

# **ALLOCATIONS POLICY FOR EAST CAMBRIDGESHIRE DISTRICT COUNCIL (Revised 2011)**

## **Contents**

<b>Chapter</b>		<b>Page No</b>
<b>1</b>	<b>Introduction</b>	<b>2</b>
<b>2</b>	<b>Applying for Housing</b>	<b>5</b>
<b>3</b>	<b>Eligibility to be Accepted onto the Register</b>	<b>10</b>
<b>4</b>	<b>Assessment of Housing Need</b>	<b>13</b>
<b>5</b>	<b>Assessment Information and Criteria</b>	<b>20</b>
<b>6</b>	<b>Review of Decisions</b>	<b>26</b>
<b>7</b>	<b>Letting of Accommodation</b>	<b>29</b>
<b>8</b>	<b>Confidentiality and Access to Information</b>	<b>32</b>
<b>Appendix 1</b>	<b>Partner Organisation List</b>	<b>34</b>

## Chapter 1

### 1.0 Introduction

- 1.1 Section 167 of the Housing Act 1996 requires local authorities to publish an *Allocations Policy* which sets out how social rented housing is allocated within the district and in particular how applicants on the housing register are prioritised. This policy applies to existing Housing Association tenants wanting to move as well as to new applicants to the Housing Register. For intermediate tenures, shared ownership and shared equity housing consult the policies of the Zone Agent, Orbit First Step, at [www.orbithomebuyagents.co.uk](http://www.orbithomebuyagents.co.uk)
- 1.2 This is the allocations policy for East Cambridgeshire District Council. The purpose of this policy is to set the basis on which the housing register is managed and to show how social rented properties available to let within the district are offered to customers. This policy should be considered in conjunction with the Cambridge Sub-Regional Choice Based Lettings scheme (called Home-Link) scheme guide which outlines how the scheme works.
- 1.3 During November 2010 a consultation paper “**Local decisions: a fairer future for social housing**” was published by government. The proposals in this paper would affect allocations policies and homelessness law. This policy will be further revised following any change in legislation arising from this paper and it is likely that this will happen during 2011/12.
- 1.4 Properties offered may be owned by housing associations with homes in East Cambridgeshire. Some small or specialist housing associations do not use this scheme, but over 90% of housing association property in East Cambridgeshire is let through Home-Link. Sanctuary Hereward housing association, the association which received the East Cambridgeshire housing stock when it was transferred in 1993, is bound by the transfer agreement to assist the Council in meeting its obligations to homeless people and people seeking affordable housing in East Cambridgeshire, including all those in “reasonable preference” categories, and “part 6” offers as defined in the Housing Act 1996 and the Homelessness Code of Guidance.
- 1.5 The housing register for East Cambridgeshire District Council is managed on the Council’s behalf by Sanctuary Hereward, based at their Ely offices, and both East Cambridgeshire District Council and Sanctuary Hereward are full members of the Home-Link partnership.
- 1.6 Home-Link is run by the seven local authorities of the Cambridgeshire sub-region and deals with the lettings for all these districts. These local authorities are:-
- Cambridge City Council
  - East Cambridgeshire District Council
  - Fenland District Council
  - Forest Heath District Council
  - Huntingdonshire District Council
  - South Cambridgeshire District Council
  - St Edmundsbury Borough Council

1.7 The Home-Link scheme and this lettings policy have been designed in collaboration with all these partners with the aim of having as much consistency in the letting of social housing as is possible in a very diverse sub-region. The lettings policy aims to ensure that all people seeking social housing in East Cambridgeshire are able to exercise choice in deciding where they wish to live and in the type of property they would prefer. The Home-Link scheme enables applicants from East Cambridgeshire to have access to a percentage of available homes from all districts in the housing sub-region.

1.8 The policy enables officers to consider the individual needs of its applicants whilst making best use of the scarce resource of housing stock. The policy sets out:

- How to apply for housing
- Who is eligible to be accepted onto the housing register
- Who is not eligible to be accepted onto the housing register
- How priority for housing applicants will be given
- What the decision-making processes are
- How homes are let

1.9 The Home Link scheme guide may be viewed at <http://www.home-link.org.uk/scheme.aspx>

and this policy can be viewed and downloaded at <http://www.eastcambs.gov.uk/housing/housing>

#### 1.10 **Objectives of the lettings policy**

- To meet the legal requirements for the allocation of social housing as set out in the Housing Act (1996) as amended by the Homelessness Act (2002)
- To assist applicants in the highest assessed need
- To let properties in a fair and transparent way and provide a consistent lettings process
- To enable partner organisations (listed in Appendix 1) to make best use of housing stock
- To ensure that applicants are not discriminated against, whether directly or indirectly
- To support vulnerable applicants
- To provide increased choice and information to applicants
- To provide information and feedback on homes that are let through the Home-Link scheme
- To improve mobility across the sub-region
- To promote social inclusion and help achieve sustainable communities

### 1.11 Legal context for banding

The Housing Act 1996 at section 167(2) requires that the allocations system gives “reasonable preference” for people in five groups:-

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying unsanitary 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); and
- 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 to others)

1.12 All applicants for housing will be placed in a housing needs band, based on an assessment of their household’s needs. Applicants who fall into the above reasonable preference categories will have that preference reflected in the priority Band in the Home-Link system. These bands are described in detail in paragraphs 4.1 to 4.4 of this allocations policy document.

### 1.13 Equal opportunities, diversity

1.14 This policy has been assessed by the East Cambridgeshire Equality and Diversity panel, through the medium of an Equalities Impact/Needs/Requirement Assessment.

1.15 From 1 October 2010, the new Equality Act 2010 came into force. The Act provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

1.16 This allocations policy will be re-assessed during 2010/11 in the light of this new Act to ensure that it meets the requirements to provide protection against direct and indirect discrimination, harassment and victimisation in services and public functions; premises; work; education; associations, and transport, and to so protect people in the extended categories, including people with disabilities and gender reassignment and providing new protection for people like carers.

## Chapter 2 Applying for housing

### How to apply for housing

2.1 Anyone can apply to this register for housing.

2.2 To be accepted, however, you must be:-

- Eligible for recourse to public funds (see chapter 3)
- Able to demonstrate that you cannot afford to buy a suitable home on the open market

and to stay on the register you must respond to enquiries under the regular reviews of the register (see below).

2.3 Evidence of eligibility will always be required to complete registration. Applicants are advised that due to a high demand for available housing in East Cambridgeshire, not everyone who is eligible to be housed is guaranteed housing from the register. At the time of writing this policy there were 1400 families on the register and about 400 lettings made each year, so there is considerable pressure on social rented housing in the district.

2.4 To apply to go on the housing register, applicants are required to complete a Home-Link application form.

Applications can be made on-line at  
[www.home-link.org.uk](http://www.home-link.org.uk)

Applications can also be downloaded from  
[www.sanctuaryhousing.co.uk/hereward+housing](http://www.sanctuaryhousing.co.uk/hereward+housing)

or a paper form can be obtained from Sanctuary Hereward, East Cambridgeshire District Council or from the office of any sub-regional partner organisation, such as one of the other six district councils.

The form can be returned to:-

Sanctuary Hereward,  
St Mary's Lodge,  
St Mary's Street,  
Ely,  
Cambridgeshire,  
CB7 4EY

or to any of the Home-link partner organisations' offices as detailed in appendix 1

2.5 An applicant may include anyone on their application form that may reasonably be expected to live with them as part of their household.

Where more than one eligible applicant wishes to have a shared application they will be known as joint applicants.

## **2.6 What happens to the form?**

2.7 On receipt of the application form Sanctuary Hereward will assess the form and may request additional information and supporting evidence so that the applicant's eligibility and housing need can be confirmed. Sanctuary Hereward will verify the information provided which may include inviting the applicant(s) for an interview.

2.8 After assessment Sanctuary Hereward will write to applicants to inform them:-

- Whether they are eligible for housing and if so of their unique reference number, which allows them to bid for homes through the Home-Link Scheme.
- The Housing Needs Band in which the application has been placed
- The date that the application was placed in the band (the "date in band")
- The size of property for which the applicant is likely to be able to bid
- How decisions may be reviewed

## **2.9 Date of registration**

2.10 The registration date of an application will be the date the housing application form is received at the office of Sanctuary Hereward or any of the partner organisations. All relevant documentation should be provided within 28 days of initial contact. Failure to provide relevant documentation may result in a later registration date.

## **2.11 Date in band**

A principle of the policy is that no new applicant should overtake existing applicants in a band. Therefore applicants will be placed within a band in date order.

- **New applications:** the date in band will be the same as the applicants registration date.
- **Change in circumstances which results in a higher band assessment:** the date in band will be the date the applicant provides satisfactory evidence to Sanctuary Hereward of the change in circumstances.

When applicants move down bands due to a change in their circumstances the following applies:

- Where an applicant is moving down into a band they have been in previously, the date in band reverts to the date that applied when the applicant was in that band.
- Where an applicant is moving down into a band that they have not previously been in their date in band will be their initial registration date.

Examples can be found in Sanctuary Hereward's procedure manual which you may inspect on request.

#### **2.12 Multiple applications**

2.13 An applicant can have only one active application as a main applicant on the housing register at any time. This applies to the whole of the Home-Link area, so you cannot have, for example, one live application with Cambridge City and another with East Cambridgeshire. You can be eligible for and have a connection to more than one area on the system, but you can only have one application.

#### **2.14 Civil partnership**

Civil partnership is a legal relationship, which can be registered by two people of the same sex, so that their relationship is legally recognised. The Civil Partnership Act came into force on 5 December 2005.

Civil partners will have equal treatment with married couples in the lettings policy, including:

- Parental responsibility for the other civil partner's child
- Succession and assignment of a tenancy agreement
- Protection from domestic violence
- Immigration and nationality purposes

Same-sex couples who are not in a civil partnership may be treated as joint tenants if they so wish, (see para 2.5) but may not have the other rights of civil partners or married couples.

#### **2.15 Change of circumstances**

2.16 Where an applicant registered with Home-Link in East Cambridgeshire has a change in their circumstances they must inform Sanctuary Hereward. Applicants can obtain a change of circumstances form from any office of a partner organisation, but it must then be sent to the organisation where the original application was made. Sanctuary Hereward will carry out a housing needs assessment based on the new circumstances.

Examples of change of circumstances are given below, although this list is not exhaustive.

- Change of address
- People joining or leaving the household
- Pregnancy/birth of a child
- Relationship breakdown
- Change to the medical circumstances of anyone included in the application
- Death of a household member
- Death of a joint applicant
- Any other material circumstance that changes a housing application

## 2.17 **Applicant's consent and declaration**

When an applicant applies for housing, they will be required to sign a declaration to confirm that:

- The information they have provided is true and accurate
- They will inform Sanctuary Hereward of any change in circumstances
- They understand that information will be shared with all the partner organisations listed in Appendix 1.
- They consent to Sanctuary Hereward making enquiries of any relevant persons to confirm the information on the application form is correct
- They consent to the release of any relevant information

2.18 Sanctuary Hereward or East Cambridgeshire District Council may take legal action against applicants who withhold or provide false information regarding their housing application. Where an applicant has obtained a tenancy as a result of providing false information, the Landlord of that property may take court action to obtain possession of the property.

## 2.19 **Data protection**

Sanctuary Hereward's policy on Data Protection can be viewed at:-  
[www.sanctuaryhousing.co.uk/hereward+housing](http://www.sanctuaryhousing.co.uk/hereward+housing).

East Cambridgeshire District Council's data protection policy can be viewed at:-  
<http://www.eastcamb.gov.uk/content/data-protection-policy-and-guidance>

2.20 The Council aims to ensure that personal information is treated lawfully and correctly. The Council fully endorses and adheres to the Data Protection regarding personal Information as follows:-

- Personal information shall be processed fairly and lawfully and shall not be processed unless specific conditions are met;
- Personal information shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes;
- Personal information held shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed;
- Personal information shall be accurate and where necessary kept up to date;
- Personal information shall not be kept for longer than is necessary for that purpose or those purposes;
- Personal information shall be processed in accordance with the rights of data subjects under the Act;
- appropriate technical and organisational measures will be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data;
- Personal information shall not be transferred to a country or territory outside the European Economic Area unless that country or territory



ensures an adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

**2.21 Application review**

2.22 The housing register will be kept under regular review. When an applicant has not expressed an interest in any available properties for one year, Sanctuary Hereward will write to them to ask if they still wish to be on the housing register. If there is no response within the required time limit (28 days from the letter being sent) the application will be cancelled. Sanctuary Hereward will write to the applicant to notify them of this.

2.23 If an applicant contacts Sanctuary Hereward within 28 days of their application being cancelled and indicates that they still want to be considered for housing the application will be reinstated from their last applicable date in band (see section 2.11 above).

**2.24 Cancelling an application**

An application will be cancelled from the housing register in the following circumstances:

- At the applicant's request
- If the applicant becomes ineligible for housing (see chapter 3)
- When the applicant has been housed through the Home-Link scheme
- When a tenant completes a mutual exchange
- Where an applicant does not maintain their application through the review process, or where they move and do not provide a contact address
- Where the applicant has died

2.25 When an application is cancelled, Sanctuary Hereward will write to the applicant or their representative to notify them. Where an applicant has been highlighted as vulnerable, Sanctuary Hereward will contact the applicant to check their circumstances before cancelling the application. Any applicant whose application has been cancelled has the right to ask for a review of the decision (see chapter 6).

2.26 Where an applicant wishes to re-join the housing register at a later date their new date of registration will be the date they re-apply.

## **Chapter 3**

### **Eligibility to be accepted onto the housing register**

#### **Eligibility categories**

##### **3.1 Recourse to public funds, advice and assistance**

3.2 The Housing Act 1996 requires local authorities to consider whether applicants are eligible for housing assistance. This relates to some people who may have been living abroad or who do not have permanent permission to remain in the UK.

3.3 East Cambridgeshire District Council cannot, by law, offer assistance with housing to anyone who is ineligible because they have no recourse to public funds and/or are subject to immigration control or who is not habitually resident in the Common Travel Area. The rules around this matter change frequently and East Cambridgeshire District Council keeps key members of staff updated. For clarification on these rules please consult one of the Council's housing advisors.

3.4 East Cambridgeshire District Council and Sanctuary Hereward are prohibited by law from giving immigration advice. If you require immigration advice you should consult an immigration advice agency

3.5 East Cambridgeshire District Council and Sanctuary Hereward cannot, by law, allocate housing accommodation to anyone who is subject to immigration control within the meaning of the Asylum and Immigration Act (1996), unless they:

- Already legally hold an assured tenancy
- Are in a class prescribed by regulations made by the Secretary of State

3.6 Any person making an application who is identified as falling into any of the categories listed in the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. East Cambridgeshire District Council and Sanctuary Hereward reserve the right to seek independent advice and assistance to resolve the issue of eligibility.

##### **3.7 Exclusions from the housing register – unacceptable behaviour**

3.8 Under sections 160A (7) and (8) of the Housing Act 1996 (amended by the Homelessness Act 2002) East Cambridgeshire District Council may exclude someone from the register if the Council considers it proportionate and reasonable to do so as a result of unacceptable behaviour serious enough to make them unsuitable to be a tenant. All relevant factors such as health, dependants and the individual circumstances of the applicant will be taken into account when making these decisions.

3.9 “Unacceptable behaviour” is defined as behaviour serious enough to entitle a landlord to a possession order if the applicant were a secure or assured tenant or a member of a secure or assured tenant’s household.

3.10 If an applicant has previously been refused an application onto the housing

register because of unacceptable behaviour and considers that their unacceptable behaviour should no longer be held against them they can complete a new application form.

- 3.11 When making decisions regarding unacceptable behaviour the following will be taken into consideration:-
- If the applicant (or a member of their household) has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of any housing association in the district.
  - When the unacceptable behaviour took place. Consideration will be given to the length of time that has elapsed and whether there has been any change in circumstances.
  - What action the landlord could reasonably have taken against the perpetrator of the unacceptable behaviour.
- 3.12 **Notifying an ineligible applicant**
- 3.13 Applications from ineligible applicants will not be registered but the date on which the application is received will be noted. Sanctuary Hereward will notify the applicant in writing of the decision and the reasons for the decision and of how to apply to have the decision reviewed.
- 3.14 **Suspensions from the housing register – mental capacity**
- 3.15 Where an individual has been assessed in accordance with the Mental Capacity Act 2005 as being unable to hold or to manage a tenancy, they may be suspended from the register until a suitable advocate is appointed to act on their behalf. Where an application has been received from a person without mental capacity, and a suitable advocate is appointed to act for that person, the start date of the application will be the date the application was originally received by a partner organisation (Appendix 1).
- 3.16 There is a Code of Practice to accompany the Mental Capacity Act 2005, providing guidance to those working in a professional capacity with and/or caring for adults who lack capacity. For example, Attorneys, Deputies, IMCAs, professionals and paid carers all have a duty to follow the Code. The full Code of Practice can be viewed on the Department of Constitutional Affairs website – [www.dca.gov.uk/menincap/legis.htm#codeofpractice](http://www.dca.gov.uk/menincap/legis.htm#codeofpractice) . East Cambridgeshire District Council will act in accordance with this code of practice.
- 3.17 All decisions made by East Cambridgeshire District Council and Sanctuary Hereward in relation to excluding applicants from the housing register are subject to review if requested by the applicant (see chapter 6).
- 3.18 **Local connection criteria**
- 3.19 To ensure that local housing needs are met, 90% of East Cambridgeshire properties advertised through the Home-Link scheme will be labelled as available to applicants with a local connection to East Cambridgeshire. It has been agreed

that 10% of advertised properties will be available to applicants who have a local connection to any authority within the Cambridge Sub-Region. It has also been agreed that 25% of “new growth” homes will be made available for cross-boundary mobility. In each case the relevant local connection requirement will be clearly labelled on the property advertisement.

- 3.20 The housing register is open to all applicants who are eligible for housing even if they do not have a connection to East Cambridgeshire. They are able to express interest in advertised homes, but usually the property will be labelled as available to applicants with a local connection to East Cambridgeshire or to the Cambridge sub-region. If there is no local connection criterion required for the property, this will be stated on the property label.
- 3.21 To be considered as having a local connection to East Cambridgeshire one of the following must apply for the sole applicant or for one or both joint applicants:
- work in East Cambridgeshire for sixteen hours or more per week; and/or
  - resident in East Cambridgeshire for at least 6 of the last 12 months, or 3 of the last 5 years; and/or;
  - previously been resident in East Cambridgeshire for 5 years or longer; and/or;
  - have family members who are resident in East Cambridgeshire. Family members are defined as parents, children or brothers or sisters who have been resident in East Cambridgeshire for a period of 5 years; and/ or;
  - there are special circumstances which East Cambridgeshire District Council considers give rise to a local connection.
- 3.22 When assessing local connection to their area all of the partner organisations in the Cambridge Sub-Region have agreed to use the same criteria as above. When applying for a sub-regionally advertised (cross-border) property a local connection to any of the partner organisations will enable applicants to bid.

## **Chapter 4**

### **Assessment of housing need**

#### **4.1 Legal background**

4.2 The Housing Act 1996 at section 167(2) requires that the allocations system gives “reasonable preference” for people in five groups:-

- People who are homeless (within the meaning of Part VII (7) of the Housing Act 1996, as amended by the Homelessness Act 2002)
- People who are owed a duty by any local housing authority under section 190(2), 193(2), or 195(2) of the 1996 Act (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)
- People occupying unsanitary 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); and
- 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 to others)

4.3 The local authority may award “additional preference” to particular individuals, provided that they have “urgent housing needs” .The authority may take into account a wide range of factors when considering whether to give an individual “additional preference” or whether to give a lesser priority, but it must be able to explain the reasons for the decision. The following paragraphs explain the approach which East Cambridgeshire District Council will take in all but the most exceptional cases.

4.4 All applicants will be placed in a housing needs band following an assessment of their household’s needs.

#### **4.5 Advice and information**

East Cambridgeshire District Council will ensure that housing advice and options information and advice about how to apply for housing is available free to everyone in East Cambridgeshire. If applicants are likely to have difficulty in making an application to Home Link without assistance, then any necessary assistance they require will be made available by Sanctuary Hereward.

#### **4.6 Assessment**

4.7 In the majority of cases assessment decisions are made by Sanctuary Hereward on behalf of the Council. Decisions relating to homeless households (where the main homelessness duty is owed) and homelessness prevention (prior to homelessness decision being made) which will be made by East Cambridgeshire District Council’s Housing Advice Service.

#### **4.8 Housing needs bands**

4.9 Housing need will be assessed and applicants placed in one of four bands in date order. Applicants placed in Band A will have the highest assessed need, Band D the lowest. When an applicant is placed in a housing needs band the same level of priority will apply with all partner organisations in the sub-region.

#### **4.10 Band A: Urgent Need**

Applicants will be placed into Band A in the following circumstances:-

##### **a) Urgent transfer**

Where a tenant of Sanctuary Hereward, a Home Link partner organisation or another housing association living within the Cambridge Sub-Region needs to move urgently because of circumstances that might include:

- Major repairs are required on the property in which they live and which cannot be undertaken with the tenant living in the property
- The property is being demolished

##### **b) Statutory overcrowding**

Applicants who have been assessed as being overcrowded as defined in Part X (10) of the Housing Act 1985.

##### **c) Urgent health and safety risk**

Applicants whose current accommodation has been assessed by an Environmental Health Officer from a partner organisation as posing an urgent health and safety risk. This will apply where the assessment has classified the accommodation as unsafe, or where there is a risk of imminent harm as identified in the assessment, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

##### **d) Urgent medical need**

Band A status will be awarded where an applicant's current housing has been assessed as having a major adverse effect on the medical condition or disability of the applicant or member of their household and this will be significantly improved by alternative accommodation.

##### **e) Current supported housing resident**

The applicant has been assessed by a partner organization and the supported housing provider as ready to move into independent accommodation, and the applicant has not been placed in Band A for any other reason.

#### **f) Homeless households (main homelessness duty owed)**

East Cambridgeshire District Council or a partner organization has accepted a main homeless duty under s193 (2) of the Housing Act 1996 as amended by the Homelessness Act 2002. This means that the applicant has been found to be eligible for housing assistance, homeless, not homeless intentionally and has a priority need for accommodation as defined in the legislation above.

#### **e) Urgent multiple needs**

Where a Home-Link partner organisation has assessed a household as having two or more Band B needs. This may include an application where two household members have the same assessed need, for example, two high medical needs. For multiple needs in Band A please see emergency housing status (see chapter 5).

### **4.11 Band B: High Need**

Applicants will be placed into Band B where they meet one of the following criteria:-

#### **a) High health and safety risk**

Applicants whose current accommodation has been assessed by an Environmental Health Officer from a partner organisation as posing a high health and safety risk. This will apply where the assessment has identified that the applicant is living in a property the condition of which places them at a high risk of harm, which cannot be remedied in a reasonable time and where the health and safety risk has not been caused intentionally by the applicant or a member of the applicant's household.

#### **b) High medical need**

A high medical need will be awarded where an applicant's current housing conditions have been assessed as having a significant adverse effect on the medical condition or disability of the applicant or member of their household and this will be improved by alternative accommodation.

#### **c) Victims of harassment, violence or abuse**

Where a Home Link partner organisation has investigated and an assessment has identified that the applicant or a member of their household is being subjected to harassment or other conduct causing alarm and distress that will be improved by alternative accommodation. Harassment might be, but is not limited to, harassment due to, race, gender, sexual orientation, mental health, physical disability, learning disability, religion, domestic abuse or harassment by a former partner or associated persons. Sanctuary Hereward will offer advice and support to assist the applicant in identifying possible ways to resolve the situation. Allegations of harassment due to gang or drug dealer activity will be referred to the housing advice team at East Cambridgeshire District Council for full investigation before a banding decision is made.

**d) Lacking two bedrooms**

Based on the bedroom calculation in chapter 5 the household is assessed as lacking two bedrooms.

**e) Under-occupancy by two or more bedrooms or release of adapted property**

Where an existing social housing tenant in the sub-region is living in a property, which:

- Has two bedrooms more than are required by the household
- Where a property has been adapted and the adaptations are no longer required, for example, if the person requiring the adaptations has moved or died

**f) Homelessness prevention (prior to homelessness decision being made)**

Where an applicant is threatened with homelessness within a period of more than 28 days, East Cambridgeshire District Council will work with the applicant to try and prevent their homelessness. Those applicants who would appear likely to have a priority need in the event of a homelessness application will be placed in Band B whilst the prevention measures are being pursued. Existing housing register applicants within Band A will retain their Band A status.

Where homelessness prevention has not been possible and an applicant remains threatened with homelessness within the next 28 days, they may choose to make a homeless application which will be assessed by ECDC, under part VII (7) of the Housing Act 1996 as amended by the Homelessness Act 2002.

**g) Multiple needs**

Where a Home Link partner organisation has assessed the applicant as having three or more Band C needs. This may include an application where more than two household members have the same assessed need i.e. three medical needs.

**4.12 Band C: Medium Need**

Applicants will be placed into Band C in the following circumstances:-

**a) Medium medical need**

A medium medical need will be awarded where an applicant's current accommodation is assessed as having a minimal effect on the medical condition or disability of the applicant or member of their household, but a move to different accommodation would be likely to improve their quality of life.

**b) Under-occupancy by one bedroom.**

Where an existing social housing tenant in the sub-region is living in a property which has one bedroom more than is required by the household.



### **c) Need to move for social reasons**

Where Sanctuary Hereward or a partner organisation has assessed the applicants need to move for social reasons.

For example, where it has been confirmed that an applicant:

- Needs to move to or within an area in the sub-region to give or receive support and a proven level of support is required and can be given
- Has found employment in the area and needs to move closer to work, or will otherwise lose their employment
- Has staying contact with a child/children and is living in accommodation where the child/children are not allowed to stay overnight
- Is living above ground floor with children under 10 years of age

This list is not exhaustive.

### **d) Housing conditions**

Where the applicant/s share facilities with persons who are not members of their household.

Shared facilities may include:

- A living room
- Bedroom
- Kitchen
- Bathroom

### **e) Lacking one bedroom**

Based on the bedroom calculation in chapter 5 the household is assessed as lacking one bedroom.

### **f) Other homelessness**

Applicants who are homeless or threatened with homelessness and are either:

- Intentionally homeless
- Homeless or threatened with homelessness but not in priority need
- Sleeping rough and not in priority need
- Where the applicant is owed a main homelessness duty by a local authority that is not a Home-Link partner in the Cambridge sub-region.

## **4.13 Band D: Low Priority**

Applicants who do not qualify to be in one of the higher bands will be placed in Band D.

**Applicants may be placed in band D as low priority in the following circumstances:-**

#### **a) unacceptable behaviour**

Where an applicant or member of their household is guilty of unacceptable behaviour which is not sufficiently serious to justify their exclusion from the housing register but it may indicate that they are not suitable to maintain a tenancy with any of the partner organisations. In these circumstances the applicant will remain in low priority until the applicant has shown that the circumstances or behaviour that made them unsuitable to be a tenant has changed, as per the Housing Act 1996 S167 (2b) and (2c).

Housing Associations who are partner organisations should act according to the guidance in *Tenancy Management: Eligibility and Eviction* (Housing Corporation, April 2007). This guidance suggests that where an applicant's previous anti social behaviour has caused exclusion from a register, band or tenancy, any previous enforcement action should not be taken into account if it occurred two or more years prior to the date of making the application

#### **b) outstanding debts**

Where an applicant is considered by a partner organisation to be ineligible for housing because he or she owes rent for a previous tenancy the housing association should actively encourage the applicant to enter into an agreement to pay their arrears. If such agreements are maintained for a reasonable period the application and banding will be reassessed. Different housing associations will have different policies regarding such debts. Debts arising from non-housing payments will not have a bearing on the eligibility for the register or for banding.

#### **c) information and right to review**

Applicants who are considered low priority will be informed in writing of this decision, and of how their application could be re-assessed, for example, by agreeing an arrangement to make payments towards tenancy related debt. Applicants found to be low priority have a right to ask for a review of the decision (see chapter 6). A senior officer will undertake the review. All low priority applicants will have their application reviewed on the anniversary of the decision to make them low priority.

- 4.14 In rare cases certain applicants may be excluded from the register (see paragraph 3.7 above).

#### **4.15 Intentionally worsening housing circumstances**

If, in the reasonable opinion of a partner organization, an applicant has intentionally worsened their housing circumstances to improve their housing priority, their housing need will be assessed on the basis of their previous accommodation.

#### **4.16 Officer review for Band A applicants**

Where an applicant has held Band A status for three months from their applicable date in band, Sanctuary Hereward will carry out a review of their circumstances. This will result in either:

- Priority being maintained

- A direct let – usually for statutorily homeless applicants living in temporary accommodation
- Moving into a lower priority band if the circumstances under which they were placed in Band A no longer apply

## **Chapter 5**

### **5.1 Assessment information and criteria**

5.1.1 The following section outlines criteria taken into account when considering assessments of housing need:-

### **5.2 Homeless applications**

5.2.1 Applicants who are already on the housing register will remain in their existing housing needs band whilst a homeless assessment is carried out.

5.2.2 When a decision has been made by East Cambridgeshire District Council that an applicant is owed a main homelessness duty under s.193 (2) of the Housing Act 1996 (as amended) their application will be placed in Band A (see chapter 4 section 4.6.1 (f)).

5.2.3 Where a person is threatened with homelessness within a period of more than 28 days, East Cambridgeshire District Council will work with the applicant to try and prevent their homelessness. Persons who would appear to be likely to have a priority need in the event of a homelessness application will be placed in Band B whilst the prevention measures are being pursued.

5.2.4 A person who is threatened with homelessness may have an existing housing register application. Applicants who are already in Band A will retain their existing band status whilst homelessness prevention measures are pursued.

5.2.5 An applicant who is statutorily homeless or threatened with homelessness but deemed not to have a priority need will be placed in Band C (unless other circumstances are such that they are eligible for placement within a different band).

5.2.6 Applicants who have been assessed as being in priority need but are intentionally homeless will have their housing application assessed on their current accommodation, if an applicant has intentionally worsened their circumstances the housing needs assessment will take this into account (see section 4.12.1).

5.2.7 Applicants owed a main homelessness duty under s.193 (2) will be expected to bid for permanent accommodation.

### **5.3 Split household**

5.3.1 Where members of a household who would normally be expected to live together are unable to do so because of their current housing circumstances, they will have their particular circumstances assessed by Sanctuary Hereward to determine the best way of addressing their housing needs.

## **5.4 Bedroom requirements**

5.4.1 The list below will be used to assess applicant's/household bedroom requirements and whether they are lacking any bedrooms in their current home:

- couples require one double bedroom;
- single adults require one bedroom (an adult for this purpose is classed as aged 18 or more);
- two children of the same sex under 10 years old require one double bedroom;
- if there are three children in one room they will be assessed as lacking one bedroom;
- two children of the opposite sex, where the oldest child is aged 6 years or over require two bedrooms; and
- a pregnant woman expecting her first child requires two bedrooms after 24 weeks of pregnancy.

5.4.2 Housing assessment for bedroom requirement will be made taking into account the size of the property and the best use of the available space. For example if a household is using a bedroom as a study they would not be assessed as lacking a bedroom.

5.4.4 Please note that these are general guidelines. All properties that are advertised through the Home-Link scheme will be clearly labelled to identify the household size eligible to bid for each property. Sanctuary Hereward and the Partner Organisations will label property to make best use of their individual housing stock.

## **5.5 Staying contact with children**

5.5.1 Where an applicant has staying contact with children for less than 50% of the time the children will not be counted as part of the applicants household when assessing bedroom requirements.

5.5.2 Where two applicants have equal staying contact with children, the children will be counted as part of both applicants' households when assessing bedroom requirements.

## **5.6 Medical and disability assessments**

5.6.1 Medical assessments will be carried out for any applicants who believe that their medical condition or disability is being affected by their current accommodation. The applicant will be required to fill in a self-assessment medical form, detailing the effect that their current accommodation is having on their medical condition or disability. These forms will be assessed by either a medical professional or an officer within Sanctuary Hereward.

## **5.7 Harassment and domestic violence**

5.7.1 Where the applicant is a victim of harassment, domestic violence or anti-social

behaviour, Sanctuary Hereward will offer advice and support to assist applicants in identifying possible ways of resolving their housing situation. In these cases applicants should also contact the specialist domestic violence worker at East Cambridgeshire District Council, who will assist with referrals to other support services.

## **5.8 Applicant subject to Multi Agency Public Protection arrangements (MAPPA)**

5.8.1 Where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), both Sanctuary Hereward and East Cambridgeshire District Council or whichever agency is appropriate will liaise with the MAPPA panel to ensure an appropriate housing solution is sought to meet the needs of the applicant and the community as a whole.

## **5.9 Financial resources**

5.9.1 Some housing associations with properties within East Cambridgeshire have financial thresholds for applicants. Often these form part of a condition of charitable status for the association. This means that some associations will not offer accommodation to applicants whose income and savings exceed their thresholds. This will apply even if the applicant is at the top of the shortlist for an advertised property.

5.9.2 All eligible applicants can join the housing register and will have their housing needs assessed irrespective of their income levels.

5.9.3 If an applicant owns their home, they will normally not be considered for social or affordable housing. However, there are exceptional circumstances which may be assessed through an appeals process at Sanctuary Hereward on a case by case basis. Applicants who are home-owners will be considered if they require only housing designated for older people.

## **5.10 Emergency Housing Status**

The award of emergency housing status will be given by a senior officer and must satisfy the test and evidence as detailed in the Home Link procedure. An emergency housing status may be awarded to applicants in circumstances where remaining in their current accommodation may cause risk of death or serious injury. Emergency housing status may also be awarded to an applicant who has been assessed as having multiple needs that fall within Band A.

5.10.2 An applicant with emergency housing status who bids for a home will be considered as a priority above all other applicants in any other band.

5.10.3 Emergency status is time-limited for three months and may in exceptional circumstances be extended.

## **5.11 Direct lets**

5.11.1 Most properties will be advertised through the Home Link scheme. However in certain circumstances Sanctuary Hereward may allocate some properties directly to applicants. Where an applicant is identified as requiring a direct let the case will be referred to a senior officer for approval. The list below gives some examples of where Sanctuary Hereward might do this. This list is not exhaustive.

- Where a household which has been accepted as homeless has not found suitable accommodation through the HomeLink scheme during a period of choice.
- Where an applicant and their household require a very specific size, type or adapted property and the applicant has not been able to find suitable accommodation through the HomeLink scheme.
- Where an existing social housing tenant is required to move to make the best use of stock, and they have not been successful in getting a suitable property through the HomeLink scheme.

5.11.2 Information about which properties have been allocated though a direct let will be made available though the HomeLink feedback mechanism.

5.11.3 Direct lets will be made on the basis of a suitable property becoming available. Where a property becomes available that is suitable for more than one applicant for whom a direct let is required the eligibility date in will be used as a deciding factor in determining to whom the property will be allocated.

## **5.12 Direct lets to homeless applicants**

5.12.1 Homeless applicants who have been found to be owed a main homelessness duty are eligible for a direct let (after a period of choice) in addition to being able to express interest in available properties.

5.12.2 Where a homeless applicant refuses an offer of accommodation that they have bid for, they will remain within the same housing band and the s.193 (2) duty under the Housing Act 1996 as amended by the Homelessness Act 2002, will continue, although such an offer may well have been suitable. Sanctuary Hereward will allow the applicant to bid for further properties in order to ensure maximum availability of choice during the initial 3-month period following acceptance under s.193 (2).

5.12.3 Where homeless applicants in Band A have not been successful in bidding for properties after a period of 3 months following the acceptance under s.193 (2) of the Housing Act 1996, East Cambridgeshire District Council may, through Sanctuary Hereward, make a direct let to the applicant of a property in any area of East Cambridgeshire. The decision to make a direct let will depend on whether the homeless applicant has had the opportunity to bid for a property, thereby exercising choice, during the 3-month period following their acceptance for housing under s.193 (2).

5.12.4 Sanctuary Hereward will continue to review each homeless applicant's

circumstances and property availability. The applicant will be informed of the date from which they are to be considered for accommodation via a direct let. Whilst Sanctuary Hereward are looking for a direct let the applicant can also continue to exercise choice by bidding for properties.

- 5.12.5 Where a homeless applicant is to be allocated a property through a direct let Sanctuary Hereward is responsible for determining the suitability of any allocation. Sanctuary Hereward will do this by assessing the household's particular needs and circumstances within the context of the general housing conditions prevailing in the area as a whole.
- 5.12.6 If a suitable offer made as a direct let (after a period of choice) is refused, East Cambridgeshire District Council duty towards the person as a homeless applicant will come to an end. The applicant will also have to leave any temporary accommodation being provided.
- 5.12.7 Where a homeless applicant is offered property via a direct let, but does not feel that this offer is suitable, they have the right to request a review of the decision that the offer is suitable. For details of the review process (see chapter 6).
- 5.12.8 Homeless applicants will usually be advised to accept the offer and move in to the property pending the decision on the review. This way, if the property is deemed to be suitable at the review, no further offer will be made but the applicant will be able to remain living at the property allocated through the direct let.
- 5.12.9 If the property is refused by the homeless applicant and it is then deemed suitable at review, the s.193 (2) duty will have come to an end, the homeless applicant will not be made a further offer of accommodation and will also have to vacate any temporary accommodation that is being provided.
- 5.12.10 If, on review, the property is deemed to be unsuitable, the duty under s.193 (2) will continue and the applicant will be made a further offer of suitable accommodation.

### **5.13 Applicants who require a specific size, type or adapted property**

- 5.13.1 Where an applicant requires a specific size, type or adapted property, they will be placed in the appropriate housing needs band, but may be offered a direct let if Sanctuary hereward and other Housing Associations have a shortage of suitable properties. For example:
- An applicant requires a very large property to accommodate their household
  - An applicant requires a property of a specific type in a specific area of East Cambridgeshire
  - An applicant requires a property with specific adaptations and such a property becomes available
  - Where an applicant is willing to move to release a large family home



## **5.14 Sheltered housing**

5.14.1 Sheltered housing will be advertised through the HomeLink scheme. Property in schemes designated by Sanctuary Hereward as sheltered housing will only be available to households who require the level of support offered in this type of accommodation. Applicants for sheltered housing will be subject to an assessment by Sanctuary Hereward to establish the prospective tenants support needs and suitability to live within a sheltered housing scheme.

## **5.15 Extra care housing**

5.15.1 Extra care is housing for older people where additional support and social care services are provided in accordance with assessed need. Extra Care housing will not be advertised through HomeLink. Allocations will be made by a dedicated allocation panel, consisting of representatives from Sanctuary Hereward, East Cambridgeshire District Council and Cambridgeshire County Council Adult Care Services. Allocations through this panel will be based on an assessment of the level of support and care required by the applicant.

## **5.16 Refusal of direct let**

5.16.1 Where an applicant refuses a reasonable offer of a direct let, a senior officer will review the refusal and the applicant may lose any housing priority they held, depending on the reasons for the offer refusal. Applicants have the right to ask for a review of this decision (see chapter 6).

## **5.17 Area specific policies**

5.17.1 Area specific policies, also known as Local Lettings Policies, are used in some specific areas within the sub-region to help create balanced and sustainable communities. Where an area specific policy applies, it will be stated in the property label, together with the details of the requirements.

## **Chapter 6**

### **Reviews of decisions**

#### **6.1 Senior officer decision making processes**

6.1.1 Reviews of decisions made within the Home Link processes will be carried out by a senior officer who was not involved in the original decision.

6.1.2 Assessment (eligibility and banding) decisions will be made by designated officers within Sanctuary Hereward. Homelessness decisions will be assessed by the Housing Advice Team at East Cambridgeshire District Council.

#### **6.1.2 Statutory reviews**

6.2.1 An applicant has the right to request a review of decisions made under part V1 (6) of the Housing Act 1996. In particular:

- Decisions about the facts of the applicant's case which are likely to be, or have been, taken into account in considering whether to allocate housing accommodation to the applicant
- Lack of any reasonable preference based on previous behaviour (s167 (2C) Housing Act 1996)
- Ineligibility for an allocation based on immigration status (s160A (9), Housing Act 1996 and subsequent legislation).

6.2.2 Decision letters issued in respect of housing applications will advise the applicant of their right to request a review and provide appropriate guidance on how to do this. An applicant can obtain further details of the review procedure from Sanctuary Hereward.

6.2.3 Applicants requesting reviews of decisions about suitability of accommodation will be advised to accept and move into the accommodation pending the outcome of their review request. If the review goes in their favour alternative accommodation will be provided as quickly as possible. However if the applicant has accepted the original offer and the Council's decision about the suitability of the property stays the same, no further accommodation will be provided and the applicant will be entitled to remain there.

6.2.4 A request for a review of a decision can be made in writing or verbally to Sanctuary Hereward. The request should be made within a reasonable period following the notification of the decision. Reviews will be considered within 28 days of the request being received and the applicant will receive a written response outlining the result of the review.

6.2.4 An applicant will only be entitled to one internal review. If an applicant is still unhappy following the review of a decision, they can make a complaint through Sanctuary Hereward's complaints procedure, contact the Housing Ombudsman or seek further advice, for example from the Citizen's Advice Bureau or from the Housing Advice team at East Cambridgeshire District Council.

6.2.5 Reviews will be undertaken by a senior officer who was not involved in the original decision.

#### **6.2.6 Homelessness reviews**

6.3.1 Homeless applicants have the right to request a review of certain decisions made by East Cambridgeshire District Council in respect of a homelessness application.

6.3.2 This includes the decision to discharge a homelessness duty through a suitable offer of permanent accommodation via the housing register.

6.3.3 A review request must be made within 21 days of notification of a decision. Late review requests may be accepted under exceptional circumstances at the discretion of East Cambridgeshire District Council but such circumstances will be rare.

6.3.4 Reviews will be carried out according to the provisions of the *Allocation of Housing and Homelessness (Review Procedures) Regulations 1999*.

6.3.4 Section 205 of the Housing Act 1996 provides an applicant with the right of appeal on a point of law to the County Court if:-

- He or she is dissatisfied with the decision on a review; or
- He or she is not notified of the decision on the review within the time prescribed in regulations made under section 203 of the Act

6.3.5 Such an appeal must be brought within 21 days of

- a) the date on which he or she is notified of the decision on review; or
- b) the date of which he or she should have been notified

#### **6.4 The Ombudsman**

6.4.1 The Local Government Ombudsman investigates complaints of injustice arising from maladministration by local authorities and other bodies. They can be asked to investigate complaints about most council matters including housing.

6.4.2 If a complainant is not satisfied with the action the Council takes; he or she can send a written complaint to the ombudsman. A complainant must give the Council an opportunity to deal with a complaint first, using its internal complaints procedure.

6.4.3 The Local Government Ombudsman can be contacted at:

Local Government Ombudsman  
The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB

Tel: 024 7682 0000  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)  
Advice Line Tel: 0845 602 1983

- 6.4.4 If an applicant wishes to make a complaint against a housing association, they should contact:

Housing Ombudsman Service  
81 Aldwych  
London  
WC2B 4HN  
Tel: 08457 125 973 or 0207 421 3800  
E - mail: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)  
Website: [www.ihos.org.uk](http://www.ihos.org.uk)

## **Chapter 7**

### **7.1 Letting of accommodation**

- 7.1.1 Sanctuary Hereward will advertise available property through the sub-regional HomeLink scheme. The advertising will be carried out on a regular basis and for specific periods of time, known as an advertising cycle (see the Home Link framework document).
- 7.1.2 The Partner Organizations recognise the importance of advocacy and where appropriate will allow an applicant to appoint someone to express an interest in available homes on their behalf, acting as a proxy. Where there is a formal advocacy role a form will be needed to be signed by the applicant to ensure compliance with the Data Protection Act.

### **7.2 Labelling property advertisements**

- 7.2.1 All advertisements will include a description of the property and any other relevant information, for example rent charge, property size, local facilities, any disabled adaptations, if the property is sheltered housing, and what type of tenancy is offered. The property will be labelled to show who is able to express an interest in it, for example, where a local connection is required or whether there are other specific local restrictions.

### **7.3 Transfer applicants**

- 7.3.1 Transfer applicants are those applicants living within the Cambridge Sub-Region, who are tenants of Sanctuary Hereward, a Partner Organisation or another housing association, who are requesting a move or need a move to alternative accommodation.

### **7.4 Shortlisting**

- 7.4.1 After the close of advertising, a shortlist of eligible applicants will be taken from the Home Link computer system. The shortlist will identify the order of applicants based on who has been in the highest housing needs band for the longest time. Where there is more than one applicant in the same band and they have the same date in band, the computer system will give priority to the applicant with the earliest registration date. If in the unlikely circumstances that there is more than one applicant with exactly the same band, date in band and registration date a senior officer will make an allocation decision based on the best use of the housing stock and the needs of the applicants.
- 7.4.2 When a shortlist of applicants is completed, the top applicants will be offered an accompanied viewing of the property. This is to ensure that if the applicant who tops the shortlist decides not to accept the tenancy, the property can be quickly offered to the next person on the shortlist.
- 7.4.3 The applicant at the top of the shortlist will be given 24 hours after viewing a property to accept or refuse the offer. If the offer is refused the person next on the shortlist will be offered the property.

7.4.4 In exceptional circumstances a senior officers may make a decision not to offer a property to the applicant who tops a shortlist if in doing so the offer could put a vulnerable person at risk of any harm. Any such decisions will be explained fully to the applicant in writing.

## **7.5 Formal offer of the property**

7.5.1 Once the applicant has confirmed that they want to accept the offer of the tenancy, the landlord of the property, which could be Sanctuary Hereward, a Partner Organisation or another Housing Association, will give the applicant a formal offer of the tenancy. During the period after acceptance of an offer and before tenancy sign up the Home Link system will not allow the applicant to be considered for other properties.

7.5.2 The landlord of the property will conclude the tenancy sign up.

## **7.5 Starter tenancies**

7.5.1 New tenants may be offered a starter tenancy in the form of an initial Assured Shorthold Tenancy, depending on the policies of the Partner Organisation or housing association.

## **7.6 Withdrawal of offers**

7.6.1 In the following very exceptional circumstances, a housing association may withdraw an offer of a property:

- Where there has been a change in the applicants circumstances
- Following verification the applicant is not eligible for the property; or
- Where an error has been made in the advertising criteria
- Where an offer of accommodation could put a vulnerable person at risk of any harm

## **7.7 Refusing an offer of accommodation**

7.7.1 In most circumstances, if an applicant refuses an offer of accommodation made through HomeLink, they will remain in their housing needs band. If an applicant refuses three offers of a property made through Home Link, Sanctuary Hereward will contact the applicant to offer support and assistance and verify their circumstances.

## **7.8 Allocations to staff, council members or their family members**

7.8.1 Members of staff, their close family and committee members who require housing apply in the same way as other applicants. Their status should be disclosed on the application form at the time of applying.

7.8.2 The application will be assessed in the normal way and the application placed in one of the four housing needs bands. Approval will be sought from the Sanctuary

Housing Group Board or, where the person is a member of Council staff, from the Head of Housing at East Cambridgeshire District Council prior to the offer of a tenancy.

## **7.9 Tenancy management outside the scope of the lettings policy**

7.9.1 The following tenancy management areas fall outside of Part 6 of the Housing Act 1996, and will be managed by the housing management teams within Sanctuary Hereward or the landlord organisation:

- Mutual exchanges
- Persons transferring from starter tenancy to an assured tenancy in the same property
- Where an assured tenancy is assigned by way of succession to the same property
- Where an assured tenancy is assigned to someone who would be qualified to succeed to that tenancy if the secure tenant died immediately before the assignment
- Where court orders are made under one of the following:
  - o Section 24 of the Matrimonial Causes Act 1973
  - o Section 17 (1) of the Matrimonial and Family Proceedings Act 1984
  - o Paragraph 1 of schedule 1 to the Children Act 1989

## **Chapter 8**

### **8 Confidentiality and access to information**

#### **8.1 Applicants' Rights to Information**

8.1.1 Applicants have the right to request such general information as will enable them to assess:

- How their application is likely to be treated under the Lettings Policy (including in particular whether they are likely to be regarded as a member of a group of people who are to be given preference by virtue of this Policy, (see chapter 4)
- Whether housing accommodation appropriate to their needs is likely to be made available to them.

8.1.2 Applicants have the right to request Sanctuary Hereward to inform them of any decision about the facts of their case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to them.

#### **8.2 Data protection**

8.2.1 When an applicant applies to the HomeLink scheme, Sanctuary Hereward and the Partner Organisations will seek only information that they require to assess the applicant's application and housing needs. Sanctuary Hereward and the Partner Organisations will collect and keep data in accordance with Sanctuary Hereward's guidelines on handling personal data.

8.2.2 These guidelines are in accordance with the Data Protection Act 1998 that covers both electronic and manual records and the Act governs everything we do with the data, including collecting, storing, using and disposing of it.

8.2.3 The data protection principles, which underpin the Data Protection Act 1998, are that data must be:

- Fairly and lawfully processed
- Processed for limited purposes
- Adequate, relevant and not excessive
- Accurate
- Not kept longer than necessary
- Processed in accordance with the data subjects rights
- Secure
- Not transferred to countries without adequate protection

8.2.3 Confidential information held about applicants will not be disclosed to third parties apart from:

- Where the individual who is the subject of the confidential information has consented to the disclosure



- Where Sanctuary Hereward or a Partner Organisation is required by law to make such disclosures
- Where disclosure is made in accordance with an information sharing protocol

### **8.3 Freedom of information**

- 8.3.1 The Freedom of Information Act is in two parts. The first part, the Publication Scheme, came into force in February 2003. The second part of the Act came into force on 1 January 2005 and from then Sanctuary Hereward has been obliged to provide information to anyone who requests it, unless an exemption applies. The deadline for meeting requests is 20 working days. It is free to make a request, but a charge may be made for copying and postage and requests may be turned down if the work involved in meeting them would exceed reasonable time limits.

### **8.4 Requesting information**

- 8.4.1 If you are looking for your own personal information, this is handled via the Data Protection Act. Please note that we cannot provide you with personal information about other people if doing so will breach the Data Protection Act 1998.

## Appendix 1

### Cambridge Sub regional Choice Based Lettings Partner Organisation list

<u>Local Authorities</u>	<u>LSVT Landlords (landlords who hold ex-council housing stock)</u>
<b>Cambridge City Council</b> Hobson House 44 St Andrews Street Cambridge CB2 3AS	
<b>South Cambridgeshire District Council</b> Cambourne Business Park Cambourne Cambridge, CB3 6EA	
<b>East Cambridgeshire District Council,</b> The Grange, Nutholt Lane, Ely, CB7 4EE	<b>Sanctuary Hereward</b> St Mary's Lodge St Mary's Street Ely Cambridge CB7 4EY
<b>Huntingdonshire District Council</b> Housing Services Pathfinder House St Mary's Street Huntingdon PE29 3TN	<b>Luminus Group</b> Brook House Ouse Walk Huntingdon Cambs PE29 3QW
<b>Fenland District Council</b> Fenland Hall County Road March Cambridgeshire PE15 8QN	<b>Roddons Housing Association</b>
<b>Forest Heath District Council</b> District Offices College Heath Road Mildenhall Bury St Edmunds Suffolk IP28 7EY	<b>Kings Forest Housing</b> College Heath Road Mildenhall Bury St Edmunds Suffolk IP28 7EY
<b>St Edmundsbury Borough Council</b> Borough Offices Bury St Edmunds Suffolk IP33 1XB	<b>Havebury Housing Partnership,</b> Havebury House, Western Way Bury St. Edmunds, Suffolk IP33 3SP and also Manor Road, Haverhill, Suffolk CB9 OEP. Email is Office@Havebury.com