



DARLINGTON

Borough Council

Housing Services

Allocation Policy

2023-2028

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Introduction

Housing Services are committed to building sustainable communities, with the strategic ambition to build safe communities of mixed tenures, where people are proud to call their home. Social rented housing is only one of many ways that residents can secure homes for themselves, with other options include shared ownership, owner occupation and private renting available within the Borough.

We are committed to providing a fair and transparent service to everyone applying for housing with us. This policy is designed to be an effective tool to enable us to explain how our social housing homes are allocated, based on an assessment of the housing needs of applicants. This policy sits within a legal framework and contributes towards the Council Plan in “the provision of high quality council housing”. It explains the guidelines, which determine entitlement and eligibility, and sets out the best practice and legal framework around social housing allocation. This policy also explains:

- How homes are allocated.
- Eligibility for the housing register.
- How to apply.
- Priority bandings for applicants.

Aims

We operate a choice-based lettings system, which allows residents, including existing tenants, to apply for properties, which meet their housing need. This policy sets out to explain how we will advertise and let the majority of our available homes via our choice-based lettings scheme.

In addition to the above, a number of additional Registered Providers (RP's) will seek to let an agreed number or percentage of their available homes in Darlington on the scheme and these are known as 'Nominations'. RP's who advertise their properties are listed in

Appendix 1.

We aim to:

- Provide a consistent approach to allocating available homes and 'nomination properties'.
- Improve access to safe and secure homes across Darlington.
- Provide help for applicants to resolve issues, which may cause barriers to housing.
- Provide more choice in housing to residents in Darlington and help to create sustainable, mixed communities where people choose to live.
- Ensure that anyone applying for a home is provided with a first-class housing service, which gives them a role in choosing a home which best suits their long-term housing needs.
- Prevent and reduce homelessness.
- Let our homes in a fair and transparent way by empowering applicants and supporting them to make informed choices about where they want to live.

- Provide tailored services for people who may find it difficult to apply for housing and offer help in maintaining a successful tenancy.
- Encourage balanced and sustainable communities.
- Make efficient use of our housing stock in meeting housing needs.

Relevant Legislation

Our policy has been written to meet the legal requirements for the allocation of housing as set out in the Housing Act 1996 Part VI as amended by the Homeless Act (2002), the Localism Act 2011 and the Homelessness Reduction Act 2017.

This policy also has regard to the following:

- Homelessness Reduction Act 2017: Homeless Code of Guidance.
- Allocation of accommodation: guidance for local housing authorities in England (June 2012).
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (December 2013.)
- Right to Move (2015) Statutory Guidance.
- Childrens Act 1989 and Childrens Act 2004.
- Public Sector Equality Duty.
- Improving access to social housing for members of the Armed Forces (June 2020).
- The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022.
- Equality Act 2010.

This Policy will be regularly reviewed and revised in the light of any relevant legislative changes or regulations issued by the Secretary of State and changes to the Codes of Guidance.

We will ensure that our policy meets our legal obligations. In addition, we will ensure that this policy is compatible with local and regional housing strategies, together with existing Homelessness and Rough Sleeping strategies.

Advice and information

A copy of this policy can be downloaded from the website <https://www.darlington.gov.uk/housing/our-policies-and-performance/our-policies/>

Information about the scheme will be provided in a range of formats and languages to applicants upon request.

Applicants who do not have internet access can visit or call the Town Hall or via the self-service access points.

Glossary of Terms

Adapted Properties - Homes which have been designed or adapted to meet the needs of people with physical or sensory disabilities, such as level access showers, wet rooms, widened doorways or changes to access the property.

Advocate - Someone who an applicant has given permission to act on their behalf to deal with their application, such as a support worker or family member.

Applicant - A person who applies to for housing on the lettings scheme.

Band - The system used for giving priority for housing.

Allocation Policy - A single set of rules covering the way we give priority for housing.

Interpreter - A person or organisation who can provide a translation service for non-English speaking customers or a sign language service for the hearing impaired.

Local Connection - Connections to the Darlington area because of residency, employment, close family or a main source of support.

MRI Allocation - The IT system we use for registering applications and advertising properties.

Nomination Agreement - This agreement details how we will co-operate and work in partnership to help people in housing need and to prevent homelessness.

Non-qualifying person - Someone who is not allowed to register with the scheme due to their behaviour or the behaviour of a member of their household.

Priority Date - The date when an applicant was given a priority band

Reasonable Preference - The phrase used in the Housing Act to describe those types of housing need that should be given priority in a local authority's allocations policy.

Registration Date - The date we receive the application.

Registered Provider (RP) - A housing association or housing company registered with the Regulator of Social Housing

Who can apply?

Anyone over the age of 18 years can apply to join the register, providing they are 'eligible' (see below). Applicants do not need to have a connection with Darlington, although preference for housing will be given to applicants with a local connection.

EEA Applicants

Citizens of the European Economic Area (EU member countries plus Iceland, Liechtenstein and Norway) or Switzerland are only entitled to access social housing if they have applied for and received 'settled status' under the Government's EU Settlement Scheme. This scheme enables such citizens, who were resident in the United Kingdom before 11pm on 31 December 2020, and their family members to apply for UK immigration status.

If applicants have EU pre-settled status, they are required to meet extra conditions to be eligible for Council housing. Applicants must show that they are in one of the following situations:

- Working or self-employed.
- Looking for work after working in the UK.
- Unable to work temporarily due to ill health after working in the UK.
- In the late stages of pregnancy and expected to return to work or looking for work within a year.
- Have recently given birth and expect to return to work or looking for work within a year
- Have legally been resident in the UK for at least 5 years

Applicants may also be eligible if a child who lives with them is at school in the UK, the child must have lived in the UK while the applicant(s) were an EU worker.

These extra conditions do not apply if you have settled status under the EU settlement scheme.

Before being accepted onto the housing register, such applicants must demonstrate their eligibility for social housing. Individuals that have applied for settled status can use an online checking service to create a code that can be shared with Housing Services to prove their immigration status [View and prove your immigration status - GOV.UK \(www.gov.uk\)](https://www.gov.uk/view-and-prove-your-immigration-status)

Newly arriving EEA citizens, who have moved to the UK since 1 January 2021, and their family members are not eligible for social housing, unless they have been granted indefinite leave to remain under UK immigration law, or have been exempted under the Eligibility Regulations, such as having refugee status.

Irish citizens and their family members are able to continue to access social housing, irrespective of the EU Settlement Scheme, under the arrangements for the Common Travel Area. Confirmation of Irish citizenship will be sufficient to demonstrate this eligibility.

Immigration status and entitlements of people arriving under the Ukraine Family Scheme and Homes for Ukraine Scheme

Those who are currently arriving in the UK under the Ukraine Family Scheme or Homes for Ukraine Scheme are being granted leave outside the rules for an initial period of three years.

People with leave outside the rules have the right to work and have access to public funds without the requirement to satisfy the habitual residency test. They will therefore have access to benefits and will be eligible for homelessness assistance and social housing.

Emergency secondary legislation (The Allocation of Housing and Homelessness (Eligibility) (England) and Persons subject to Immigration Control (Housing Authority Accommodation and Homelessness) (Amendment) Regulations 2022) makes these groups eligible for homelessness assistance and social housing following commencement.

This Statutory Instrument also exempts those fleeing Ukraine who are British Nationals, other persons not subject to immigration control with a right of abode in the UK from the requirement to meet the habitual residence test when applying for these services.

These legislative changes have been made in parallel with changes to legislation regarding access to benefits and services.

We will continue to check eligibility of anyone who presents as homeless in the usual way. However, the changes made through these Regulations will mean that people arriving under the Ukraine Family Scheme and Homes for Ukraine are eligible for social housing and homelessness assistance.

The Ukraine Extension Scheme

This supports Ukrainian nationals and their immediate family already in the UK. Immigration rules have been updated to give those under the scheme leave to remain for an initial period of three years and provides the right to work and recourse to public funds in line with support for those under the Homes for Ukraine Scheme and Ukraine Family Scheme.

Ineligible Persons

Applicants need to meet the requirements of section 160ZA of the Housing Act 1996, which deals with the immigration status of people who have come to the United Kingdom from abroad.

For example, we cannot allow people who fall into one of the 'ineligible' groups below to join the register:

- People who are subject to immigration control, unless they have been granted refugee status, exceptional or indefinite leave to remain, or are the subject of a sponsorship undertaking.
- Some EEA nationals that are not eligible for social housing.
- People not habitually resident in the Common Travel Area, unless they are exempt.
- EU nationals required to leave the UK by the UK Government.

- An EEA national who has entered the UK as a job seeker or a family member of a job seeker.
- An EEA national with an initial right to reside in the first 3 months' of residence.
- An EEA national with a derivative right to reside on the basis of being a non-EEA national who is the primary carer of a British citizen child or dependent adult, where such child or dependent adult would be unable to live in the UK or another EEA state if their carer left the UK (a "Zambrano carer").

Non-qualifying person

Under the Localism Act 2011, we have the ability to decide who may not qualify for social housing with Darlington Borough Council, due to unacceptable behaviour.

We define unacceptable behaviour as:

- Where an applicant or any member of their current or perspective household has a history of unacceptable behaviour which, in our view makes them, at the point of their application, unsuitable to be a tenant.
- Behaviour including bullying, harassment and victimisation and may involve actions, words or physical gestures that could reasonably be perceived to be the cause of another person's distress or discomfort.
- Behaviour which is likely to cause nuisance or annoyance to neighbours and residents. This relates not only to current and previous tenancies but where we assess it as being current. This includes where an applicant, or member of their prospective household, is the subject of investigations and actions being taken by the Council (or other competent agency such as the Police) for actions in the locality where they live, where they have previously lived or where they would like to live.

Unacceptable behaviour also includes relevant criminal convictions, anti-social behaviour, or housing related debt of over £2,000. **Appendix 2** gives some more detail on what we consider as unacceptable behaviour and the evidence we will gather to ensure that each case is considered on an individual basis.

Applicants who have housing related debt less than £2,000, are being investigated for criminal activity, or what we consider to be serious anti-social behaviour may have their application suspended. See **Appendix 2** for further details.

We can exclude an applicant from being allowed to join the housing register due to previous or ongoing unacceptable behaviour, or we may allow the applicant to join the housing register but suspend their application, until they have demonstrated they have changed their behaviour.

We will use evidence available to us to decide whether an applicant:

- a) Does not qualify to join the housing register and is classed as non-qualifying; or
- b) Does qualify, but their application will be suspended until their behaviour has changed, to the satisfaction of the Council.

To help us decide, we may also apply a test of whether the unacceptable behaviour would entitle the Council to a possession order (if they had been a tenant).

We will suspend the application while we gather evidence such as, references from current or previous landlords, rent statements, photographic evidence of damages, and information from Police/Probation or complete any other required investigations we need to complete to make our decision.

Each case will be considered on an individual basis and exceptional circumstances will be considered.

If an applicant is made non-qualifying, they will be informed in writing of the reasons for this decision, the period of non-qualification and what can be done to rectify the situation. Applicants who have been made non-qualifying can appeal to us within 21 days of the date of the notification.

Applicants who qualify but we have suspended their application will be informed of the reasons for the decision, the period of suspension and what can be done to rectify the situation.

Joint applications

Joint applications will be accepted, provided all applicants are eligible, aged 18 or over and intend to occupy the property together as their only or main home. The joint application will be assessed and placed in a priority band using the details of the household with the greatest housing need.

Multiple applications

Multiple applications are not allowed. A person can only be on the register with one 'Active' account.

Re-applying for housing

If an applicant has been housed via the scheme and then wishes to re-register, they would need to register a new application which will be assessed based on their new circumstances.

Requests to transfer to another home

Applicants who already rent from Darlington Borough Council (a current tenant) can register to move.

Applications for rehousing will be considered on a case-by-case basis and will be subject to checks including rent checks, property conditions and garden standards. Applicants will be expected to remedy any issues before being considered to move.

Applications from employees/members and their close relatives

Applications can be accepted from employees of Darlington Borough Council, elected members of local authorities, and their close relatives, provided they meet the eligibility criteria set out above. Applicants must tell us about any such relationship at the time of

registration. To ensure fairness, additional checks will be completed before any offer is made to people in this category.

To ensure transparency, any accommodation allocated will be approved by either the Head of Housing or Assistant Director, following appropriate checks.

How to apply and decision making

Applications can be registered online by accessing the digital lettings platform www.darlington.gov.uk/housing or by contacting us for an appointment for a self-serve PC.

Once a completed application is received, the application will be assessed and placed in the band that reflects the circumstances of the household. Applicants will be required to provide supporting documentation at the point of application to allow us to assess their application appropriately. Any applications made without supporting evidence will be placed in band 4.

Applicants will be allowed to apply for advertised homes both for rent and low-cost home ownership options.

Our adverts will include good quality information about the property features, to allow applicants to make informed choices about which homes they would like to live in. Our website will also include other useful information.

For vulnerable residents, an automatic application process is available.

Affordability

We aim to offer properties to applicants that they can afford. We do not want to put someone into a worse financial situation by offering them a property they cannot afford. We also aim to reduce hardship should personal circumstances change. When an applicant accepts a property, they will be asked to complete an income and expenditure assessment to make sure they can afford the rent and other associated costs. This will help to ensure that the tenancy is sustainable.

Applicants who fail these checks will be offered support, advice and assistance and may be signposted to external agencies such as Citizens Advice. Applicants who are in a current Breathing Space period will not be excluded from applying, however will still need to meet the affordability criteria for a property.

Changes in circumstances

It is the responsibility of the applicant (or their advocate) to tell us about any change in circumstances that could affect their application.

Should an offer of accommodation be made and, we subsequently find that information in the application was not up to date or false, the offer of accommodation may be retracted.

Keeping applications up to date

Applicants with a priority for housing will be reviewed regularly to ensure they are not having difficulties with the scheme and to check that they are applying for suitable properties as they come up.

Accounts that have been 'inactive' for a period of 12 months will be contacted via their preferred method to see if they still want to be considered for housing.

Failure to respond to a review may result in closure of the application and/or removal of a priority Band.

Cancelling applications

Applications will be cancelled in the following circumstances:

- A request has been received from the applicant (or their named advocate).
- There is no activity in the given time period and no response received.
- The applicant is deceased, and s/he was the sole applicant.
- The applicant has bought their property through Right to Buy subsequent to applying for rehousing.
- An applicant has been assessed as non-qualifying (see Appendix 2).
- It is discovered that the applicant has given false or misleading information in their application.
- There has been no response to correspondence sent to them.

Applicants will be given the reason why their application has been cancelled and informed of their right to request a review of the decision.

Giving false information or deliberately withholding information

According to section 171 of the Housing Act 1996 it is a criminal offence for anyone applying for housing from a housing authority to:

- a) Knowingly or recklessly makes a statement which is false; or
- b) Knowingly withholds information which we have reasonable required them to give in connection with their housing application.

Anyone found guilty of such an offence may be fined, this is a level 5 unlimited fine, and could lose the tenancy if they have been rehoused as a result of providing false information or deliberately withholding information. For any offences pre-March 2015 the fine is capped at £5000.

We will consider taking action against a professional organisation that provides false information or deliberately withholds information on behalf of an applicant they are representing.

Applicants who are found to have given false or misleading information will be made non-qualifying for 12 months and will need to submit a new application after this time.

Deliberate worsening of circumstances

Any applicant who deliberately worsens their housing circumstances, will have any priority removed and will be placed into Band 4 for a period of six months.

Examples of worsening circumstances may include:

- Giving up a tenancy/secure housing for no good reason;
- Moving from a property that has been adapted for the needs of someone in the household to an unsuitable property;
- Moving into a property that is too small or large to meet the needs of the household; or
- Not following the advice of their landlord, such as deliberately allowing their property conditions to deteriorate.

Please note – the above list is not exhaustive.

The applicant can ask for a reassessment of their band after this period but would be responsible for providing evidence to support this.

Notifications about decisions and the right to a statutory review of a decision

Applicants have the following rights about decisions made about their housing application:

- The right to be notified in writing of any decision not to be registered on the scheme;
- The right, on request, to be informed of a decision about any information which is being taken into account in considering whether to make an offer of accommodation; and
- The right to request a review of a decision made regarding their application.

Reasonable and Additional Preference

To ensure that those with the highest level of housing need are given preference, we have considered the categories of people that must be given 'reasonable preference' by local authorities, as set out in s166a of the Housing Act 1996 and the Homelessness Act 2002. These are:

- People who are statutorily homeless;
- People who the Local Authority owe certain homeless duties to;
- People who live in insanitary or overcrowded homes;
- People who need to move for medical or welfare reasons; and
- People who need to move to avoid hardship, such as needing to move to access specialist medical treatment or to provide care for a relative.

We have taken into account Government guidance from The Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 – Statutory Instrument No: 2989 that came into force on the 30 November 2012. This allows us to give an additional preference to people who have served in the Armed Forces. This additional preference will be awarded to someone who is:

- Formerly of the regular forces.

- Currently in either the regular or reserve forces and is suffering from serious injury, illness or disability attributable to their service; or
- Someone whose spouse / partner served in the regular forces and has died in service meaning the bereaved partner is going to lose their army home.

The Priority Bands

The scheme has 5 Bands. All eligible applicants will have their circumstances assessed and will be placed in the relevant band, according to their level of housing need.

Band 1+ *

- People living in Darlington who are losing their home due to demolition or regeneration. This includes council tenants, registered provider tenants, private tenants and owner occupiers living within the boundary of a defined regeneration area who are required to move home, provided they have lived there, as their sole or main home, for at least 12 months. Proof of residency will be required.

Applicants will only be given Band 1+ priority if they currently live in Darlington.

*People in this category may receive a direct offer of housing.

Band 1*

- People assessed as statutorily homeless and in priority need.
- People who have been accepted as statutorily homeless and in priority need and where the main homeless duty is owed (Part 7 of the Housing Act 1996).
- People who are owed homelessness prevention or relief duty.
- Applicants who, following assessment, are owed homelessness prevention or relief duty (once duty has been discharged through the refusal of a reasonable offer of accommodation, the applicant will be placed into Band 4. If the duty is discharged for any other reason, the applicant will be placed into the band appropriate to their assessed housing needs).
- People at risk of domestic abuse. Victims of domestic abuse who have lost their accommodation, can no longer remain in their current accommodation or who are at risk of losing their accommodation as a result of domestic or a threat of domestic abuse.
- People leaving HM Armed Forces community. This will include a member of the Armed Forces (serving or has formerly served in the regular forces; serving or has formerly served in the reserved forces; a bereaved spouse/civil partner; divorced spouse/civil partner where required to move out of Ministry of Defence accommodation or have moved out within the last 6 months due to divorce or separation).
- People living in Darlington who need to move on urgent medical grounds. Applicants who have provided professional evidence as requiring alternative accommodation because their medical condition (physical or mental health) and/or disability means

they cannot live in their current home (that is, they are not able to remain in their home, their property is not suitable for adaptation or they are unable to return home from hospital, or a care establishment).

- People living in Darlington who are suffering from proven and evidenced anti-social behaviour from neighbouring residents. Applicants who have provided professional evidence from either internal or external agencies (Police, Civic Enforcement, current landlord etc.) that they are victims of anti-social behaviour, and they are not able to remain in their property.

*People in this band may receive a direct offer of housing dependent on circumstances.

Band 2 High Housing Need

- People living in Darlington with learning disabilities who are assessed as having to move in order to receive care and support or, where their current housing is having a detrimental effect on their quality of life and ability to live independently.
- A household with a child in need or Care Leaver (as defined in the Children Act 1989), where a formal referral has been made by Social Services with the aim of safeguarding the welfare of the child or children, or a child or children leaving the care of the local authority under the Children (Leaving Care) Act 2000.
- Adoptive parents or prospective adoptive parents/foster carers living in Darlington. Those who need to move due to their current accommodation being unsuitable or who need to move to a different location to safeguard or promote the wellbeing of the child or children they have adopted, or are planning to adopt or foster children in foster care.
- People living in Darlington in unacceptable housing conditions. People who are living in accommodation where, following a property inspection by the local authority, an assessment has concluded that the property contains unacceptable hazards, and it has a duty to take action.
- Darlington Borough Council social housing tenants who are under-occupying their accommodation by 2 or more bedrooms. Calculations for under-occupancy will be based upon the number of people within the household and the criteria set out by the Department of Work and Pensions (see Appendix 4 for details of under-occupation, overcrowding and additional bedrooms). Applicants will only be considered for properties that fit their household's identified housing need.
- People living in Darlington who need to move due to a high medical need. People who have provided professional evidence that supports that they have a medical condition (physical or mental health) and/or a disability where a move to alternative accommodation would significantly improve their health.
- People assessed as ready for independent living. Those who need to move as part of an agreed plan to re-integrate into the community, such as, people leaving supported and temporary housing projects.
- People living in Darlington suffering severe financial hardship where a move would alleviate that financial hardship. For the purposes of housing applications, severe financial hardship is defined as where the current situation could or has rendered the person in a

state of poverty. In this context, poverty means a person who is unable to meet their normal day to day living expenses.

Band 3: Medium housing need

- People living in Darlington in overcrowded conditions. Overcrowding is assessed on the number of people within the household and according to the best use of bedrooms and sleeping spaces available. See Appendix 3.
- Darlington Borough Council tenants who are under-occupying their accommodation by 1 bedroom. Calculations for under-occupancy will be based upon the number of people within the household and the criteria set out by the Department of Work and Pensions (see Appendix 4 for details of under-occupation, overcrowding and additional bedrooms). Applicants will only be considered for properties that fit their household's identified housing need.
- People who need to move on hardship or welfare grounds. People who need to move to a particular area in order to take up an offer of employment, education or training, or to be nearer to family or friends in order to give or receive support, providing it is unreasonable to expect them to commute from their existing home.
- People living in Darlington sharing facilities with persons not of the same household. People sharing facilities with other people who are not members of the same household, for example:
 - People living in houses in multiple occupation.
 - Bed & Breakfast.
 - Hostel.
 - Those who continue to live together following a relationship breakdown.

Note: Gypsies and Travellers will be considered under this category if they are sharing communal facilities, such as, WC or showers whilst residing on an authorised site.

Band 4: Low housing need*

- A person whose current home is adequate to meet their basic housing needs in terms of lifestyle, size, design and location: or,
- A person who has refused a reasonable offer of accommodation or deliberately worsened their own circumstances.

*Please note that all applications will be placed in band 4 pending appropriate supporting evidence.

Viewing properties and refusing offers

When an applicant has been selected for an offer, we will contact them to arrange to view the property before deciding to accept it. Sometimes, more than one applicant may be invited to view.

If an applicant who has been given priority for housing refuses an offer that meets their housing need and this refusal is considered to be unreasonable, they may have their priority removed and be placed in Band 4 for a period of six months.

Time allowed for accepting an offer

Applicants will usually be allowed 2 working days to respond to an offer, but individual circumstances will be taken into account and applicants with specific needs will be given more time, for example, if an assessment for adaptation works is needed or someone with a disability needs more time to consider the move.

Advertising properties

Once an applicant has an active account, they can apply for available homes. Adverts will be clearly labelled to show the property features, local neighbourhood information and the types of households that can apply for it. A photograph will usually be included with the advert.

Properties are sometimes advertised during a tenant's 4 week notice of termination period and could be withdrawn if the tenant changes their mind about moving.

Available properties will be advertised daily on our interactive lettings platform.

It is expected that the majority of applications will be made online. However, for those that require additional support, or do not have access online, they can speak directly to a member of staff by email or telephone.

Applicants can apply for an unlimited number of available properties but will only be contacted if they are successful.

There will sometimes be other restrictions in the advert, such as, age restrictions or adapted properties. Applications will only be considered if the applicant can match the requirements in the advert.

Properties can be added to the site on any day of the week and will be advertised for a minimum of 5 working days.

Where there is more than one property of the same description in the same location, only one advert will be displayed. The property advert will show that there are 'X' properties of the same type available at the same time. For example, if there are 2 or more flats available in a block or where there are a number of new build properties.

Adapted properties for people with disabilities

Adapted properties are homes which have been designed or adapted to meet the needs of people with physical or sensory disabilities. Applicants who have an assessed need for adapted properties will be given priority over others without that need and the property advert will make this clear. The advert will also describe the adaptations to help people choose whether to apply for that property or not.

When shortlisting is carried out, the full circumstances of each case will be considered in deciding who will be offered an adapted property. In some circumstances, we may offer an adapted property to an applicant outside of the date order, if their needs are particularly suitable for their needs.

Applicants can place bids for properties that are not adapted. We will assess whether it is reasonable and practicable to adapt the property in accordance with the Disability Discrimination Act 1995 (as amended in 2006) and other relevant legislation. An Occupational Therapist may be involved in the allocation of the property to ensure it meets the short and long-term needs of the applicant.

Carers

When making offers to applicants who receive overnight support from a non-resident carer, we will consider the need for a spare bedroom. Evidence of overnight stay and carers will be required.

Making direct offers without advertising

As well as applicants applying for advertised properties, there will also be circumstances in which some applicants will receive direct offers. A direct offer may be made in exceptional circumstances, for example:

- Applicants assessed by the Local Authority as being owed a homelessness duty.
- People who need emergency accommodation due to fire, flood or major repairs.
- Ex-offenders subject to Multi Agency Public Protection Arrangements (MAPPA), where a full support package is in place with other relevant statutory and voluntary organisations to enable them to be returned to the community.
- People who are at an imminent risk of violence or a threat of violence, such as, victims of domestic abuse, hate related crime or through a witness protection scheme.

We operate a “one offer” policy. If an applicant refuses a direct offer of accommodation, they will only be given a second offer in exceptional circumstances.

Short-listing and selection

At the end of the advertising period, a list of applicants will be produced. Applications will usually be placed in band order (ranked Band 1+ to 4). If there are two or more applicants in the same band, the date they entered the band (their priority date) will be used as a tiebreaker. In the case of decants, the applicant’s occupancy date for their current property will be used as their priority date. If the priority date is the same for two or more applicants, the registration date will be used.

We may use a quota system, which means that a percentage of our properties may be given preference to Band 2, 3 or 4 first.

Local Lettings Policies may also affect the order of the shortlist.

Local Lettings Policies

In some cases, a home may be advertised with a Local Lettings Policy (LLP). This means that there may be certain qualities or characteristics that we will be looking for when allocating the property.

Our LLP will be developed between ourselves, the Tenants Panel and the Cabinet Member for Housing. It helps us to achieve certain aims for an area/estate or new build development, for example:

- Where there is an issue with anti-social behaviour on an estate, an LLP can be used to make sure that no more households with a history of anti-social behaviour are housed there until the area stabilises.
- For new build developments, an LLP can help us get the right mix of families on an estate.
- For rural villages, an LLP can help us to ensure that homes are let to local people who meet the specified local connection criteria and helping people to remain in the village where they have lived, worked or received support.

Where a property has an LLP attached to it, we will state this on the advert and make this available for the applicant to read.

Further details can be found in our Housing Management Policy.

Local connection

Applicants will be counted as having a local connection to Darlington, or a specific area within Darlington, if they fit one or more of the following categories:

- They already reside in Darlington or that specific area.
- Childcare, after or before school, is already provided in Darlington, or that specific area.
- They work (full/part or fixed contract) in Darlington, or that specific area.
- They need to move to Darlington, or that specific area, to provide support or care.
- A child within the household already attends a school in Darlington, or that specific area.
- They have a proven close family connection to Darlington, or that specific area, where a close family member has resided for 5 or more years. For the purpose of this policy, close family is defined as:
 - Parent
 - Child
 - Grandparent
 - Grandchild
 - Sibling
 - Legal guardian.

Applicants with a local connection to Darlington, or a specific area in Darlington, will be given priority for an offer before applicants who do not, where they are in the same band. Applicants must provide proof of their local connection.

Applicants in temporary accommodation (such as, probation hostels) will not usually have a local connection to Darlington, or a specific area in Darlington, unless they meet one of the

criteria listed above or there are special circumstances, for example, we have placed them into that accommodation due to homelessness.

Applicants leaving the armed forces and victims of domestic abuse will not need to have a local connection. Divorced or separated spouses or civil partners of service personnel who need to move out of accommodation provided by the Ministry of Defence (MoD) will also be exempted from local connection requirements.

Applicants eligible under the Homes for Ukraine scheme will have local connection to Darlington, if the host family that they were placed with resides in Darlington.

Other housing options

Where possible, we will offer other affordable housing options to applicants who approach us for help with housing, as many may have to wait a considerable time before being successful in receiving an offer.

Applicants can also consider the following housing options:

- Private landlords. Homes owned by private sector landlords who are members of our accredited landlord scheme may be advertised on the scheme. The adverts will make it clear that the properties will be offered on an assured shorthold tenancy agreement and are managed and maintained by a private sector landlord.
- Non-partner RP's. As noted previously, RP's may advertise and seek to let at least 50% of their available homes on the scheme in line with Nomination Agreements agreed with us. Details of these RP's can be found in Appendix 2.
- Low Cost and Shared Ownership. Low cost and shared ownership products may be advertised on the scheme. Applicants will be considered for these products, providing they meet the eligibility criteria determined by our Low-Cost Home Ownership policy.
- Home Swaps (Mutual exchanges). Current council tenants can apply to swap their homes with another tenant. We run this through our Homeswapper system. Please see our website or contact us for more details:
<https://www.darlington.gov.uk/housing/your-home/your-tenancy/mutual-exchange/>

Equality and fairness

We will ensure that our policies and practices do not discriminate in line with the Equality Act 2010. We will take measures to ensure that people with disabilities have equal access to housing opportunities with the population as a whole.

We will ensure that all applicants have access to information about the service and equal opportunity to register, apply for and receive offers of accommodation. We will do this by providing help, in the applicants preferred way, where the applicant may have difficulty completing paperwork, applying for a property, or accessing our online services.

Information sharing, confidentiality and data protection

All information received relating to an applicant's housing circumstances will be treated as confidential in accordance with the Data Protection Act 2018. Information will only be shared in accordance with Information Sharing Protocols.

In dealing with an application for housing, we may need to contact other relevant agencies or organisations for further information (such as, medical professionals, probation service,

former or current landlords). This information may be shared with other partners, for example as part of the nomination process.

Where an applicant has difficulty directly communicating themselves, they can name an advocate (or interpreter) to communicate on their behalf.

Performance Monitoring

As part of our commitment to continuous improvement, we will monitor satisfaction levels and use customer feedback to improve our service. We will provide periodic performance reports for discussion with appropriate customer panels such as the Tenants Panel and provide annual performance figures in our Annual Report.

Policy Review

We will carry out a regular review of this policy to include any legislative changes and good practice examples.

Appendix 1

Registered Providers (RP's)

Detailed below are RP's with property across Darlington who will advertise and seek to let some of their available homes using the scheme.

- Anchor-Hanover.
- Bernicia.
- Broadacres.
- Castle & Coasts.
- Clarion.
- Habinteg.
- Hellens Residential.
- Housing & Care 21.
- Karbon.
- Livin.
- Newalk CIC.
- Places for People.
- Railway Housing.
- Salvation Army Housing Association.
- Thirteen.

Please note that this this list is subject to change to reflect new RP's who may acquire existing or build new housing stock in Darlington.

Appendix 2

Non-qualifying applicant(s)

If the applicant (or a member of their household) is found to be guilty of ‘unacceptable’ behaviour, they may be excluded or suspended from the housing register.

We may use information obtained from other agencies such as, Police or Civic Enforcement to make these decisions.

Some examples of unacceptable behaviour are listed below (this is not a complete list);

- Convictions for some drug related offences*.
- Convictions for violent criminal offences which would be considered a threat to the community*.
- Convictions for sex offences which would be considered a threat to the community*.
- Any other conviction which would in our opinion, pose a threat to a community*.
- Perpetrator of domestic abuse.
- Perpetrator of abuse, violence or threats towards a member of staff.
- History of involvement or perpetrator in anti-social behaviour.
- Housing debt in excess of £2,000 which includes rent arrears, court costs, rechargeable repairs.
- An eviction on the grounds of Schedule 2 of the Housing Act.
- Providing false or misleading information.
- Behaviour which would entitle Housing Services to a possession order (if they had been a tenant).
- Behaviour that would cause nuisance or annoyance if they were a tenant, this includes behaviour in the locality where they have previously, currently or are applying to live in.

*Spent convictions will not be considered during our assessment.

Applicants are expected to modify their behaviour before they are able to apply for available properties.

The table below gives some examples of non-qualification periods which may be implemented.

Behaviour	Period
Eviction from a tenancy in the last 6 years	Non-qualifying for 12 months from the date of application
Evidence of involvement or perpetrator of serious anti-social behaviour within the last 3 years.	Non-qualifying for 12 months from the date of application
Housing debt of £2,000 or more, where no effort has been made to repay	Non-qualifying for 12 months from the date of application or until the debt has been repaid in full

Following the end of a non-qualification, a new application should be made by the applicant. The table below gives some examples of suspension periods which may be implemented.

Behaviour	Consequence
Housing debt of £2000 or more where the applicant is making repayments	Suspended for 12 months from the date of application or until 12 months regular payments have been made (with no break in payment pattern)
Housing debt between £750 and £1999.99	Suspended for 6 months from the date of application or until the debt has been repaid in full
Housing debt of less than £750	Suspended for 3 months from the date of application or until the debt has been repaid in full
Moderate to low level anti-social behaviour	Suspension for 3-6 months (dependent on proof of change in behaviour) from the date of application

Under-occupation, Overcrowding and Additional Bedrooms

Under-occupation and overcrowding will be assessed based upon the number of people within the household and according to best use of the bedrooms to reflect the criteria set out by the Department for Work and Pensions.

One bedroom will be considered suitable for:

- An Adult /Adult Couple.
- Two children of the same sex under the age of 16.
- Two children under the age of 10 regardless of their sex.
- Any other person aged 16 or over.
- Any other child that cannot be matched with the above.

Please note: This assessment does not include living room space unless there is a second living room which can be used as a bedroom, and it does not breach health and safety standards. Where a bedroom is being used for another purpose, such as, a study or toy room, its original function as a bedroom will be used in assessing the level of under occupation or overcrowding.

The main householder(s) will be expected to share a bedroom with a child under the age of 12 months.

Additional Bedrooms

There may be some circumstances where a household is allowed an extra bedroom as detailed below:

- Health reasons.
- Bedroom for an overnight carer.
- Joint custody or overnight access to a child or children.
- Prospective adopters and foster carers.

Where one of the above applies, evidence will be requested, and an affordability check may need to be completed to make sure the applicant can afford the additional bedroom as a reduction in Housing Benefit or Universal Credit may apply for additional bedrooms.