay the rent, but the rent account is not yet more than 8 weeks in arrears (net) and does not become so before vacant possession is given.
- The tenant is in breach of other terms of the tenancy, but this has not yet reached the level where they would not qualify for the Homeseeker Scheme or be in a reduced preference category.
- Applications submitted under a Safe Surrender Agreement, will not be placed in a reduced preference category provided no further issues become known subsequent to the agreement.
- The applicant's priority will be assessed according to current need and circumstances. If a subsequent homelessness application is made, the existence of a safe surrender agreement will allow the BMBC Housing Options to take this into account when making their decision.

Part 4 Applications and Assessments

4.1 The Application Process

There are four stages in the application process

Submission – The applicants complete and submit an application

Verification – The applicants supply all the evidence needed to assess the application

Assessment – We assess the eligibility, qualification, and priority of the application

Notification – We notify the applicant of the assessment and their status on the register.

4.2 Submission

The application to join the Homeseeker Scheme is online via Berneslai Homes (<https://www.berneslaihomes.co.uk/looking-for-a-home/how-to-make-an-application/>) website.

We provide alternative contact and support methods for those unable to access the internet or in need of additional support.

When the form has been submitted, we give the applicant a unique identification number, which acts as a receipt for the form.

We will contact the applicant within 10 working days and provide them with a list of evidence we need in order to verify the application.

Once we have received all of the required information, the applicant will only receive their Homeseeker reference number once we have accepted their application onto the Homeseeker Register.

The Berneslai Homeseeker Team are responsible for the following service offer.

- Providing the advice via a web chat (where available), over the phone or in person
- Assisting applicants in using the Homeseeker site.
- Agreeing stabilisation plans.
- Processing applications to join the register.
- Providing applicants with information about alternative housing options and information to manage their expectations

More information about the Homeseeker Service is set out in 2.1 of the Homeseeker Scheme.

4.2.1 Applicants without a fixed address

Applicants without a fixed address can ask for their correspondence to be sent to a different “care of” address. If no other address is available Berneslai Homes will take reasonable steps to contact the applicant by phone and/or e-mail and will agree a way of sharing correspondence.

4.2.2 Joint Applicants

We accept joint applications from people who want to become joint tenants. This includes applications from married and co-habiting couples or civil partners. We consider joint applications from other relatives and friends who have a long-term commitment to living together. We do not allow carers to be a joint applicant unless they are a permanent member of the applicant's family.

When we receive a joint application, it is treated as one application and can be cancelled by any one party in the application. If it is cancelled by one party, we will confirm this in writing to both the current applicants. Should any of the joint applicants still want to be on the register after their joint application has ended, they will need to complete a new application and be reassessed. In all instances where a new application is made after a joint application ends, a full reassessment of priority need will take place. If a new application is made within 3 months of the joint application being cancelled, we may (subject to priority being the same for the single applicant and not deliberately worsening of circumstances) award the initial priority banding date. Any new application will not automatically benefit from previous waiting time; however, we make exceptions where the joint application changed because of the death of a joint applicant or for the victim of domestic abuse.

4.3 Verification

We have a duty to collect and check information to assess:

- a person's eligibility for social housing;
- whether they qualify to appear on the register;
- their priority need; and
- whether there are any other factors or requirements that we need to consider.

It is an applicant's responsibility to provide the information we ask for and do this by the date we request it.

It is our responsibility to ask the applicant for consent to undertake checks with partner agencies to establish suitability to be a tenant and also request ID verification and credit checks via Credit Reference Agencies.

Throughout the lifecycle of an application, we may ask for updates on information previously supplied or new information where this is relevant. The following are the main times when we will ask for information

1. When a new application is made.
2. When we review an application on a periodic basis (priority band or annual review).
3. Where there is a change of circumstances.
4. Where we are offering a property if either the last review was over 6 months since or new circumstances come to light.

Where an applicant does not on request supply evidence or refuses consent for checks to be made by us, we will investigate their reasons and we may refuse to process the application, place the application in an inactive category, make or withdraw offers or cancel their application. The applicant will have the right to request a review of this decision (see Part 6).

4.3.1 Proof Required

Proof of identity

For the applicant and any joint applicant, we must see two of the following forms of identity with at least one being a photo ID

- Birth certificate
- Marriage certificate
- Driving licence
- National insurance card (where still held)
- Passport

Proof of eligibility, qualification, and housing priority assessment

To assess whether the applicant qualifies for the register (including confirming their current and former addresses) and to assess priority we will also ask for various information which can include any of the following where relevant:

- Council tax bill
- Housing Benefit or Universal credit letter
- Health or social services letter
- Wage slips or other proof of income
- Utility bill
- Bank statement
- Rent or mortgage statement
- Relationship to and between all those named on the application
- Immigration status
- Information about where they currently live, the home occupation status and how long they have lived there.
- Previous homes in the last 5 years and reasons for moving
- Their local connection with Barnsley
- Formal evidence proving separation and relationship breakdown
- Details of savings held including stocks and shares
- The title deeds of any properties owned and/or mortgage details
- Information from schools
- Details of any residence order
- Other relevant court orders
- Evidence of medical conditions and how it is impacted by your housing
- Evidence of mobility or physical disability and how it is impacted by your housing
- MATB1 as evidence of a pregnancy
- Notice to Quit where notice has been served
- Evidence to support welfare or social reasons for moving
- Evidence of unspent criminal convictions which are relevant when assessing suitability as a tenant. Where we have concerns, we may ask an applicant to undertake a Disclosure and Barring Service (DBS) check and provide a copy to us.

The above list is not exhaustive and we may ask for other forms of evidence or conduct an identity and credit check with the consent of the applicant.

Where there is a mobility or physical disability, we may use an approved Occupational Therapist to make an assessment.

4.3.2 Household Splits

We accept applications from split households (where children live with one person but they stay with another person some of the time). This can be evidenced by either a residence order, or other evidence from the main carer which explains the care arrangements.

The children of separated or divorced parents can be included in an application of either parent as long as we receive evidence that they stay with the second parent at least 2 nights per week.

However, the children are only taken into account for priority purposes where the applicant is the main carer.

4.3.3 False Information

Under the terms of the Housing Act 1996 and the Homelessness Act 2002, it is a criminal offence to knowingly provide false information or to withhold relevant information if reasonably requested to provide, on any matter relating to the housing application.

Where there is any reason to suspect that an applicant has done this, until investigations are completed, we will do the following:

- For new applicants, we will not process their application further.
- For existing applicants, we will place them in an inactive bidding category.

The investigations will be carried out by Berneslai Homes or the council.

If this investigation does not prove that the applicant has provided false information, has withheld or failed to supply information, the application will be processed with the original date of application, or for existing applications having bidding restrictions lifted.

If the investigation proves the applicant has provided false information, withheld information, or failed to supply relevant information when reasonably requested we will inform them that they have committed Social Housing Fraud and we will advise them of the consequences.

Depending on the circumstances this could include us making them ineligible to appear on the Homeseeker Scheme, change the level or date of priority that we previously awarded based on the false information that was provided or withdrawing any outstanding offers. In addition, if an applicant has been successful in obtaining a social housing tenancy by knowingly or recklessly making a false statement then the landlord has a right to seek possession of the property and may result in prosecution leading to a fine and/or imprisonment.

4.4 Assessment

If an applicant is eligible and qualifies to appear on the register, we will then complete a full assessment of their housing need.

4.4.1 Assessment of Housing Need

The Barnsley Homeseeker Scheme through its banding scheme gives reasonable

preference to the following categories of applicant:

- People who are homeless within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act. (See 4.4.2)
- People who are owed a duty by a housing authority under relevant housing and homelessness legislation.
- People occupying unsanitary (unhealthy) or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to a disability.
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or others).
- People covered under our Armed Forces Covenant. (See Part 3.5)
- Certain groups of people being allocated properties under Local Lettings Provisions (5.2.5)

When awarding priority, we take into account the following:

- How rehousing will reduce or eliminate the applicant's needs or risk in their current home
- The reason for their current housing situation.
- Whether a person can resolve their own housing situation. This includes:
 - the financial resources available to a person to meet their housing needs:
 - whether they can be provided with equipment or their home can be adapted; or
 - whether other care arrangements can be made.
- Their support needs and willingness to engage with any services who can offer support to meet their needs in their current home.

4.4.2 Homeless Assessments

Berneslai Homes only award priority and process applications for those applicants who do not present as homeless, within the meaning of Part 7 of the Housing Act 1996 as amended by the Homelessness Reduction Act 2018.

If an applicant advises Berneslai Homes that they are homeless, they will need a homeless assessment which will be completed by BMBC Housing Options.

This assessment will consider the following:

- a) Whether the applicant is homeless or threatened with homelessness within the legal definition.
- b) Whether an applicant is homeless or threatened with homelessness within the legal definition whether a prevention or relief duty is owed.
- c) Whether homeless prevention measures can keep the applicant in their home.
- d) If prevention and / or relief activity is unsuccessful, whether the applicant is owed a main housing duty. Any applicants who are not owed a main housing duty (those not in priority need or those who are intentionally homeless) will have their priority reduced to Band 3 (reasonable preference)
- e) Whether a Safe Surrender Agreement prior to the tenancy surrender prevented imminent homelessness.

BMBC Housing Options will complete the homeless assessment. If the applicant is eligible

and qualifies to appear on the register, they will then be placed in the relevant priority band (see part 4.4.2).

For more information about the Homeless Assessment see <https://www.barnsley.gov.uk/services/housing/homeless-and-housing-advice/>

4.4.3 Reduced preference

What is reduced preference

Reduced preference is where an applicant is eligible for the register, is awarded priority banding and generates waiting time in the priority band, but is either:

- made inactive for bidding;
- demoted to the bottom of their relevant priority band; or
- demoted to Band 4.

Why we reduce preference.

We reduce preference for the following reasons:

Category of reduced preference	Reason	Length of time in reduced preference
Inactive bidding (See 4.4.3a)	Making an application inactive for bidding allows time for an applicant to demonstrate either a period of stabilisation or of their ability to meet tenancy conditions in the future.	Minimum of 6 months or sooner if circumstances have changed significantly and we are confident on tenancy conditions being met.
	Making an application inactive for bidding offers applicants who are not yet ready to start bidding for properties, an opportunity to build up priority waiting time until such time as they are ready to bid. For example, a care leaver who is not yet ready to move into independent accommodation.	Variable and agreed with the applicant and their support worker.
Demotion within band (See 4.4.3b)	Demotion within their relevant priority band is as a consequence of an applicant failing to bid for suitable vacancies. If an applicant continues not bidding, at the next review we will review their priority and this could result in them being demoted to band 4.	The demoted band date remains. If an applicant in Band 4 does not place a bid in 12 months we will cancel their application.

	<p>Applicants in Band 1 failing to bid, may receive a direct offer (see 5.2.1) before we consider demotion.</p> <p>Applicants in Bands 2 and 3 can only be demoted once within their relevant priority band. Subsequent reviews may result in them being demoted to Band 4.</p> <p>Applicants in Band 4, following one demotion and who do not place a subsequent bid in the 12 months following their review will no longer qualify to be on the Register and we will cancel their application.</p>	
	<p>Demotion within band 2 - 4 is as a consequence of an applicant refusing one reasonable offer.</p> <p>If an applicant in band 2 to 3 refuses a subsequent reasonable offers we will demote them to band 4.</p> <p>If an applicant in band 4 refuses 3 reasonable offers (including any refusals from time spent in other bands) we will cancel their application. They will not qualify to reapply to join the register for a period of 2 years unless there is a material change in their circumstances.</p>	<p>The demoted band date remains.</p>
<p>Demotion to Band 4</p>	<p>Applicants in Band 1 who have unreasonably refused one reasonable offer will be demoted to Band 4.</p> <p>Applicants in Band 2 and 3 who have been demoted within their band once will be demoted to Band 4 if they</p>	

	unreasonably refuse a second reasonable offer and/or at their next scheduled review have continued to fail to bid.	
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4.4.3a Inactive bidding category

Applicants placed in this category will have the relevant priority awarded, generate waiting time but are unable to bid for vacancies for a set period of time. The decision to place a Band 1 applicant in this category will be approved by a Berneslai Homes Senior Designated Officer.

Their status will be reviewed at the end of the set period or sooner if there is substantial change in their circumstances and/or they have completed the required actions or they are deemed ready to sustain a tenancy. The set period will be a minimum of three months and a maximum of 12 months. Where at the end of a 12-month period their circumstances are such that they would remain in the inactive bidding category, they become ineligible to appear on the Homeseeker Scheme for a minimum period of 2 years and their application will be cancelled (section 4.6).

When is an applicant placed in an inactive bidding category:

There are 2 reasons:

1. Concerns about ability to manage a tenancy

An applicant may be placed in this category where they are eligible to join the Homeseeker Scheme, but where we have concerns about their ability to manage a council tenancy. It also includes those applicants who have previously been ineligible (excluded) and they have reapplied as their circumstances have changed and we have subsequently allowed them to appear on the register subject to them resolving certain issues as set out below:

- Reducing by agreement or clearing current or former housing related debt.
- Addressing current tenancy management issues including property condition, anti-social behaviour to our or their current landlord's satisfaction.
- Demonstrating a settled period in their current accommodation where tenancy management issues occurred in a former tenancy.
- Completion of our tenancy ready course where it has been identified as part of their application assessment that they need to understand the obligations of holding a tenancy.

2. Applicant not yet ready to bid

Applicants who are not yet ready to start bidding for properties. For example, a care leaver who is not yet ready to move into independent accommodation, or someone moving out of supported living and subject to a personal rehousing plan.

The decision to apply an inactive bidding status will be made either at the initial application stage or at such time as circumstances change or information is made available as set out above.

A right the request a review on all of these decisions applies (Part 6)

4.4.3b Demotion within band

Demotion within band is where an applicant is on the register but they are moved to the bottom of their relevant priority band.

Why we demote within band?

We demote applicants within their band as a sanction where they refuse a reasonable offer or fail to bid for suitable vacancies. This is to ensure that applicants consider their rehousing needs seriously and their actions do not penalise other applicants.

- An applicant from **all** bands may be demoted within their band where they have refused a reasonable offer of accommodation. We do not apply these sanctions without due and fair consideration and always after discussion with the applicant. If they unreasonably refuse a subsequent reasonable offer, we will reassess their priority.
- An applicant from band 1 to 3 may be demoted within their band if they have failed to make bids for suitable vacancies within the relevant review period (6.3). At their subsequent review if they have failed to make bids for suitable vacancies, we may reassess their application and place them in band 4.
- An applicant from Band 4 will have their application cancelled if they fail to make a bid within their review period of 12 months.

When we demote an applicant within their band their new band date will be the date the decision is made to demote them. In essence their waiting time in the band is reduced and so they move further down the priority band.

The decision to demote an applicant within their priority band will be made following either a refusal of a property or when the application priority banding is reviewed (See 6.3).

Where an applicant in bands 1 to 3 has been demoted once, at their next review we may decide to remove priority and place them in band 4. When an applicant is moved to band 4, the date will be their original application date.

Where an applicant in band 4 has been demoted once we, at their next review we may decide to make them non qualifying and cancel their application if they have not made any bids.

A right to request a review on all of these decisions applies (see part 6).

4.4.4 Transfer Assessments

Barnsley Council tenants of more than one year in their current home are automatically eligible to appear on the Homeseeker Scheme as they have a current council tenancy. We then assess whether they qualify to be on the register (Part 3.2) and assess their housing priority in the same way as all other applicants

4.4.5 Child of Tenant

This is a scheme to help reduce overcrowding by awarding priority to both an existing transfer applicant and to that of an adult child over 18 where they have also applied to be rehoused to alleviate overcrowding.

The following rules apply:

- The main household already has overcrowding priority.
- The application of the 18-year-old+ would have the same overcrowding priority as the main household.
- Rehousing must reduce overcrowding by at least one bedroom.
- Where one party is rehoused, we will review of the other application and if overcrowding was the only reason for rehousing, then we will cancel the application. If there are other priority reasons for rehousing then we will reassess their application.

4.4.6 Priority on health grounds

We will only apply priority on health grounds where **all** of the following applies:

- The applicant or a member of their household have a severe long-term illness or permanent and substantial disability.
- Their health or quality of life is affected by the home they live in and this includes access to safe garden space.
- Their existing home cannot reasonably be adapted or equipment provided to remove or alleviate some of the health impacts or risks.
- The property types or areas being requested by an applicant will resolve or alleviate the health impacts or risks.
- The applicant or a member of their household cannot reasonably reduce risk and/or alleviate health impacts by purchasing another home to meet their needs.
- The applicant or a member of their household cannot reasonably receive any necessary and assessed care provision from their current home which will reduce risk and/or alleviate health impacts.

4.4.7 Priority on overcrowding grounds

We will assess priority on overcrowding grounds where the following applies and where the overcrowding has resulted from **unavoidable** factors and/or has not occurred due to the applicant deliberately worsening their circumstances.

A bedroom is defined under the legislation as:

The Room Standard:

The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that two persons of

opposite sexes who are not living together as partners must sleep in the same room. Children under the age of ten are excluded from this definition. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a bedroom or as a living room.

The Space Standard:

The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation. A child under the age of 1 year and a child aged 1 year or over but under ten shall be assessed as one-half of a unit. A room is available as sleeping accommodation if it is of a type normally used in the locality either as a living room or as a bedroom.

We take no account (for the purposes of either standard) of a room having a floor area of less than 50 square feet.

Floor Area of Room (square feet)	Number of Persons
110 or more	2
90 or more but less than 110	1.5
70 or more but less than 90	1
50 or more but less than 70	0.5

4.4.8 Carers

Applicants may need to be rehoused to a property which can accommodate carers. We will include carers in the household size if they provide approved overnight care more than twice per week.

We only award priority to the main carers (family or friend) who need to move closer to provide approved care in the following situation:

- Where they provide care more than twice per week and the distance travelled to provide the care is more than 5 miles or a bus journey of more than 60 minutes.

Where there is shared care of a relative, we will only award priority for one carer.

We do not award priority for employed carers who want to move nearer to those they are being paid to care for.

4.4.9 Care Leavers

Applicants in local authority care or foster care are more likely to have vulnerabilities and complex needs and so is essential that we agree a rehousing plan for all applicants leaving the care system. We will agree jointly with Berneslai Homes and Children's Services a housing solution and support plan for young people moving out of local authority care or foster care. This will include all the tenancy preparation and support measures to help them sustain a tenancy. This will be no sooner than 6 months before they reach 18. If their application qualifies for inclusion on the register, we will award the relevant priority. If they are not yet ready for move on accommodation, we will place them in the inactive bidding category until they are ready to move.

We may occasionally accept an application from a young person leaving care in a different local authority area and without a local connection to the Borough. This is part of a reciprocal arrangement with other councils' Children's Services and is to offer the best opportunity and reduce risk for care leavers. The decision to accept this type of application will be made by a Berneslai Homes Senior Designated Officer.

4.4.10 Move On

Applicants living in supported accommodation with a specialist provider are more likely to have vulnerabilities and complex needs and so it is essential that we agree a rehousing plan for all applicants living in supported housing. This plan will be developed jointly with the applicant, the specialist provider, Berneslai Homes and where necessary the council.

If their application qualifies for inclusion on the register, we will award the relevant priority. If they are not yet ready for move on accommodation, we will place them in the inactive bidding category until they are stable and ready to move.

4.4.11 Elected Members or Employees

Applications for rehousing can be made from Barnsley Council Elected Members and employees of Berneslai Homes or the council and their close relatives (includes children, siblings, parents, grandparents). Applicants are asked to declare this interest on the application form. To ensure transparency and accountability additional audit and authorisation is given to decisions made about these applications as follows:

Applicant Type	At application/change of circumstances	At allocation
Elected Member	Berneslai Homes Head of Service or above	BMBC – Head of Housing, Sustainability and Climate Change or Executive Director
Employee of Berneslai Homes or BMBC	Berneslai Homes Head of Service or above	Berneslai Homes Head of Service or above
Relative of Elected Member	Berneslai Homes Head of Service or above	Berneslai Homes Head of Service or above
Relative of Berneslai Homes or BMBC Employee	Berneslai Homes Head of Service or above	Berneslai Homes Head of Service or above

4.4.12 Pitches for Gypsies and Travellers

The allocation of pitches for gypsies and travellers at the BMBC owned and Berneslai Homes managed traveller site are allocated in accordance with the Gypsy and Traveller Lettings Policy ([Insert link](#))

4.4.13 Housing Priority Bands

Our Homeseeker Register has **four** priority bands and we assess each application to determine the level of priority.

Awarding of priority

The following tables set out the category of applicants who will be awarded the relevant priority band. We consider other factors (set out within this scheme) when we award priority and this may affect the priority we award. These factors are:

- A person's ability to resolve their housing needs in different ways (i.e., affordability, adaptation, support service and so on).
- Whether rehousing will resolve their housing need or reduce risk.
- A person's distance from support, work, education, and their ability to travel.
- Whether the applicant has intentionally made their circumstances worse.

Multiple housing needs

We do not operate a system where we increase priority if an applicant has multiple housing needs. We award priority based on their **highest need** to place them in the correct band.

Time Waited

We place applicants in the priority band from the date of assessment and those who waited the longest will be highest in the band (unless they have had their preference reduced see 4.4.3). At the point of shortlisting, we also refine our selection by following our bedroom and property type allocation rules (see 4.4.15)

Band 1	
Who is awarded this priority	Who awards priority
People whose home has been destroyed by a disaster.	Berneslai Homes
People being discharged from hospital who cannot return to their existing home on a permanent basis.	Berneslai Homes
People awarded Health Priority 1 with an emergency medical need and who have high risk of significant and immediate harm in their existing home and which cannot be managed.	Berneslai Homes
People who are homeless and who are owed a duty under section 189 (relief duty) or section 193 (full duty) of the Housing Act 1996.	BMBC Housing Options
People who are owed a Homeless Prevention Duty and are subject to an outright possession order and BMBC Housing Options are satisfied that there is no further prevention activity to help keep the applicant in their home	BMBC Housing Options
Young people leaving care or in danger of going into care.	Berneslai Homes
Existing BMBC tenants who we have identified as having an emergency need for an adapted property.	Berneslai Homes
Current tenants in a BMBC adapted property they no longer need and which is required by us/	Berneslai Homes

Existing BMBC tenants freeing up a property type and area needed for another priority applicant.	Berneslai Homes
People leaving the armed forces (without accommodation to occupy)	Berneslai Homes
People needing rehousing due to Witness Protection	Berneslai Homes

Band 2	
Who is awarded this priority	Who awards priority
People who are owed the Homeless Prevention Duty	BMBC Housing Options
People awarded Health Priority 2	Berneslai Homes
People awarded high social and welfare priority	Berneslai Homes
People living in homes with significant disrepair (Unsafe Home/lacking essential services)	Berneslai Homes
People who are overcrowded by 2 or more bedrooms (Statutory Overcrowding bedroom test)	Berneslai Homes
People needing an adapted property and which cannot reasonably be made to their existing home.	Berneslai Homes
Former armed forces personnel (including surviving partner) in need of social housing.	Berneslai Homes
People under occupying by more than 2 bedrooms and downsizing (rented accommodation).	Berneslai Homes

Band 3	
Who is awarded this priority	Who awards priority
People with minor health issues affected by their current living arrangements	Berneslai Homes
People with low level overcrowding	Berneslai Homes
People under occupying by one bedroom and downsizing (Rented accommodation)	Berneslai Homes
People living in upper flats (without lifts) with children under 5.	Berneslai Homes
People who want independent accommodation	Berneslai Homes
People moving to be near schools, work, or other local amenities.	Berneslai Homes
People moving to give support	Berneslai Homes
People with low level social and welfare needs	Berneslai Homes

Two social rented tenants moving into one property	Berneslai Homes
People who are not in priority need and those that are intentionally homeless (Part 7 Housing Act 1996)	BMBC Housing Options

Band 4	
Who is awarded this priority	Who awards priority
People who are suitably housed	Berneslai Homes
People previously awarded priority bands 1 to 3 who following review we determine have failed to proactively resolve their housing need by bidding and/or accepting reasonable offers.	Berneslai Homes and/or BMBC Housing Options
People who can resolve their own housing needs.	Berneslai Homes
People with health issues but where rehousing would not alleviate or reduce their risk	Berneslai Homes

4.4.14 Determination of Effective Band Date

In order to determine the effective band date, we use the following rules. This is subject to us receiving all the information we asked for.

Application Assessment	Band Date determined
First assessment	Date the application was submitted or date we received all the evidence if longer than 4 weeks from the date we received the application.
Change of circumstances leading to higher priority band	Date we received a change or circumstances or date we received all the evidence if longer than 4 weeks.
Change of circumstances leading to lower priority band	<ul style="list-style-type: none"> • Date they had in the band they are moving from; or • If they are moving to a band they have previously been in; the date they formerly had in that band; or • If they are moving to band 4 (their application date) <p>All subject to us receiving all the required evidence.</p>
Applications awarded priority under Homeless Legislation	The date the council accepted the duty under the homeless legislation.

In the unlikely event more than one applicant bids for the same property and they have the same effective band date, we will consider the type of priority awarded and the urgency of the priority to determine who will be allocated the property.

4.4.15 Household Type and Property Size Allowed

When we assess an application, we also assess the type of property and bedroom numbers needed by the household. We advise applicants of the property types they can bid for when we register their application. They have a right to request a review of this decision (See Part 6)

The rules we follow when allocating a property under the Barnsley Homeseeker Scheme ensure all of the following:

- The type of property must match the household's requirements
- The size of the property must be suitable for the household need
- The property must be affordable for the applicant it is allocated to
- It should be possible for the applicant to sustain their tenancy if the property is allocated
- The household's circumstances must be fully considered
- The allocation makes the best use of our stock

We will only adapt a property for an applicant to move into where this has been agreed prior to them being offered the property and where there is limited other opportunity to resolve their housing needs. When agreeing to adapt a property we follow the terms of our Equipment and Adaptation policy.

4.4.15a Property type matching

We have a wide variety of accommodation across the borough and there are a number of circumstances where we restrict access to the property type, based on factors such as age, disabilities, pets, household size and so on.

The main restrictions are in ground floor flats, independent living schemes, bungalows or adapted properties where, in most cases, we restrict access to people over 60 or who have disabilities that require a certain type of accommodation or facility, although we may also apply restrictions on an individual basis.

Where there are restrictions, the property advert will reflect the criteria so that applicants are fully aware of their eligibility.

If there are any non-routine restrictions, a nominated senior officer in Barnsley Homes must approve any amendments before we advertise the vacancy.

Where we have vacancies in properties with restrictions, we will only consider those applicants meeting the matching rule for that particular vacancy. This means that we may bypass a higher priority applicant if they do not match the property-matching rules.

Details of any household/property type matching rules will be included in the property advertisements. For example, we may say "you have to be 60 or over or have medical or disability need for this type of property to apply for this vacancy".

The rules are set out below.

Age restrictions on flats and bungalows

Some accommodation has restrictions on eligibility based on age and/or disability. Where such restrictions exist, details of any household/property type matching rules will be

included in the property advertisements.

Larger Homes

On occasions, to make the best use of our stock, there may be a need to restrict access to larger properties to those requiring the specific number of bedrooms. This restriction will take account of turnover of stock in the area and demand from priority applicants needing larger homes. For example, if an applicant matches a three and a four bedroom, we may bypass them for another priority applicant who **only** matches 4 bedrooms.

Low demand areas

In some areas the property-matching rules may be relaxed due to low demand, property differences or the needs of the community.

Barnsley Extra–Care Housing Schemes

These schemes rely upon having a balance of tenants needing varying levels of care and support. For vacant properties in these schemes, we will work with Adult Services and other Support Providers to ensure that allocations are made with the relevant criteria. Generally, support needs, and not housing needs, criteria will determine a particular allocation. Allocation of extra care housing accommodation will be in accordance with the rules of the RSL and not the standard Barnsley Homeseeker Scheme criteria

No pets

There are restrictions on most flats with shared entrances. Pets, such as dogs (other than assistance dogs) and cats, are not allowed. The property advertisement will include details where pets are not allowed. Applicants will be advised when they register of limitations if they have pets.

Disabled persons and adapted properties

We may place restrictions on properties which have been purpose built or adapted for the needs of a disabled persons. Details will be contained in the property advertisement.

Details of any specific allocation criteria will be contained within the individual property advertisement.

4.4.15b – Bedroom entitlement

The table below sets out the rules in terms of bedroom entitlement. For further clarification and definition of the room and space standards see 4.4.7

Household Type	Property Size	Conditions
Couple	Any bedsit, 1 bed property or 2 bed flat	We only let a 2-bed subject to affordability and sustainability. Some 2 bed flats have restrictions in terms of age and medical factors.
Carer	We allocate a bedroom if the carer needs to reside in the property and is not already part of the permanent household	Subject to an agreed medical need for a Carer. Evidence of Housing Benefit and/or Disability Living Allowance will need to be at enhanced levels. Young carers treated as if they are 16+ and are entitled to their own bedroom
Medical	We allocate a bedroom if recommended as part of the medical need	Subject to an agreed medical need where the extra room may be needed to accommodate large equipment or there are serious mobility issues.
Child Residency	We allocate a bedroom allocated for a child who resides as part of the household 3 nights per week or more and we have evidence they are part of the applicant's household	Subject to evidence such as Child Benefit and/or Custody Order.
Unborn Child	We take account of an unborn child in terms of bedroom requirements provided we have evidence	Subject to evidence of a MATB1 issued by NHS confirming the pregnancy. The unborn child will be treated as same sex. Any overcrowding priority will not be awarded until the child is born and a certificate has been provided. The applicant will be able to bid without the overcrowding award. The date of birth will be used to determine the effective band date.
16+	Own Bedroom	The child is deemed in need of their own personal space.
Children of opposite sex	Children of the opposite sex will only be considered for overcrowding purposes when they are 10 years or older. However, for the purpose of matching we count each child as requiring their own room	We only let properties subject to affordability and sustainability.

Students	Living away from home will be treated as part of the main household	Where a household normally includes a family member who currently lives away from home studying at college or university that family member may be considered part of the household for the duration of the initial course. This will usually be up to 3 years. Evidence of the end date of the course must be provided and a reassessment will be made following the end of the course.
Foster carer awaiting placement	Foster children awaiting placement will be counted as part of the household.	Subject to confirmation from Children's Services

The table below highlights bedroom matching rules for typical household types:

Household	Bedsit*	1 bed*	2 bed flat and bungalow*	2 bed house	3 bed**	4 bed**	5+bed**
Single person	✓	✓	✓				
Couple	✓	✓	✓				
2 Adults (not couple)			✓	✓			
1 Adult/couple plus 1 other			✓	✓			
1 Adult/couple plus 2 others			✓	✓	✓		
1 Adult/couple plus 3 others					✓	✓	
1 Adult/couple plus 4 or more other					✓	✓	✓

* Some bedsits, flats and bungalows have age and/or disability restrictions. This will be outlined in the advert and may exclude some applicants (see section 5.2.3)

** We may bypass applications for some of our larger houses, flats, and bungalows to those who match the space and room standard requirements (see 4.4.7).

4.5 Notification

Once we have assessed an application, we will contact the applicant and confirm the following. This confirmation will be in writing either by letter or email.

- Their application and bidding reference
- The band they are assessed for and the priority date.
- The size and type of property they qualify for and need to bid for.
- Any restrictions to the areas they can bid for and the areas they need to bid for.
- Whether they qualify for assisted bidding.
- Whether they have restricted bidding, the reasons for this, what they need to do and the reassessment process.
- Information about the scheme (this will be a link to the website)
- Their right of review of their band and property size/type and area eligibility.
- When we will review their application.

4.6 Cancellation of Applications

We will cancel applications for one or more of the following reasons:

Cancellation reason	How we inform applicants	Can the applicant reapply
a) The applicant requests cancellation.	In writing by e-mail, SMS or letter	Yes, and priority position retained if reapply within 28 days of cancellation
b) The applicant's circumstances change, and they are no longer eligible or no longer qualify.	In writing by e-mail or letter	Subject to the reasons in the cancellation letter
c) The applicant has not responded to a review of their application within 28 days of us asking.	By pre warning applicants in the review e-mail, letter, and form. No further notification is given.	Yes, and priority position retained if reapply within 28 days of cancellation
d) We find that the applicant has made a false or deliberately misleading statement, or to have withheld information in connection with their application.	In writing by e-mail or letter	No unless there is a significant change in their circumstances and we will reassess.
e) Applicant in band 4 have not placed a bid for 12 months	In writing by e-mail or letter	Yes, after a 12-month elapse since the cancellation unless there is a change in their

		circumstances and we will reassess.
f) The applicant has not responded to contact from us within 28 days of us requesting it.	By pre warning applicants in the contact e-mail or letter. No further notification is given.	Yes, and priority position retained if they reapply within 28 days of cancellation
g) The applicant has failed to provide the evidence required to assess their application within 28 days of us requesting it.	By pre warning applicants in the evidence request e-mail or letter. No further notification is given.	Yes, and priority position retained if reapply within 28 days of cancellation

Applicants have the right to request a review of us cancelling their application (See Part 6)

4.7 Change in Circumstance

An applicant must advise us immediately of any change in their circumstances as we will need to reassess their priority based on their new circumstances. We will assess the impact of the change once we receive all the evidence we ask for or need.

Applicants can do this using the online form or where they receive support to bid, by contacting us in the previously agreed way.

If an applicant has a change of circumstances and their priority band is increased, we will use the date we awarded the new priority was awarded.

If an applicant has a change of circumstances and their priority band is decreased, we will use the same effective band date they had in their original higher band, their previous date in the band they are moving back into (if they have been in their band before), or their initial application date if they are placed in band 4 (See 4.4.14).

4.8 Deliberate or Worsening Circumstances

An applicant will not benefit from higher priority if they have knowingly and deliberately made their housing situation worse.

Where we find that an applicant has done this, we will assess their priority need based on the circumstances before their situation changed through their actions to deliberately worsen their circumstances.

Some of the examples are listed below:

- Applicants who have created overcrowding by allowing family members or others to move into their property, and who previously had suitable accommodation or the financial means to secure their own accommodation.
- Applicants who have moved from previously suitable or more suitable accommodation which it was reasonable for them to continue to occupy, into a less suitable property.

- Homeowners who have transferred their property to another family member within the last 7 years from the date they make their application to the Homeseeker Register.
- Applicants who have given up affordable and suitable private rented accommodation which they are able to maintain, to move in with other relatives or friends, creating a situation of overcrowding and/or sharing of bathroom/kitchen and/or a split household.
- Applicants who have requested or colluded with a landlord or family member to issue them with a Notice to Quit.

Part 5 Allocations and Lettings

5.1 The Allocation Process

5.1.1 Types of Allocation under this Allocation

The Barnsley Homeseeker Scheme includes two types of allocation:

- Choice Based Allocation
- Direct Allocation

The majority of allocations are **Choice Based** with properties being advertised and applicants bidding through the online system or by assisted bidding for applicants unable to bid themselves. Once the advert closes, we produced a shortlist and we will offer the property to the highest priority applicant, provided there are no issues which would result in us bypassing this applicant. (5.3.5). Where the property is being advertised on behalf of a Registered Social Landlord, we share the shortlist with them and they make the letting (2.5).

There are occasions where a property is not advertised and it is matched directly to an applicant. We use direct lets to manage the most urgent, sensitive, or specialised cases (5.2.1)

5.1.2 Annual Lettings Plan

Each April we produce a plan which reflects on trends from previous years and predicts what properties we expect to come empty and be relet throughout the year. This includes property types and areas and also includes partner Housing Association properties which we nominate.

This plan enables us to do the following:

- Keep track our ability to meet the needs of applicants on the Homeseeker Scheme.
- Provide information to applicants about what we expect to come empty over the year.
- Influence any local lettings plans we may have in place or need to develop.
- Review the effectiveness of the Barnsley Homeseeker Scheme and make any recommended changes.

5.1.3 Supply and demand modelling

Each April we also produce a supply and demand plan which considers the numbers and types of properties we need to meet the needs and demands of applicants on the Homeseeker Scheme. The purpose of this plan is to influence the strategic development of social housing in the borough.

The plan considers the following:

- The number of applicants on the register and the size, type, and location of property they need.
- The vacancy rate by property type and area.
- The average bids for vacancies by property types, area, and priority band.

- Refusal rates.
- The average waiting time for rehousing.

5.2 Property Identification

We identify properties for including in the Barnsley Homeseeker Scheme in three ways:

- When we receive a notice to end a tenancy from the current tenant.
- When we receive a nomination request from a partner Registered Social Landlord.
- When we are advised of a completion for any newly acquired or built homes.

We aim to start the letting of most properties as soon as they become available under the scheme. In the following circumstances we will not be able to let the vacancy straightaway or we may choose not to relet at all:

- Where the property needs major works or remodelling.
- Where the property is required for temporary accommodation.
- Where we plan to dispose of the property.

When the property is available for reletting, we first of all decide if it will be a Direct let (5.2.1) or a Choice Based Let (5.2.2)

5.2.1 Direct Lets

A direct let is an allocation made under the Barnsley Homeseeker Scheme where the property is not advertised but matched directly to an applicant. We use direct lets to manage the most urgent, sensitive, or specialised cases.

These are the key principles for our approach to Direct Lets under this scheme.

- They enable us to make the best use of our stock and minimise public spending through direct matching of applicants to voids and in particular voids of a specific type (adapted, larger properties).
- They enable us to fast-track priority households with specific needs where Choice Based Lettings wouldn't meet their needs.
- They enable us to support community cohesion through sensitive lettings which would not be possible via Choice Based Lettings.
- They enable us to meet our wider legal duties, where Choice Based Lettings would negatively affect our ability to meet these duties (for example demolition, safeguarding).
- They enable us to minimise void rent loss through open advertising of selected lower demand vacancies on a first come first basis to suitable and qualifying persons.

We do not set a target for direct lettings however we typically do not expect them to account for more than 5% of allocations in each year.

Barneslai Homes monitors and reports to the council on direct lettings once a quarter and we have a decision process which ensures transparency and accountability in the use of Direct Lets.

The following table outlines the types of allocations which **may** qualify for a direct letting.

Direct Letting Category	Approval Process
Emergency rehousing (temporary or permanent) rehousing due to fire, flood.	Berneslai Homes Senior Officer
Rehousing to ensure community cohesion or to resolve tenancy related issues (management moves)	Berneslai Homes Senior Officer and Barnsley MBC Communities Directorate Senior Officer.
Multi-Agency Public Protection Arrangement (MAPPA)	Choice Based Lettings generally but in exceptional cases direct offer: Berneslai Homes Senior Officer
Those needing an adapted property A specifically adapted property Larger level access properties	Berneslai Homes Senior Officer
Those releasing an adapted property	Berneslai Homes Senior Officer
Social Care prevention • Hospital leavers • Care leavers • Foster care	Choice Based Lettings generally but exceptional cases direct offer: Berneslai Homes Senior Officer
Witness protection	Berneslai Homes Senior Officer and where relevant Barnsley MBC Communities Directorate Senior Officer.
Domestic Abuse - Rehouse Victim and/or perpetrator	Choice Based Lettings generally but exceptional cases direct offer: Berneslai Homes Senior Officer
Domestic Abuse – Rehouse Perpetrator	Berneslai Homes Senior Officer
Open Market advert for low demand property	Berneslai Homes Senior Officer
Extra Care Schemes - separate list maintained	Berneslai Homes Senior Officer
Offer to discharge duty to priority applicants who have refused a reasonable offer or who have failed to bid.	Berneslai Homes Senior Officer and/or BMBC Housing Options for those owed duties under Part 7 Housing Act 1996
Non statutory succession	Berneslai Homes Senior Officer
Joint to single tenancy amendment	Berneslai Homes Senior Officer

5.2.2 Choice Based Lettings

The majority of vacancies and allocations and are via choice-based lettings. These properties are advertised on Berneslai Homes website and applicants can bid directly or where they qualify for assisted bidding, an officer will bid on their behalf.

- Applicants can only bid for the property type and size they are allowed. (4.4.13).
- The advert will advise of any other restrictions that may apply.
- They can bid for a maximum of three properties each cycle.
- They will not be able to bid if they are under offer for another vacancy.

5.2.3 Advertising the Property

Properties included in Choice Based Lettings will be advertised on Berneslai Homes website on a weekly cycle which opens Friday morning (00:01 hours) and closes Tuesday

at 12:00 noon. The cycle may be adjusted in the following circumstances:

- Where there is planned maintenance to the online system.
- Where there is an extended service closure (Christmas and New year or other bank holidays).
- Where there is any other situation which arises which affects our ability to advertise and let vacancies.

5.2.4 Property Description

The property advert will contain the following information

Type of information	Detail
Photographs	Where possible it will be an actual shot of the home
Rent	This will detail the weekly amount and whether it is social rent, affordable rent or market rent
Service Charge	This includes the weekly amount and the list of services included.
Landlord	This will highlight the landlord and the tenancy type
Property Type	This includes house, flat, bungalow, bedsit, and maisonette
Number of bedrooms and minimum/maximum occupancy and whether underoccupancy is allowed	This will detail how many rooms are available to use as a bedroom, and occupancy requirements.
Location	The area of Barnsley – town or village name
Accessibility	Whether there are steps or ramps, level access or communal entrance or any specific adaptations which will tighten eligibility.
Age and medical need restrictions	The minimum age an applicant must be to apply or whether we will allow applications from people under a certain age but who have medical needs for this property type (typically one level). For example: <ul style="list-style-type: none"> • Some properties are reserved for people over 60. • Some properties are reserved for people over 60 or with medical conditions. • Some properties are reserved for people over 40 and/or with medical conditions.
Heating type	The type of heating
Pet policy	Whether pets are allowed
Outside space	Whether there is an enclosed, open plan, shared or no garden
Specific matching rules	This includes any unique factors which will

	tighten eligibility. For example: Whether we undertake additional checks to ensure community cohesion.
Any special local information	This is generally a link to online local community information.

5.2.5 Local Letting Provision

Section 167(2E) of the 1996 Housing Act enables housing authorities to allocate particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories. Sometimes we will agree and publish different local lettings schemes for new or existing communities. These schemes will differ in criteria and how long they run for.

The following are the three main types of Local Letting Schemes.

Type of scheme	Definition
Local Letting Scheme	A local Lettings scheme will include criteria additional to the Barnsley Homeseeker Scheme and will be used to achieve a wide variety of housing management or policy objectives, generally where we need to alter the balance of an existing community or create a balance when there are new developments. We could use these for a full or part estates or for particular schemes within an estate, for example an Independent Living Scheme.
Rural Lettings Schemes	We may develop rural lettings schemes for our more rural communities. Typically, these may give additional preference to those people with a strong connection to the rural area.
Section 106 Agreements or new build sites	We may develop a Section 106 lettings schemes for the first lettings of any new developments.

5.2.5 (a) Process for approving Local Letting Schemes

Where a local letting scheme is proposed it is subject to approvals by BMBC as set out in 1.8. This will include the relevant consultation and publishing of the scheme using varied forms of media.

Where we agree a local letting scheme, we will publish it on Berneslai Homes website.

5.2.7 Hard to Lets

Whilst we have high demand for most of our homes, we have some properties which we find harder to let for a number of reasons including, location, floor level, property type and facilities. We always try to let our properties through the Choice Based lettings scheme or through direct lettings. However, where we have not let the property after two cycles of advert, we will advertise on the open market. We will continue to include on the Choice Based Lettings advert concurrently.

If we receive interest from the open market, the person must meet all the criteria for joining the register.

If we receive applications from existing applicants through the routine Choice Based Lettings advert or direct let, these applicants will take priority. If there is no interest from the existing register applicants, we will register any applications made from the open market and make a direct offer of the property to the applicant who has the most need and who matches the property type best.

5.2.7 Sensitive Lets

Sensitive lets are rare and likely to be due to three main reasons:

1. Where we have to extra care towards the applicant or a member of their household due a traumatic incident, personal issue, or risk to them. We need to consider the location of the property or even the type of the property to ensure that the accommodation would not expose them to undue stress. In these cases, we will undertake a sensitive let as a direct offer.
2. Where we have to be careful in placing the applicant or member of their household in a particular location or property type because of a risk to the community or public protection. We will undertake this type of sensitive let as a direct offer and it will be subject to a full risk assessment.
3. Where the property and/or community has a management history which requires the careful selection of the next tenant to ensure harmony in the area where it is located. In these cases, we may have a targeted advert as a choice-based letting or we will make a direct offer. A target advert may restrict bids to transfer applicants or applicants who are prepared to undergo additional checks to ensure their suitability for an area.

In all three cases the priority order and time waited will be preserved. We will however use additional selection criteria to manage the letting sensitively. All sensitive lettings will be approved in line with the direct letting rules (5.2.1) unless they are part of a wider published Local Lettings Scheme.

Where the vacancy belongs to a Register Social Landlord, we will liaise with them before making the relevant nomination.

5.2.8 Housing with Support and Care

We have some Independent Living Schemes which have a range of communal and social facilities, and homes in these schemes are generally advertised with the advert outlining any specific requirement or restrictions for these schemes.

We also have nomination agreements in place for Extra Care Schemes and we maintain a separate waiting list for those applicants who are interested in this type of scheme.

See Berneslai Homes website for more information.

5.3 Expression of Interest

5.3.1 Bidding for a Property

Once we have assessed an application, and they are eligible and qualify for the Homeseeker Scheme, they will be active for bidding and will receive information to help them understand how the system works and what they can bid for.

Some applicants are inactive and some applicants with reduced preference can bid but they are at the bottom of their relative priority band (4.4.3).

An applicant can bid for up to three properties while each advert cycle is open.

The online system confirms if their bid has been accepted and where it isn't accepted, the reason for this. The system also advises them what position they are in at the point of bidding, anytime during the open bidding cycle and again once the advert has closed.

Bids can be made in the following ways:

- Online
- By phone
- By a Berneslai Homes or BMBC officer where the applicant qualifies for assisted bidding or where other contact prompts the bid on their behalf.
- By BMBC where they are bidding on behalf of or to discharge duty to a homeless applicant.
- By a Berneslai Homes officer where they are bidding for priority applicant who is not actively bidding.
- By an applicant's representative.

5.3.2 Assisted Bidding (Auto Bidding)

We will agree to bid on behalf of applicants for the following reasons:

- Where the applicant isn't online, is unable to make bids using a public PC at a local library and has no third-party support
- Where an applicant is vulnerable, unable to bid themselves and has no third party to bid for them.
- BMBC Housing Options will make bids on behalf of any applicant subject to a prevention, relief, or full housing duty where the applicant has failed to utilise all three bids available to them and there are suitable properties available.
- Berneslai Homes will make bids on behalf of any applicant in priority band 1 and 2 who is failing to make bids and there are suitable vacancies available.

5.3.3 Grouped Bids

Occasionally, we will advertise a group of similar properties in one single advert. For example, if we have two flats in the same complex or we have the same type of new build properties.

Where we group an advert, any bid by one applicant will be considered for all properties within that group.

5.3.4 Retrospective Bids

We will only accept bids for a vacancy once an advert has closed in the following

circumstances:

- Where the bidding system was unavailable for 30 minutes or more during the advertisement period **and** there was less than one 24- hour period to run on the advert cycle. This does not include the system being unavailable due to issues with the applicant’s internet accessibility or ability to use the system.
- Where extreme and unusual circumstances prevented an applicant in Band 1 from bidding. We will only accept these bids if a request is made no later than the close of business on the Wednesday after the advert has closed.

If any retrospective bids are accepted and the shortlist has already been run but the property not offered, we will rerun the shortlist. If an offer has already been made to another applicant when the request for a retrospective bid has been made, the bid will be registered but we will only rerun the shortlist if the property is subsequently refused.

If the property is a Registered Social Landlord and the nomination information has already been shared with them, we will not accept a retrospective bid.

5.3.5 Shortlisting

We will produce a shortlist of applicants who bid for a property within 3 working days of the advert closing. The shortlist contains those applicants whose bids were accepted as they matched the requirements in the advert including:

- Age requirement
- Disability/medical requirement indicator
- Bedroom matching rules
- Any other requirement advertised (for example if it is part of a local letting scheme)

The shortlist is then ordered by the highest priority band and date of priority band award.

We may withdraw a vacancy from Choice Based Lettings even after the advert has closed and the shortlist has been run in the following circumstances:

- The property is no longer available for letting
- The property is needed for an emergency reason.

Once the shortlist has been considered we undertake final checks before the property is offered, and these checks include the following:

Check	What we check
Applicant has up to date verification and qualification for the allocation	Any relevant reference including rent balances, tenancy management issues where these checks were last performed more than 1 month since. Applicant current circumstances where there has been no contact in the last 6 months.

Applicant's suitability for the property	<p>Whether there are any specific issues which would prevent an allocation to the applicant.</p> <p>Whether they can afford the property.</p> <p>Where a medical need matches the property features.</p> <p>Whether it is suitable for adaptation if we have approved or are likely to approve an adaptation (see Equipment and Adaptation policy).</p> <p>Whether there are any social/community factors we needed to consider.</p> <p>Whether they meet the requirements of any local lettings plan.</p>
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5.3.5a Bypassing applicants

There are occasions where we bypass an applicant as follows:

- The bid was placed before a change of circumstance was requested and now, they no longer match or have changed priority.
- They have a failed tenancy reference (arrears, ASB) or, for other reasons we are reviewing whether they still qualify to appear on the register or whether they should be placed in the inactive category.
- The applicant cannot afford the property.
- The applicant is on offer, to be on offer or has accepted an offer for another property
- The property does not meet their needs.
- The applicant has not responded to a request for contact within three working days.
- The applicant has asked for bid to be withdrawn.

To ensure decisions are fair and transparent we record the reason that we bypass an applicant on our system and this is recorded on an applicant's history. We advise an applicant that we have bypassed their application. They have a right to request a review of the decision to bypass them, however we will not hold the vacancy whilst the review is completed (see part 6).

Where we cannot select an applicant from the matched shortlist, we can take various action:

- Advertise the property again.
- Look at the bids from those whose bids were initially rejected (for not matching – i.e., where they are a couple and it is a 2-bedroom house). We will consider their suitability for the property before we make an offer and we aim to make the best use of stock.
- Consider a direct offer to a priority applicant where they match and we want to

discharge a duty.

- Run a direct match report for those applicants in the inactive bidding category. In this instance we review and risk assess the applications and consider them in priority order. If we feel they are suitable for the vacancy or if inactive that they could now sustain a tenancy then we will select them for a direct offer (see 5.2.1)

Where we cannot match after all these steps have been taken, we may advertise the vacancy under Hard to Let rules (5.2.6)

5.3.6 Direct Offers

Where we have selected a property or an applicant for a direct let (See 5.2.1) we will assess whether the property is suitable for the applicant using the same criteria to the shortlisting process we use for choice- based lettings.

Where it is the property based direct let, we will produce a matching report of all applicants who match this type of property and who have indicated their interest in this area.

Once we have produced a direct let matching list, we will assess suitability of the applicants and record bypass reasons in the same way as they are for a shortlist. Offers and nominations are made and recorded in the same way as a shortlist offer.

Where it is a specific applicant based direct let, we will still produce a matching report of all applicants who match this type of property and who have indicated their interest in this area. The purpose of this matching report is to ensure that in making the decision to offer direct to an applicant, we consider other priority applicants who may be significantly affected by the direct letting to another individual.

5.4 Lettings

5.4.1 Offer of Accommodation

We make all offers of accommodation by letter to ensure that there is a formal and auditable record of the offer. However, to ensure we let our vacancies quickly, we will attempt to notify the applicant of the offer by phone, e-mail or other digital means and follow this up with a confirmation letter.

We have 2 categories of offer:

Provisional – this is where we inform the applicant that the property is being reserved for them but is not yet available. This will progress to a full offer once the property is ready to let. We may also make this type of offer if we have some additional verifications we need to undertake of the applicant.

Full Offer – This is where the keys are available and the tenancy will commence once the offer is accepted.

When we make an offer, it is subject to the following conditions:

- There has been no change in circumstances or information which comes to light which would affect the applicant's priority, suitability for the vacancy, or eligibility or

qualification for inclusion on the Homeseeker Scheme. It is an applicant's responsibility to inform us of any changes or circumstances which affect their right to a council property. We will withdraw an offer if we learn of such changes or information. Where a tenancy has commenced, we may deem the act a tenancy fraud and we may take action to end the tenancy.

- The applicant meets any specific suitability criteria and/or they can afford the property. We will undertake checks at the point of shortlisting. Where these checks highlight concerns, we may withdraw the offer if it has already been made. We will advise the applicant of the reasons for the offer being withdrawn. They have a right to request a review of the decision but we do not hold the vacancy pending the review. See section 6.
- We allow applicants 2 working days to respond to an offer made verbally, by email or other digital methods. Where we have only made contact by post we allow 3 working days from the date of the offer letter.
- If the applicant does not respond within the time we state, we will result the offer as "Failed to respond" We will write to the applicant to advise that we will cancel their application if they do not make contact within the next 7 days. We do not hold the offer for them during this period and we will make the offer to the next suitable applicant on the shortlist.
- The offer is subject to viewing. If an applicant rejects an offer without viewing, this may be deemed an unreasonable refusal (see 5.4.4).

Where a formal offer has been made an applicant is still able to bid for other vacancies until such times as the offer has been accepted by them.

Applicants being offered a property following a priority awarded by BMBC Housing Options Team will receive further notification from a BMBC Housing Officer

5.4.2 Withdrawing offers

We reserve the right to withdraw offers in the following circumstances:-

- Where we have reason to believe the applicant has given false information.
- Where the applicant's circumstances have changed and this alters priority and/or makes them ineligible for the property or makes them ineligible to appear on the Homeseeker Register.
- Where we require the property for another emergency.
- Where we have made the offer in error.
- Where information has come to light that would make the offer unsuitable.
- Where we ask for further information from the applicant and the information has not been provided within the timescales given.

We will advise applicants that we are withdrawing the offer and we will give them the reasons for doing so. This is most likely verbal but will be followed up in writing either by e-mail or letter.

Applicants have the right to make a formal complaint if they believe we have not followed the terms of this scheme when withdrawing the offer or they believe they are being treated unfairly. They also have a right to request a review of any other decision we make as a result of withdrawing an offer. See Part 6.

However, in these circumstances, we do not hold a vacancy pending the outcome of the

review or complaint.

5.4.3 Limited Offers

We do not limit the number of offers an applicant can receive but we do limit the number of unreasonable refusals an applicant may have before we review their priority and whether they qualify to appear on the Homeseeker Scheme.

Band 1

We allow one reasonable offer which if unreasonably refused will lead to us considering whether to reduce preference to Band 4 (See 4.4.3) on the basis that they have made their circumstances worse.

Band 2 to 3

We will allow one reasonable offer, which if unreasonably refused will lead to us considering whether to reduce their preference within their band (See 4.4.3).

We will only allow two reasonable offers for applicants in Bands 1 to 3 before we determine that they have made their circumstances worse by unreasonably refusing two offers. After this we will place them in Band 4.

Band 4

We will only make three reasonable offers to applicants in Band 4 before we determine that they have made their circumstances worse by unreasonably refusing the offers. After this we will cancel their application as they no longer qualify to appear on the register. This offer limit includes any offers made to the same applicant whilst in other priority bands.

We will demote an applicant within Band 4 after one reasonable offer has been unreasonably refused (see 4.4.3).

All Bands

We do not include reasonable refusals or withdrawn offers in this count (see 5.4.4).

Homeless Assessments

Where the applicant has been awarded priority banding because they are subject to a duty under Homeless Legislation (Part 7 Housing Act 1996) only one suitable offer will be made in order to discharge the Council's duties. The suitability of any offer will be considered in line with the [Homelessness Code of Guidance for Local Authorities](#)

The Council's Housing Options Service will make this offer, formally discharge and duty and reduce the applicant priority to Band 4. Berneslai Homes will then reassess the application to determine the appropriate priority banding for the applicant's circumstances.

The applicant has the right to request a review of any decision (see part 6)

5.4.4 Reasonable offers and reasonable refusals

5.4.4(a) Reasonable offers

An offer is deemed to be reasonable if it matches the following:

- It is in the area requested by the applicant and/or agreed with them as part of their assessment.
- The bedroom allocation meets the assessed needs of the applicant.
- The property type meets the applicant's assessed needs.
- The accessibility and facilities within the property and garden area meets the applicant's assessed needs. This also includes properties which may be offered with a commitment to undertake adaptations.
- The property considers the needs of young children.
- The property and its location do not pose any risk to the applicant or their household.
- The property is in reasonable distance for facilities required to meet the applicant's needs. For example, schools, work, and other essential support.
- The property is affordable.
- The property is in a good state or repair and decoration or where decoration is not to a good standard, we have offered a decoration allowance.

5.4.4(b) Reasonable refusal

Where an offer is reasonable (as set out in 5.4.4(a) above), there may still be circumstances where a refusal is deemed as reasonable. These reasons are set out below and would be subject to evidence-based assessment.

- There are new circumstances or a change in circumstances which would result in a reassessment of the applicant's needs, their property type eligibility and or their ability to move at the time of the offer. These circumstances should not be trivial.
- The applicant is experiencing a crisis, emergency or has personal reasons which we were not previously aware of and which affects their ability to move or accept an offer in this area or property type. For example, a loss of a family member, a significant worsening of health issues.
- The applicant cannot afford the property rent and/or service charge.
- Even with a decoration allowance/package the applicant is unable to decorate the property to a reasonable standard.
- The applicant has a pet which we were unaware of and which is not allowed in the property offered.
- The applicant highlights a risk to them, their household or the community should they accept this property.
- The property cannot be adapted to meet the needs of the applicant and/or we do not agree to provide those adaptations.

5.4.4 (c) Action after refusals

Where an applicant refuses a property and we agree that it was not a reasonable offer we will withdraw the offer (5.4.6).

Where an applicant refuses a reasonable offer and they can demonstrate reasonable refusal reasons we will record a reasonable refusal. This will not be counted as an unreasonable refusal (5.4.6).

Where an applicant refuses a reasonable offer and their reasons are not reasonable, we will apply sanctions as outlined in 5.4.6.

More detail on what happens after a property is refused is set out in 5.4.6.

This section does not apply to those who have been awarded priority because they are subject to a duty under the Part 7 of the Housing Act 1996. BMBC's Housing Options team will consider offers and refusals in line with Part VII Housing Act 1996 and the Homelessness Code of Guidance.

5.4.5 Viewing

We encourage applicants to view the property before accepting or refusing an offer. This includes viewing any property offered as a result of a nomination to a partner Registered Social Landlord (RSL).

We (or the RSL) will contact the applicant to arrange a viewing when the property is safe for viewing. We will meet the applicant at the property and we expect the applicant to accept or refuse the property within 24 hours following the viewing.

The applicant may be accompanied on a viewing by an advocate, support worker or occupational therapist who will determine if the property is suitable and/or whether there are any adaptations required.

Where the applicant is unable to make a viewing or cannot enter the property due to accessibility issues, we will share photos or videos of the property and its facilities.

There are two types of viewings for BMBC properties. RSLs may have their own offer and viewing arrangements and this will be made clear to applicants by the RSL:

Single Viewing: One applicant, their household, or advocates etc, view the property at any one time with a Housing Officer present.

Multiple Viewing: More than one applicant will view the property either at the same time or by pre-arranged appointment slot on the same day. We will have verified all the applicants and their suitability and we will advise them that they are viewing the property only. Once the multiple viewing is complete and we have a list of applicants who are interested in the vacancy, we will formally offer the property to the highest priority applicant. If this person refuses, we will move down the list in priority order. Once the offer has been accepted, we will withdraw the multiple viewing invite. There are no penalties for withdrawing multiple viewings.

We may consider reducing preference if an applicant refuses a multiple viewing offer (see 5.4.6)

5.4.6 Recording the outcome of an offer or viewing

We record the outcome of any viewing or offer against the individual applicant and the vacancy. The reasons below outline our basis for recording this information.

- To ensure the applicant's offer history is up to date and provide evidence that we have handled their application in line with the rules of the Barnsley Homeseeker Scheme.

- To provide evidence that we are managing the allocation of council housing and/or our arrangements with RSLs in line with the rules of the Barnsley Homeseeker Scheme.
- To meet the legal duties underpinning the rules of the Barnsley Homeseeker Scheme.

Outcome of offer/viewing	Reason for outcome	Impact of applicant
Withdrawn after multiple viewing	<ul style="list-style-type: none"> • Property formally offered to another applicant 	<ul style="list-style-type: none"> • No penalty • Offer history recorded
Withdrawn – offer not reasonable	<ul style="list-style-type: none"> • Offer not deemed reasonable by Berneslai Homes, BMBC or partner RSL. • 	<ul style="list-style-type: none"> • No penalty • Offer history recorded
Withdrawn – new information	<ul style="list-style-type: none"> • New information which requires assessment 	<ul style="list-style-type: none"> • May result in investigation or reassessment and change in priority or future matching. • Applicant may be made inactive to bid while investigations are being completed. •
Withdrawn – property no longer available	<ul style="list-style-type: none"> • Property may be needed for other emergency reason • Property may require major works. • Notice from outgoing tenant may be revoked 	<ul style="list-style-type: none"> • No penalty • May agree to re-offer when property is ready. • May make a direct offer of another suitable vacancy
Refused - Reasonable	<ul style="list-style-type: none"> • Refusal by applicant is deemed reasonable by Berneslai Homes, BMBC or partner RSL. 	<ul style="list-style-type: none"> • No penalty
Accepted	<ul style="list-style-type: none"> • Property accepted by applicant 	<ul style="list-style-type: none"> • Tenancy start date agreed and documents signed. • Applicant no longer active for bidding • Application status changed to Rehoused
Refused – Homeless Duty	<ul style="list-style-type: none"> • Offer deemed reasonable and refusal unreasonable 	<ul style="list-style-type: none"> • Offer history recorded • Discharge of Duty by BMBC. • Applicant may have priority reduced within band. • Applicant may be demoted to band 4 (Berneslai Homes will

		reassess).
Refused - Band 1 (non homeless)	<ul style="list-style-type: none"> • Offer deemed reasonable and refusal unreasonable 	<ul style="list-style-type: none"> • Offer history recorded • Review of applicant's priority. • Applicant may have priority reduced within band. • Applicant may be demoted to band 4.
Refused – Other bands (non homeless)	<ul style="list-style-type: none"> • Offer deemed reasonable and refusal unreasonable 	<ul style="list-style-type: none"> • Offer history recorded • Review of applicant's priority may result in demotion within band • If refusal of second offer applicant may be demoted to band 4. • If Band 4 and three unreasonable refusals the applicant may no longer qualify to be on the register

5.4.7 Publicising Lettings

We publish our performance and information about lettings on the Find a Home Page of Berneslai Homes' website.

Our interactive supply and demand tool is updated routinely with lettings made in each area.

This may change when interactive tool goes live....

Each week we also update the "What we've let" information and this will show for the last three months

- The areas where properties were let
- Number of bids each property had
- Band and effective band date of the successful applicant came from for each property

We do not disclose personal information within these reports.

Once a month we update the "What we have" information which shows the number and type of properties we manage and how many have been let in the last year.

The website is always under review and we may change how we publish this information.

Once a year in April we publish annual performance on lettings along with our annual lettings plan (see section 5.1.2)

5.5 Tenancy Sustainment

The Barnsley Homeseeker Scheme is designed to deliver longer-term solutions for people, and to make it possible for them to find and stay in a home which meets their need.

This scheme ensures that at each of the key stages of an application we will do everything practically possible to promote tenancy sustainment.

The table below describes how we work with an applicant and relevant support partners to achieve tenancy sustainment.

Stage	Action by Berneslai Homes	Result for Applicant
New Application/review of application	<ul style="list-style-type: none"> • Assessment to identify: <ul style="list-style-type: none"> ○ support needs, ○ affordability, ○ risk to applicant; ○ risk to others • Applicant advised of action needed by them and support plan being offered. • Regular review of progress against agreed plan. • 	<ul style="list-style-type: none"> • Support plan agreed and this can include: <ul style="list-style-type: none"> ○ Tenancy Ready Course ○ Housing Coach or Partner referral made ○ Support finding employment, developing living skills ○ Social care referral ○ Education support referral
Offer	<ul style="list-style-type: none"> • Assessment to identify: <ul style="list-style-type: none"> ○ Suitability of offer including affordability; ○ Support needs; ○ risk to applicant; or ○ risk to others. • Decision made about whether to progress with offer including any ongoing support to be given. 	<ul style="list-style-type: none"> • Applicant has best possible chance to sustain tenancy • Applicant aware of actions required by them before tenancy signed • Applicant aware of support plans in place with Berneslai Homes or other support agencies
Sign up	New tenancy support plan agreed with tenant.	<ul style="list-style-type: none"> • Applicant has best possible chance to sustain tenancy • Applicant aware of actions required by them before tenancy signed • Applicant aware of support plans in place with

		Berneslai Homes or other support agencies
Post tenancy	Housing Management Officer and/or Tenant First Team keeps in regular contact with tenant as per the agreed support plan.	Nominated support officer, agreed support plan and routine visits gives new tenant the best possible chance to sustain tenancy.

This section explains the following.

- What decisions are made under the Barnsley Homeseeker Scheme.
- How and when we inform applicants of decisions made about them.
- The different types of review.
- An applicant's right to request a review and how we handle reviews.
- An applicant's right to request a judicial review of any decision.
- An applicant's right to complain and how we handle complaints.

6.1 Decisions we make

These are the key decisions we will make about an application.

- The decision about whether an applicant is eligible to join the register (section 3.1)
- The decision about whether an applicant qualifies to join the register (See 3.2)
- The decision that awards priority banding (Part 4)
- The decision to reassess an application as reduced preference. (4.4.3)
- The decision about the type of property and/or area an applicant can apply for (4.4) .
- The decision to reassess priority banding following a change of circumstance. (4.7)
- The decision to cancel an application. (4.6)
- The decision following a review, appeal, or complaint (Part 6)
- The decision to deny a request for a review (Part 6)
- The decision that deems a refusal of a property as unreasonable. (5.4.2)
- The decisions to refuse a duty under the homeless legislation. (4.4.2)

6.1.1 How we inform applicants of decisions

We will inform an applicant of any decisions in writing and within 10 working days of making the decision using the applicant's preferred method which can be:

- Letter
- E-mail
- The applicant's online account.

Any written decisions will outline how an applicant can request a review of the decision (6.2)

If an applicant disagrees with a decision we make about their application, they have a right to request a review.

If an applicant disagrees with a decision in relation to their application, they have the right to request a review.

6.2 Reviews

There are several types of review

Review Type	Review Description	Initiated by
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<p>Reduced Preference Review (inactive bidding)</p>	<p>We review those applicants who have reduced preference (inactive bidding status) and who have completed a period of stabilisation and/or where the agreed review period has been reached. The review will assess their ability to sustain a tenancy. If the period of stabilisation has not been successful, their period of stabilisation may be extended or we may determine that they do not qualify to be on the register (3.2). If we determine they are able to sustain a tenancy, we will allow them to bid in the awarded band.</p>	<p>Berneslai Homes or the applicant</p>
<p>Homeseeker Register Review</p>	<p>Berneslai Homes initiate this review to keep the Homeseeker Scheme up to date and ensure that the priority awarded is still relevant (see 6.3)</p>	<p>Berneslai Homes</p>
<p>Spontaneous application review</p>	<p>This takes place when information is supplied by another agency or at the point of allocation (see 6.6) .</p>	<p>Berneslai Homes</p>
<p>Statutory Right of Review</p>	<p>This is the right of review requested by the applicant because of a decision made under part 6 of the Housing Act 1996 in relation to the application. See 6.4 Any reviews in respect of Homeless Duties under Part 7 or the Housing Act 1996 are made to and considered by BMBC Housing Options. Applicants will receive separate notification from BMBC Housing Options team as to the review process for any decisions made by them</p>	<p>Applicant</p>
<p>Judicial Review</p>	<p>This a review undertaken by the Courts because an applicant or their legal representative feel that the Barnsley Homeseeker Scheme is unfairly prejudicial or their case has been dealt with in a prejudicial way. (6.5)</p>	<p>Applicant or their legal representative.</p>

6.3 Homeseeker Scheme Review

We review applications on a periodic basis to:

- confirm that there have been no changes in the applicant's circumstances which will affect any decisions we have previously made about their application;
- check that they still qualify to be on the register; and
- check that they still want to be on the register.

6.3.1 How often we review applications

- Band 1 every 6 weeks
- Band 2 every 6 months
- Band 3 and 4 every 12 months

6.3.2 How we manage the periodic review of applications

We manage the process differently dependent upon the priority band awarded.

Band 1 applicants – We will contact applicants every 6 weeks or sooner if they refuse an offer. We give applicants 10 working days to respond to our request for contact. If no contact is made within this time, we will contact the applicant and advise them that their application will be removed from the register.

Band 2 applicants – We will contact applicants in band 2 every 6 months or sooner if they refuse an offer. We give applicants 10 working days to respond to our request for contact. If no contact is made within this time, we will contact the applicant and advise them that their application will be removed from the register.

What the band 1 and 2 review considers

Where we have awarded priority bands 1,2 the review requires a conversation to take place with the applicant and considers whether the applicant has been actively bidding for suitable vacancies as well as any changes in their circumstances.

These conversations allow us to provide advice to applicants and ensure they are aware of the sanctions that could be applied under the terms of this policy if they are not actively bidding for suitable vacancies. The result of these reviews could be as follows:

- Priority remains (actively bidding)
- Demotion in band
- Reassessment and lowering priority.

Band 3 applicants - We will contact applicants in band 3 every 12 months or sooner if they refuse an offer.

Where an applicant in band 3 has been actively bidding, we will contact the applicant by e-mail or letter and ask them to confirm that their circumstances are the same and that they want to remain in the register.

Where an applicant in band 3 hasn't bid in the last 12 months for suitable vacancies we will automatically demote them within band 3 and we will write to confirm this. We will also ask them to complete a review form confirming that their circumstances are the same and that they want to remain in the register. Applicants can request a review of this decision.

We give applicants 28 working days to respond to our request for review information and we advise that if no contact is made within this time, we will cancel their application and remove it from the register. We do not advise them that we have cancelled their application.

Band 4 applicants - We contact applicants in band 4 every 12 months or sooner if they refuse an offer.

The review letter or e-mail will ask the applicant to complete a form confirming that their circumstances are the same and that they want to remain in the register. The letter advises they have 28 days to respond and if no response is received they are cancelled from the register.

If we do not receive a response within 28 days, we will cancel their application will be removed from the register. We do not advise them that we have cancelled their application.

We will inform an applicant if we change any previous decisions we have made about their application (see 6.1.1). These changes could be a reassessment of priority or demotion within band.

Where an applicant's circumstances change before their review date, they have a responsibility to inform us of the changes as soon as possible so that we can reassess their application.

6.4 Statutory Right of Review

An applicant has the right to request a review of the following decisions made about their application under Part 6 of the Housing Act 1996.

- Whether they are eligible for an allocation of accommodation.
- Whether they qualify to join the Homeseeker Scheme.
- Their priority on the Homeseeker Scheme (including factors considered when determining priority or decisions to reduce preference).
- The type of property and area they can apply for.
- Restrictions on members of their household to be rehoused with them
- The type of tenancy to be offered under the terms of our tenancy policy.

Where an applicant is requesting a review of a decision made in respect of Homelessness under part 7 of the Housing Act 1996, these reviews are considered by BMBC Housing Options. Applicants will receive notification as to BMBC Housing Options review procedures as part of their homeless application.

6.4.1 How to request a statutory review (Barnsley Homeseeker Scheme Reviews)

An applicant must request a review of any decision within 21 days of being informed of the decision. Requests made outside of this time will only be considered where the applicant can tell us of any special circumstances that prevented them from requesting the review earlier.

They can request a review in various ways including by phone, to an officer, in writing, by e-mail, online or via a nominated third party.

- The online review form is www.berneslaihomes.co.uk/registerreview
- The postal address for reviews is PO Box 627, Barnsley, S70 9FZ

Any requests must include the reasons why the applicant does not agree with the decision made by us. An applicant can provide any information which they feel will inform the review.

Where an applicant provides information about their application which was not previously considered by us, we determine that this is a request for reassessment. We will reassess the application using the new information, inform the applicant of the decision and this will give right to another right to request a review.

6.4.2 How we complete Barnsley Homeseeker Scheme reviews

We will complete the review within 6 weeks of the review being requested and this includes informing the applicant of the outcome of the review.

The majority of reviews will be considered by either a Berneslai Homes or a BMBC officer who is senior to the person who made the original decision and who has not previously been involved in the case.

In the following circumstances it may be more appropriate for a review to be considered by a panel of officers (The Barnsley Homeseeker Panel). This panel will be made up of two or three officers and will include officers from both Berneslai Homes and/or Barnsley Council.

Where this approach is necessary, the applicant will be informed of this and the reasons why.

The types of case generally considered by the panel are set out in the table below, however we reserve the right to include other cases. An applicant **not** in the circumstances outlined in the table below do not have the right to request a panel review. An applicant in the circumstances below can request a review by the Barnsley Homeseeker Panel. Where a decision for these applicants is made, the decision letter will outline the right of review and whether it will be a panel or individual officer review.

Reviews completed by the Barnsley Homeseeker Panel
Band 1 application which does not qualify to join the Barnsley Homeseeker Scheme, which is placed in the inactive bidding category or which has been cancelled due to inactive bidding or unreasonable refusals.
Any band application where there is a public protection or risk issue.
Any band application where there are other BMBC legal duties owed to the applicant.

An applicant and/or their representative can make either verbal or written representations. Where they choose to make verbal representations, they can do this by either attending one of our offices or other mutually agreeable venue, over the phone, or via an online meeting.

Appendix 1 sets out our Homeseeker review process in more detail.

6.4.3 What decisions can be made after a review

There are a number of decisions which can be made.

Agreed

We will change the decision we originally made and where relevant back date to the date of the original decision.

Not Agreed

We will not change the original decision.

Rejected (no grounds)

We will not review an application and we will explain why they have no grounds to request a review.

Reassessment

We will reassess an application as the applicant has provided new information not previously supplied.

Out of time

An applicant asked for a review outside of the 21-daytime scale and they have no valid reason for the delay in asking for a review.

Withdrawn

An applicant asks for their review to be withdrawn.

6.4.4 Informing an applicant of the decision after a review

We will inform an applicant of the outcome of their review in writing and within 10 working days of the review being completed and no later than 6 weeks from the review being requested.

The information provided with the decision will enable the applicant to know why they have won or lost their review. It will include:

- who completed the review;
- the information they considered (written and verbal);
- others involved in the review and their contribution;
- the decision and our basis for reaching that decision.

Once the review has been completed the applicant does not have a right to another review on the same decision. If there is a subsequent change in their circumstances or new information not previously considered they have a duty to inform us and we will reassess their application.

An applicant can register a complaint if they are unhappy with how we have completed their review (6.7).

6.5 Appeals and Judicial Review

There is no right to appeal to the county court against any decision we make following a review of an application under section 6.4 of this Barnsley Homeseeker Scheme.

If an applicant believes they have a right of appeal to a county court regarding any duty owed to them relating to homelessness decision (Part 7 Housing Act 1996), this should be discussed with Barnsley MBC Housing Options Team who will advise the applicant of their rights.

If an applicant believes that they have adequate right to challenge any breach in our legal duties in dealing with their housing application they could take legal advice and consider a judicial review.

6.6 Spontaneous reviews

If information comes to light when dealing with an applicant or if we are alerted (by another agency or third party) of information which affects previous decisions we made about an applicant, then we will review the application. We may make the application inactive while we undertake the review. We may withdraw any offers whilst the review is being completed and we are under no obligation to reoffer the property once the review has been completed. We will complete spontaneous reviews within 10 working days of the information coming to light or the alert being received. We will advise an applicant that we are reviewing their application and whether their application is affected while the review is ongoing.

6.7 Complaints

An applicant can make a complaint about how we have handled their application, how we have followed our lettings policy, or the service we have given them in respect of their application. We have a separate complaints policy called "Your Comments Count" which explains in detail how to make a complaint and how we handle them. This policy is available on Barnsley Homes website.

Complaints about housing applications or lettings can include (but is not exhaustive):

- How we handled their application or treated them
- Rejecting a bid for a property type and area they are eligible for
- Bypassing of their application
- Withdrawing an offer
- The content of advert

- Decision not to bid on their behalf
- Giving incorrect or unclear information
- Not meeting timescales
- Not following our policy
- How we have handled their request for a review
- How we have a let a vacancy

The complaints procedure should **not** be followed where the applicant has a right to request a review which is covered in section 6.4 of this policy.

6.7.1 How to make a complaint

Complaints can be made in various ways including

- Online
- By phone
- By letter
- By e-mail
- Using a third party

6.7.2 How we handle complaints

We would always try to resolve a complaint quickly and informally. If this does not resolve the matter, we have 2 formal stages to our complaint process.

Stage 1 The complaint is investigated by the Lettings Service or other independent officer (where necessary) and a written response provided within 10 working days

Stage 2 If the applicant is still not satisfied the complaint will be reviewed by the Customer Services Team on behalf of the relevant Head of Service and a written response provided in 20 working days.

6.7.3 What happens during the investigation

We would contact the applicant, gather relevant information from them and explain how we would handle their application during the investigation period. For example, where a complaint involves a property which has been advertised or which they have bid on and were bypassed for we not normally hold, stop making or withdraw offers while the investigation is completed.

6.7.4 Complaint resolutions

The response to a complaint will respond to all points raised and the reasons for our decision.

Where a complaint investigation finds a negative impact for an applicant, we would address this as part of the resolution. This could include (but not exhaustive):

- Apology
- Explanation

- Promise of service improvement or review
- Backdating of priority
- Considering a direct offer (where they would have been rehoused sooner)
- Compensation

6.7.5 Housing or Local Government Ombudsman

If the complaint is still unresolved, we will advise the applicant which Ombudsman they need to contact.

The Local Government Ombudsman can be contacted as follows:

**Local Government Ombudsman PO Box 4771
Coventry CV4 0EH Tel: 0300 061 0614
Website: www.lgo.org.uk**

The Housing Ombudsman can be contacted as follows:

**Housing Ombudsman Service Exchange Tower
Harbour Exchange Square London
Tel: 0300 111 3000
E mail: info@housing-ombudsman.org.uk**

Appendices

- A1 Barnsley Homeseeker Review Procedure**
- A2 RSL List**
- A3 List of Policies linking to the Barnsley Homeseeker Scheme**