

# Bracknell Forest Housing Allocation Policy

May 2025



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# **Section 1. Introduction to Bracknell Forest Council My Choice (BFC MyChoice)**

## **1.1 Introduction**

Section s166A(1) of the Housing Act 1996 requires that every local housing authority in England publishes an allocation scheme for determining priorities (and the procedure to be followed) in allocating social and affordable housing accommodation.

The Bracknell Forest Housing Allocation Policy describes how social housing is allocated through Bracknell Forest Council's My Choice (referred to as 'MyChoice' throughout this document). The Policy describes how the scheme operates, how to apply to our housing register, how we manage the register, who qualifies for social housing, your choice about where you wish to live, how we assess applications and how we allocate properties in a fair and transparent manner.

Bracknell Forest Council does not have its own housing stock and therefore works closely with Registered Providers (Housing Associations). The allocations scheme applies to properties in Bracknell Forest whereby Bracknell Forest Council has the right to nominate applicants to become a tenant of a Housing Association. The scheme prioritises those people most in need of social housing and is also open to existing social housing tenants who have an identified housing need to transfer to a different property.

The provisions of this Housing Allocation Policy will apply to all new applicants to the Council's Housing Register after the effective date for the implementation of this Policy. They will also apply to all existing applicants on the Council's Housing Register at the time of the effective date of this Policy. Any prior Allocation Policy published by this authority will no longer be valid.

A summary of the Housing Allocation Scheme is published and is available free of charge to any person who requires a copy. This document is the full version of the Allocations Scheme and is available for inspection at Bracknell Forest Borough Council Office, Time Square, Market St, Bracknell RG12 1JD. It can also be viewed on or downloaded from the website [www.BFCMyChoice.gov.uk](http://www.BFCMyChoice.gov.uk)

## **1.2 Key aims and objectives for the policy**

- To ensure that social rented housing in the borough is let to those in greatest need and manage expectations about the availability of housing stock.
- To provide applicants with sufficient information to enable them to make informed choices.
- To support the best use of the social housing stock in Bracknell Forest.
- To ensure that vulnerable applicants are supported.
- To assist the Council in the prevention of homelessness and minimise the need for temporary accommodation.

- To ensure that for properties that have been adapted for people with disabilities, preference is given to households needing those adaptations.

In formulating this policy, the Council has also given consideration to the following key requirements for an allocations scheme:

- The scheme must meet the legal requirements placed on Bracknell Forest Council, namely, to give appropriate priority to applicants who fall within the Housing Act 1996 Part VI “reasonable preference” categories.
- The scheme should contribute to creating balanced and sustainable communities by offering choice to people about where they live.
- The scheme should be simple to understand, use and make the process of nominating to Housing Associations as open and transparent as possible.

This policy does not cover offers of licences, non-secure, or assured shorthold tenancies granted to homeless households in pursuance of any member of the Council’s homelessness duties under Part 7 of the 1996 Act. This policy does not cover offers of tenancies excluded from an allocation scheme by virtue of S.159 (4A) and s.160 of the 1996 Act.

### **1.3 Legal context**

This is the Bracknell Forest Council Housing Allocation Policy as required by Part 6 of the Housing Act 1996.

In developing this policy, the Council has followed and fully considered the following housing legislation, regulations, statutory guidance, and strategies:

- The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England).
- The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017.
- The Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) “the Code”.
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) “Supplementary Code”.
- Improving access to social housing for members of the armed forces: Statutory guidance issued by MHCLG June 2020.
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483.
- Allocation of Housing (England) Regulations 2002, SI 2002/3264.
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294, and all subsequent amendments.
- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.

- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'.
- Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020:
- Right to Move guidance (DCLG, 2015)
- Social Housing for Victims of Domestic Abuse in Refuges or other Types of Temporary Accommodation, guidance (MHCLG, 2018).
- Homelessness code of guidance for local authorities (MHCLG, 2018).

In framing the allocations scheme regard has also been given to the Council's Homelessness Strategy 2021-2026, Tenancy Strategy 2013, Bracknell Forest's Housing Strategy 2023-2028, as well as the Equality Act 2010 and Care Act 2014.

The Council has considered the need to safeguard and promote the welfare of children, in accordance with the Children Act 2004, Section 11. This procedure and administration will accord with the objectives and actions set out in the Council's joint working protocols agreed by Housing and Children Services.

#### **1.4 Reasonable preference**

Bracknell Forest Council determines the priority that is applied to each application to the Housing Register. Where applicants meet the eligibility criteria and are also qualifying persons, they will be placed in the appropriate band based on an assessment of their housing need. This will ensure that the Council makes a nomination to a Housing Association to those in the highest need to meet our legal obligations.

The law sets out five groups of applicants to whom the Housing Allocations Policy must give reasonable preference:

- People who are homeless (within the meaning of part 7 of the Housing Act 1996, as amended by the Homelessness Act 2002) and have been assessed by the Council as being owed a homelessness duty.
- People who are owed a duty by any housing authority under section 190(2), 193(2) or 195(2) of the 1996 Act (or under section 65(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192 (3).
- People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- People who need to move on medical or welfare grounds, including grounds relating to a disability.
- People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

## **1.5 Statement of choice**

The demand for social and affordable housing in the Bracknell Forest Council area is high and far outstrips the supply that is available. We will balance providing choice and housing need to ensure that housing is offered in a way that helps best manage the housing stock whilst prioritising those with the greatest need of housing. This means that for many households, the chances of being offered a property by the Council are extremely low and other housing options may be more suitable.

Available properties will be advertised online at [www.BFCMyChoice.org.uk](http://www.BFCMyChoice.org.uk). Property details will provide valuable information about the property to help applicants to make informed decisions about which accommodation they want to be considered for and where they wish to live. All nominations to Housing Associations will be made in accordance with the published Allocations scheme.

Whilst the aim of Bracknell Forest Council is to provide choice in the allocation of social and affordable housing in the Bracknell Forest Council area, there will be some situations where this will not be possible. In such cases, the home will be let as a direct offer and not advertised in the scheme. The Council also recognises that there may be exceptional circumstances that are not covered by the Allocations Policy and in these cases the lead officer responsible for the Housing Service will have delegated authority to make decisions outside of the scheme as they consider appropriate. Any such decision will be fully documented.

### **1.5.1 Choice and statutory homeless applicants**

All statutory homeless households as defined in the Housing Act 1996 Part VII who are owed a statutory duty by Bracknell Forest Council under section 188, 192, or 193 of the Act will be registered to bid at the point that the duty is accepted.

To discharge the Council's statutory duty to a homeless applicant Bracknell Forest Council will make one offer (known as a final offer). To be deemed as a final offer, the accommodation must be suitable and reasonable for the needs of the household.

### **1.5.2 Move-on from supported accommodation**

Bracknell Forest Council has protocols in place to assist applicants who are ready to move-on to independent accommodation. Those with move-on priority will receive one suitable and reasonable offer of accommodation to facilitate a move-on.

## **1.6 Housing allocation policy contents and information**

The allocation scheme requires that applicants participate in searching for housing. Our aim is to provide advice and assistance to ensure that no person is disadvantaged in the way that the scheme operates and to ensure that all applicants are informed about:

- How applicants can apply to the MyChoice scheme.
- Who is a qualifying person to register for MyChoice.
- Who is eligible to join MyChoice.

- How an applicant's assessment of housing need is made.
- How priorities are determined.
- What banding and size of property the applicant is eligible for.
- How applications from statutory homeless households are assessed.
- How properties will be advertised.
- How successful applications are selected to be nominated to a Housing Association.
- How applicants can ask for a review of a decision made on their application
- How the policy will be monitored and reviewed.
- How the Council will comply with GDPR.
- What information and documentation are needed to verify their circumstances and when this information needs to be provided.
- The reasons for any suspensions or cancellations.

Where an applicant is assessed as being a non-qualifying person, the applicant will be given advice and information on other housing options open to them. An applicant has the right to request a review of decisions made on their application.

## **1.7 Equality statement**

The Council is committed to ensuring that the Allocation Policy and the implementation of all associated guidance and procedures are non-discriminatory and that all applicants are able to access the service, especially taking account of any vulnerability or other specific needs, and also the needs of different groups protected by the Equality Act 2010; the Human Rights Act 1998; and for Children, Section 11 of the Children Act.

To identify the needs of our applicants the application contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability, and other relevant criteria. The information obtained will be used to monitor the impact of the policy on minority and specific needs groups and to evidence the need for amendments, as may be required.

Under the Equality Act 2010, and in particular section 149 of the Public Sector Equality Duty, Councils are required to give due regard to eliminate discrimination, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, when exercising a public function such as their legal Housing Allocation Policy.

The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

## **1.8 Policy review and monitoring**

The Council will monitor the outcomes of lettings and review the policy on an annual basis to ensure that it is meeting all legal requirements and that the aims and objectives set for the policy are being met. Monitoring will be used to ensure that:

- Those in the 'reasonable preference' categories are given priority for housing.

- The Policy complies with the Council's Equality Act duties.
- There is overall customer satisfaction with the scheme.

A copy of the Corporate Equality Policy, Putting People First can be accessed by the website at:

<https://www.bracknell-forest.gov.uk/council-and-democracy/strategies-plans-and-policies/strategy-and-policy-documents/community-learning-strategies-and-policies/equality-and-diversity>

The results of monitoring will be used to review this policy which may lead to minor amendments from time to time, for example when there are changes to relevant legislation. When this is necessary, changes will be authorised in accordance with the Council's corporate decision-making protocols.

Should any major amendments to the policy be needed in response to legislation or the annual review of lettings, these will only be made following consultation with all relevant stakeholders and fully ratified by the Council.

## **Section 2 Eligibility and Qualification Criteria**

### **2.1 Who can join the housing register**

To register on MyChoice, an applicant must: -

- Qualify for the MyChoice scheme.
- Be eligible for an allocation of housing under Part 6 of the Housing Act 1996.
- Be aged 16 years or over and not on another household's application (upon allocation of a property an applicant aged 16 or 17 years of age will be required to have an adult who can hold a tenancy as a trustee until they are 18.)
- Where more than one eligible applicant wishes to have a shared application, they will become joint applicants. For a joint application, all applicants have to qualify and meet the conditions on eligibility. A joint application will not be accepted from a person from abroad who is deemed to be ineligible.
- Must be residing in the United Kingdom.

### **2.2 Eligibility for an allocation of housing**

Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 the Council cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control, or a person from abroad, who is prescribed as ineligible for an allocation of housing if they are:

- A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (unless he or she is of a class prescribed by regulations made by the Secretary of State).
- A person who falls within a class of persons from abroad who have been prescribed by the Secretary of State as being ineligible to be allocated housing accommodation by a local housing authority.
- A person who falls into any other class of person prescribed by the Secretary of State as not qualifying to be allocated housing accommodation by a local housing authority.

The key relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294.
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861).
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

The above is not a complete list. The latest eligibility regulations can be found in Appendix 1.

## **2.3 Persons who qualify for BFCMyChoice**

In addition to the Government's 'persons from abroad' rules setting out when a person is ineligible for an allocation of housing accommodation, the Localism Act 2011 and section 160ZA of the Housing Act 1996 Part VI provides local authorities with the power to determine for themselves what classes of persons are, or are not, persons qualifying to be allocated social housing in their areas.

The qualification rules for Bracknell Forest's MyChoice schemes are set out below.

### **2.3.1 Qualification rule 1: The requirement to have an assessed housing need as defined in Bands A – E**

Applicants who do not meet the housing need criteria for an award of Bands A-E will not be admitted to the Housing Register.

The exception to the requirement to have an assessed housing need will be applicants over the age of 60 who are only willing to consider sheltered housing, do not have the financial resources to resolve their housing needs and have no assessed statutory housing need. The exemption applies to accommodation classified as sheltered housing only and does not apply to other units of older person housing.

### **2.3.2 Qualification rule 2: Local connection through living in Bracknell Forest for a minimum of 2 years prior to the date of application**

To establish a local connection to Bracknell Forest, a period of residency by the applicant must be demonstrated.

To qualify for the Housing Register an applicant or joint applicant must have been voluntarily resident in Bracknell Forest for a period of at least two years preceding the application date.

Once registered an applicant must continue to meet the residency qualification. If the applicant no longer meets this condition, they will be removed from the register as they will no longer qualify for inclusion due to no longer being resident.

If an applicant has lived in Bracknell Forest for two continuous years in circumstances in which they have been placed into temporary accommodation in the borough by another local authority, they will not qualify to join the Housing Register. The local authority that has placed the household into temporary accommodation in Bracknell Forest will retain the legal responsibility for helping the applicant to obtain long-term settled housing.

For the purpose of determining local connection for residence, the Council will accept the following circumstances as demonstrating normal residence:

- Residency in a non-traditional dwelling, such as a mobile home that is placed on an official managed site, or an official pitch.
- People who are forced to sleep rough in Bracknell Forest if they meet the qualification for residency.

**The exceptions to the 2-year residency qualification rule are:**

- Where an applicant is homeless and Bracknell Forest Council has accepted the main section 192(2) housing duty under the Housing Act 1996, and they are not intending to refer the applicant to another Council.
- Where the Council has placed an applicant into temporary accommodation outside of Bracknell Forest.
- Where the Council agrees that on the evidence provided there are significant and exceptional circumstances requiring a move into Bracknell Forest. This will be decided on a case-by-case basis following a request from the applicant or from the information submitted on their housing register application.

Examples would include but are not limited to:

- i. Reasons of safety, i.e., when an applicant is fleeing domestic abuse or other forms of violence, and it is not safe to return to an area where they have a local connection.
- ii. The applicant is on a witness protection programme and the Council has agreed that there is an essential reason why they need to move to Bracknell.
- iii. Where the Council agrees there is an exceptional need to live in Bracknell Forest to provide or receive essential support.
- iv. Verified Rough Sleepers in Bracknell Forest who are actively working with the Council's Rough Sleeper Team.
- v. Where an applicant has left or will shortly leave an institution such as a prison, a secure unit or hospital, a rehabilitation centre or refuge, that is not in Bracknell Forest and the applicant was normally resident in the Council's area for a minimum of two preceding years before they were accommodated in that institution.
- vi. The Council will consider any application from a gypsy or traveller household where the applicant may not meet the continuous period of residence due to travelling during this period. The Council will consider the facts of each case when deciding whether the rule should be waived.

Any Care Leaver below the age of 25

As part of its commitment to the Armed Forces Covenant to improve access to social housing for the Armed Forces community, Bracknell Forest Council has adopted the governments recommendations, exempting the following applicants from the requirement to have a local connection:

- Members of the Armed Forces who are currently serving or who have served in the regular Armed Forces at any time preceding the application.
- Bereaved spouse or civil partners of members who are serving in the Regular Armed Forces, where the bereaved spouse or civil partner has recently

ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner and the death was wholly or partially attributable to their service.

- Serving or former members who have previously served in the reserve forces and are suffering from a serious injury as a result of this service.

The Armed Forces Covenant does not guarantee immediate entitlement to housing. However, the Council's Housing Allocation Policy seeks to ensure fairness and equality by addressing any disadvantages that may arise from the unique circumstances of military life.

- Applicants who satisfy the right to move criteria.
- Older persons households over the age of 60 who are seeking sheltered housing for those aged 60+ without a direct local connection to Bracknell Forest who have a need to move to the borough due to welfare reasons and do not have the financial resources to resolve their housing needs.
- A person from living outside of Bracknell Forest and fleeing domestic abuse would be at risk in the area(s) where they do have a local connection.
- A person who does not meet the local connection criteria but is owed a prevention or relief duty by Bracknell Forest Council.
- Rough Sleepers who have been working with the Council for a minimum of six months.

For the purposes of determining a local connection through residency the following living arrangements will not be considered:

- Occupation of a mobile home, caravan, motor caravan, or houseboat which is not placed on a residential site; or
- Occupation of a holiday letting which includes a permanent building, hotel or bed and breakfast accommodation for the purposes of a holiday letting.
- Applicants placed in an institution, prison, hospital or in Bracknell Forest who otherwise have no local connection to the area.
- Applicants placed in temporary accommodation by another local housing authority.
- Residents in a bail hostel or other such accommodation.

The above list is not exhaustive, and Bracknell Forest retains discretion to determine whether any individual applicants can establish a local connection or not based on each applicant's individual circumstances.

### **2.3.3 Qualification rule 3: Circumstances where an applicant has current or former social housing rent arrears or another relevant recoverable housing related debt and has reasonable preference**

For this purpose, a housing-related debt is associated with either a current or former tenancy where this relates to any social housing provider or private rented tenancy in the UK. The definition of a housing debt will not include debts that are barred by statute. The debt will be considered statute barred where an applicant, or their representative, or someone else they held the account with, has not:

- Made a payment in the last 6 years.
- Written to the creditor acknowledging the debt in the last 6 years, defined as 6 years from the date the debt was last acknowledged and 6 years from the date rent arrears became due.
- Had a county court judgement (CCJ).

For the purposes of this qualification rule housing related debts include:

- Current or former tenancy rent arrears if a social housing or private rented tenancy.
- Outstanding re-chargeable repairs to the Council
- Current and former housing related service charge arrears.
- Bed and breakfast or other temporary accommodation charge arrears for a licence or a tenancy.
- Failing to adhere to the terms of an agreed payment plan in relation to rent arrears or housing debt for a social housing tenancy or temporary accommodation.

Housing related debts apply to both the applicant and to any members of their household that are included in the application unless it was an act of omission in good faith and the applicant was unaware of the relevant facts.

If accepted on to the housing register, the applicant will be placed into band E until the housing related debt has been resolved. Once resolved, the applicant's application will be re-assessed in line with the allocation scheme and the effective date will be taken from the date they moved into the banding.

Applicants within the following groups may, at the Council's discretion, be considered for exemption from the arrears provisions of this allocations policy.

- Social housing tenants downsizing
- Applicants at a high risk of domestic abuse or violence
- Applicants with serious medical conditions
- Households affected by the benefit cap and who have been assessed as living in unaffordable accommodation.
- Care leavers with limited financial awareness
- Arrears caused by benefit delays
- Applicants owed a main housing duty with former tenant arrears
- Financial hardship beyond the applicant's control

Although accepted on to the Housing Register, the Housing Association will decide whether to accept the Council's nomination.

#### **2.3.4 Qualification rule 4: Unacceptable behaviour**

The qualification rule for unacceptable behaviour will apply where an applicant, or any member of their current or prospective household, has behaved in an

unacceptable way that, in the view of the Council, means that at the time of their application or during their application they are not considered as a qualifying person.

The Council will use its discretion to determine what unacceptable behaviour is, and cases will be considered on an individual basis. Based on the facts of the case the Council will decide whether:

- a) The applicant should not qualify to be included on the Housing Register due to their (or a household member's) serious unacceptable behaviour, or
- b) Will be allowed to qualify but will be placed into a band E until the applicant (or household member) has demonstrated to the satisfaction of the Council that their behaviour has changed.

The application will be placed into a band E until the unacceptable behaviour has been resolved. Once resolved, the applicant's application will be re-assessed in line with the allocation scheme and the effective date will be taken from the date they moved into the new banding.

Examples of unacceptable behaviour could include, but are not limited to:

- Having been evicted for anti-social behaviour or rent arrears on a previous tenancy within the last 5 years.
- Being verbally or physically abusive towards a member of the Council's staff or other professionals.
- Being subject to a court order for any other breach of tenancy conditions.
- Conviction for illegal or immoral purposes.
- Causing nuisance and annoyance to neighbours or visitors.
- Committing criminal offences in or near the home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Allowing the condition of their current property to deteriorate.
- Paying money illegally to obtain a tenancy.
- Unlawfully subletting their social housing tenancy.
- Applicants that have been convicted of housing fraud.
- Applicants that have been convicted of welfare benefit fraud where the conviction is unspent under the Rehabilitation Offenders Act 1974.
- Having unspent convictions where the assessment concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- Being responsible for any racial harassment or other hate crime. Racial harassment and Hate Crimes are defined as racist, religiously aggravated, faith, gender, age, disability, and transphobic or homophobic or gender re-assignment harassment or hate crime. A hate crime or racist incident is defined as any incident which is perceived to be racist or hate crime related by the complainant or any other person.

The unacceptable behaviour disqualification rule will also apply to applicants currently on the register. An applicant's eligibility to remain on the Housing Register will be kept under review during their time on the register.

An applicant may be rendered non qualifying at any time during the process should the Council become satisfied that the rule relating to unacceptable behaviour should be applied to their case.

Any new application will normally only be reconsidered where it is made by the applicant directly, and where made, as a guideline, the Council will consider whether there has been any reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a period of 12 months.

Where an applicant has resolved their behaviour to the satisfaction of the Council it may still be the case that the original Housing Association that dealt with the issue might decide that they do not want to consider rehousing their former tenant. However, this will not prevent an applicant from being considered for housing by another Housing Association.

### **2.3.5 Qualification rule 5: Financial resources**

Social and affordable housing provided through MyChoice is for people who are considered to have insufficient resources to meet their own housing need by either renting privately or buying their own.

Applicants who are considered to have sufficient financial resources to buy or rent suitable accommodation in Bracknell Forest will not qualify for the Housing Register.

Households with a gross household income more than four times higher than the highest Local Housing Allowance level in Bracknell Forest at the point of application, or at the time of offer, are normally considered to be able to meet their housing need, through either renting privately or owner occupation.

The income thresholds per annum for households needing the following accommodation sizes in 2026/2027 are:

1 bedroom	2 bedrooms	3 bedrooms	4 bedrooms
£40,688	£ 52,416	£62,219	£79,175

These figures will be renewed on an annual basis in line with DWP guidelines.

Information on Local Housing Allowance rates are also available at: <https://lha-direct.voa.gov.uk>

The capital, savings, and equity available to a household will also be assessed to determine whether a household can resolve their own housing need within the local housing market. A savings threshold of £16,000 will be counted towards income for applicants seeking general needs accommodation. Applicants with assets or savings over £16,000 will be considered to have sufficient financial resources and not qualify.

A combination of income and financial assets will be used for the purpose of a financial assessment. This will include savings accounts, ISA's and any shares held.

When considering gross household income, both earnings including bonuses/commission and some benefits are taken into account.

For the purposes of assessing household income, disability-related benefits, including Personal Independence Payment (PIP), Disability Living Allowance (DLA) and Attendance Allowance, will be disregarded. Carer's Allowance will be treated as income. A lump sum payment received as compensation for an injury or disability, for example by members of the armed forces will also be disregarded.

Although this qualification rule will mean that an applicant cannot join the Housing Register, it does not prevent them being considered for any low-cost home ownership schemes, such as rent to buy, shared ownership/equity, discounted market sale and starter homes or lower demand properties.

Information can be given on request regarding which Housing Associations or developers are currently operating any of the above schemes in Bracknell Forest and how applications can be made.

Applicants who do not qualify under the financial resource rules may be considered as an exception if:

- They are an existing social housing tenant within Bracknell Forest
- They require sheltered housing accommodation where it has been identified that there is a medical or social need for this type of accommodation.
- They have a physical or mental health problem which would prevent the household finding suitable accommodation in the private rented sector.
- They require a specially adapted home that is either not available or affordable to buy or rent or is not eligible for or has been declined for a Disabled Facilities Grant.

Applicants will be asked to provide evidence of their income and financial assets. If this is not provided an application cannot be assessed and will not progress.

### **2.3.6 Qualification rule 6: Homeownership, or legal interest in homeownership**

Owner-occupiers and applicants who own other residential property (freehold or leasehold) anywhere in the world will not normally qualify for inclusion on the Housing Register. Applicants who have previously owned a property and have sold it will be asked to provide proof of the sale, together with evidence of the proceeds received from the sale and what has become of them.

Applicants who own or part own accommodation, or who have a legal interest in home ownership (for example through marriage or civil partnership in accommodation owned by their spouse or civil partner) also may not qualify.

Unless it is proven that they are unable to meet their housing needs from their own resources and require an adapted property or supported housing, owner-occupiers will not qualify for inclusion on the Housing Register.

Owner-occupiers may qualify for inclusion on the Housing Register if they fall within one of the following groups:

- They are over 60 and have been assessed as being unable to meet their housing needs from their own resources.
- They have a disability and require an adapted property and their current property cannot be adapted through a disabled facilities grant, and they have been assessed as being unable to meet their housing needs from their own resources.
- Where someone is a homeowner and statutory homeless due to domestic violence, and whose property has not yet been sold, a decision will be made as to whether to treat this as an exemption based on the facts and circumstances of each case.
- They are experiencing financial hardship and are unable to sustain their accommodation and do not have the resources to resolve their housing by purchasing another property or privately renting.

In reaching a decision, the Council will take the following into account:

- the applicant's income, capital, and any equitable interest they hold in their existing home and any other property.
- a current valuation of the property.
- the expected equity after a proposed sale of the property.
- their ability to get a mortgage for the size and type of property they require.
- the applicant's current financial circumstances and commitments.
- the supply and affordability of private rented accommodation or other forms of accommodation suitable for the applicant's specific needs.

If relevant documentation is not provided the application cannot be assessed and will not progress further.

Consideration will also be given to the supply and affordability of private rented or other forms of accommodation suitable for the applicant's needs and an assessment made whether the applicant's housing need can reasonably be met in the private sector.

The Council will also take into consideration any previous disposal of assets which will include disposals for nil (transfer of ownership) or below the market rate value.

Applicants whom the Council decides cannot afford to buy a property on the open market or meet their housing need through other housing options will be given a band E to recognise that they have reasonable preference.

### **2.3.7 Qualification rule 7: Fraud or giving false Information**

Applicants who are found to have withheld or given false information may be removed from the register and will not be able to reapply for a period of 12 months. Decisions to remove the person from the register will be made based on the seriousness of the false information given, or an assessment of why important information was withheld.

Section 171(1) of the Housing Act 1996 makes it an offence for anyone, in connection with the exercise by a local housing authority of their functions under Part VI of the Housing Act 1996 (and therefore in seeking an allocation of accommodation) to:

- Knowingly or recklessly make a materially false statement on their housing application, or
- Knowingly withhold information that the Council reasonably required him/her to provide.

Where there is a suspicion or allegation that an applicant, or any person acting on behalf of the applicant, has provided false information, the application will be suspended whilst the application is investigated to establish whether possible false and misleading information has been provided.

Following an investigation, if it is established that the applicant, or any person acting on their behalf did not provide false information the application will be reinstated to the housing register.

Should the Council decide that false or misleading information has been provided, the Council will take legal action against the applicant. Should a person be found guilty by a Court, the person is liable on summary conviction to a fine at the date of this scheme document of up to £5,000.

In addition, making a fraudulent application for housing may also constitute a criminal offence under the Theft Act 1968 and/or the Fraud Act 2006.

Should anybody be found guilty of an offence Bracknell Forest Council will disqualify the person from registering on the Housing Register for a period of up to five years.

### **2.3.8 How exceptional circumstances will be considered for any of the qualification rules**

The Council retains the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules. It is for the applicant to request that discretion should be applied for exceptional circumstances and once requested this will be considered by a panel of senior operational managers from the Council. A request for a review of a decision that an applicant does not meet the qualification rule will be taken as a request for any exceptional circumstances to be considered. Any case given exceptional circumstances will have this fully documented on the housing database.

## **3. How the housing register works**

### **3.1 How to apply for the housing register**

People wishing to be considered to join the housing register must apply through the 'MyChoice' website: <https://www.bfcmychoice.org.uk>

On receipt of an application to the housing register, Bracknell Forest Council will consider whether the applicant/s are eligible and whether they qualify under the scheme.

Any applicant who needs help in completing their online application can contact the Housing Register and Allocations team on 01344 352010 or via email [housing.register@bracknell-forest.gov.uk](mailto:housing.register@bracknell-forest.gov.uk), where they will be guided through the process of making their application online.

An advocate (for example, family member, friend, or support agency) can complete the application form on behalf of a vulnerable person. The applicant's signature will always be required and permission to discuss the case with the advocate must be provided.

There is free access to the 'internet' at libraries, and at some community facilities. An office appointment can be made when an applicant has no access to the 'internet' or is unable to use the 'internet.'

Multiple applications to MyChoice are not allowed, and a person can be included on only one application.

### **3.2 Who can be included in the application**

#### **3.2.1 Household members**

An applicant can only include in their application family members who are reasonably expected to reside with them and require rehousing with them. An applicant's household will normally comprise of the applicant or applicant and partner, along with any dependent children (if applicable) that are normally resident with the applicant.

In assessing the application, the Council will assess which persons reasonably require re-housing with the applicant. Any non-dependent adult over the age of 21 not in full-time education may not be considered as part of the household as they are able to make an application in their own name.

Household members over the age of 21 who have always been living as one household will only be considered as part of the household if they are not able to live independently. In these cases, a formal assessment undertaken by a relevant professional will be required to support the request, at the time of application.

For the purpose of assessing overcrowding, dependent children are expected to share rooms with other children in the same extended family regardless of whether they are siblings.

### **3.2.2 Carers**

If an applicant states that they need an extra room for a carer, the Council will carry out an assessment of the applicant's need and decide whether, or not, an extra room is required.

To qualify for an additional bedroom the applicant must demonstrate that they require care both during the day and night which could only be provided by a live-in carer, this does not include waking night care.

The applicant will be in receipt of Carer's Allowance and Personal Independence Payment with the highest care component.

In addition, the Council's Adult Social Care service should be able to provide evidence that the applicant needs a live-in carer, and where such support is not currently provided, that the applicant would qualify for funding for a live-in carer. The carer must be recognized or employed by, or working on behalf of Adult Social Care

Where the Council is satisfied that there is a need for a live-in carer the household will qualify for an additional bedroom.

### **3.2.3 Applicants with a medical or social need for a larger property**

In some circumstances, applicants may be able to apply for an extra bedroom due to their medical or social needs. In each case, specific circumstances will be considered and evidence supporting the need for an extra bedroom will be required.

In exceptional circumstances, an extra bedroom may be awarded where evidence is provided that a substantial amount of specialist equipment needs to be installed and this cannot be stored elsewhere.

If the household includes a disabled child who cannot share a bedroom with another child because of their disability, they may be considered for an additional bedroom. The following conditions must be met:

- The disabled child must be entitled to higher rate care component of Disability Living Allowance and
- The local authority must be satisfied that the child's disability means they cannot share a bedroom with another child.
- Evidence will be required from secondary care health professionals (e.g., Child and Adolescent Mental Health Services or by a specialist consultant) to confirm this.

If an extra bedroom is awarded this is purely for MyChoice and would not affect any decision made by the DWP.

Where an additional bedroom requirement is determined on medical grounds, this shall be reflected in the applicant's medical banding, thereby enabling the applicant to bid for larger accommodation. Overcrowding shall be assessed in accordance with the Government's bedroom standard, which prescribes the persons who may reasonably be expected to share a bedroom.

### **3.2.4 Approved Foster Carer/Adopter with insufficient bedrooms**

Households undertaking long-term fostering may be eligible to include foster children as part of their application to enable them to qualify for a property with sufficient bedrooms. Long term fostering is classed as fostering for a period in excess of three years. To be included as part of the application it is essential that written confirmation of the fostering arrangement is obtained from Children's Social Care at the time of submitting an application.

Short-term fostering arrangements will not normally be included under these arrangements. However, they may be considered on a case-by-case basis, by the Housing Panel, where there are exceptional circumstances that warrant the provision of an additional bedroom.

### **3.2.5 Separated Parents and dependent children**

Applicants may only include dependent children who reside with them on a permanent basis. In cases of shared residency, children may be regarded as requiring accommodation in one principal residence only. Where suitable accommodation is available to the child(ren) at an alternative address and no safeguarding or welfare concerns are identified, the Council will not include the child(ren) in the assessment of the applicant's housing register application.

The Council will apply the test in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with, and is dependent on, the applicant. Unless this test is passed an applicant will only be considered for the size of accommodation relevant to their circumstances.

The general principle is that a child needs one home of an adequate size. The Council will take into consideration the available supply of the type of accommodation requested, the demand from other households for that type of accommodation and any under-occupation that may result where a child spends time with one parent and then another parent.

Decisions will be made on a case-by case basis and will be based on the local authority's decision as to which parent or guardian the child is dependent on in terms of their primary day-to-day care and housing.

### **3.2.6 Split families**

Where a family is not currently residing together, the assessment will be based on the part of the household that occupies accommodation that provides them with the most suitable housing providing there is a reasonable expectation that they should reside together.

An assessment of need will be undertaken which will consider the current accommodation options available to the family and determine which accommodation option would best suit the family's need. In all cases, at least one of the applicants must have retained their local connection with Bracknell Forest.

### **3.2.7 Parents with dependent children who are in foster care or being looked after by Bracknell Forest Council**

When assessing bedroom entitlement, the Council may consider children who are currently in foster care or being looked after by the Bracknell Forest Council where there is a reasonable likelihood that any children may return to live with the applicant. In these circumstances, confirmation will be required from Children's Social Care that any looked after children will be able to live with the applicant when the applicant is rehoused in accommodation of a suitable size.

### **3.2.8 Special Guardianship**

Where a household has been granted a Special Guardianship and is being supported by Bracknell Forest Council's Children's Social Care service, one or more children may be included as household members within the housing application.

Where a child or children have been placed on an interim care order with a family member, supported by Bracknell Forest, the children will not be considered as permanent members of the household and will not be taken into consideration until the interim care order has been made permanent.

### **3.2.9 Joint Social Housing Tenants**

Where an existing social housing tenant applies for a transfer, a check will be undertaken to establish whether they are in possession of a sole tenancy. If the tenancy is in joint names and the application does not include all named tenants, the applicant will be registered as a first-time application. Unless there are specific circumstances that apply and are approved, no offer will be made which results in the under occupation of the remaining joint tenant of their existing property. Unless the applicant's existing tenancy has been lawfully terminated, they will not be considered for rehousing. To qualify both tenants need to be living within Bracknell Forest.

### **3.2.10 Right to Move**

To qualify for rehousing under the Right to Move, applicants must be an existing social housing tenant and be able to demonstrate that moving to Bracknell Forest would help to avoid hardship by enabling them to continue or take up work that they have been offered in the local area. The Council will need to establish that the tenant needs to move for work reasons and will take into consideration the nature of the work and whether similar opportunities are available closer to home.

### **3.2.11 Councillors, members of staff and their relatives**

Any application for housing or re-housing that is received from elected Members, Council employees, or their close relatives must be disclosed at the time of application. A close family member is classed as a parent, spouse, sibling, or adult children.

Elected members, Council staff and their relatives are treated as any other applicant and will not gain any advantage or any preferential treatment in their application nor shall they be disadvantaged. Their application will be assessed in line with the Allocation Policy.

Staff members must not be involved in any area of the application of any family member or friend. Should any elected member, staff or family member be nominated for an offer of accommodation this must be approved by the Head of Service for sign off.

### **3.2.12 Non-qualifying or eligible persons**

Following an assessment, if an application to join the housing register is not accepted the applicant will receive written confirmation of the Council's decision and how this decision was reached.

The applicant has the right to request a review of a decision not to accept them on to the Housing Register. See section 8 for further information on reviews.

## **3.3 Consent and declaration**

All applicants will be required to sign a declaration, or to give informed consent, to confirm their understanding that:

- The information that they have provided is accurate.
- That they will notify the Council of any change in their circumstances.
- They consent to their personal information being provided to a Housing Association to which they have been nominated for accommodation under the allocations scheme.
- They consent to the Council making inquiries with any relevant person to assess their application.
- They consent to credit checking and to the use of referencing companies to confirm that the information they have given on the application form is correct.

## **3.4 Verification checks of housing register applications**

The Council's Housing Register and Allocations team will be responsible for processing applications and undertaking initial verification checks before applications are made active.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, along with any supporting information or documents that are required.

Incomplete applications will not be made active until such time as the Council is satisfied that it has in its possession all the information it requires to complete its assessment.

All incomplete applications will be cancelled after a period of 28 days measured from the date information was requested if it has not been provided.

If an application is cancelled this does not prevent the applicant making a subsequent application at a later date. In such cases the effective date of registration would not be backdated to the earlier application date.

### **3.5 Notification of change in circumstances**

Applicants must notify the Council of any changes in their circumstances which could affect their application. Examples of a change in circumstances include:

- someone leaving or joining the household.
- the birth of a child.
- a change of address.
- an increase in household income.
- a purchase/acquisition of a home, including through inheritance.
- a change in health of the applicant or a member of the household.
- the applicant being asked to leave their current accommodation.

Where there is any change in an applicant's circumstances, an applicant must update their housing register application via their MyChoice account. If, as a result of informing the Council of a change of circumstances, there is a change in the priority band in which they have been placed, the applicant will be informed in writing. The onus is on applicants to inform the Council when there is a relevant change in their circumstances.

If the change in circumstances results in placement in a higher priority band, the effective date will be the date they moved into the higher band. If the applicant moves to a lower band there will be no change to their effective date.

### **3.6 Renewal of housing applications**

All applicants are required to renew their application annually. The applicant will be sent a reminder to confirm that they still wish to be registered and that their circumstances have not changed.

Should their circumstances have changed, the applicant should notify the Council of the change of circumstances.

The applicant will have 28 days to renew their application from the date the request is sent.

If an applicant has not responded after 15 days a second reminder will be sent. Should no response to the second renewal request be received the housing register application will be cancelled and removed from the Housing Register. No further correspondence will be sent.

Any subsequent application to the Housing Register will be treated as a new application and will not be back dated to the date of the cancelled application.

## **3.7 The suspending and cancellation of an application**

### **3.7.1 Suspension of an application**

An application will be suspended if:

- An applicant has been asked for information to support an application and a reply has not been received within an agreed timescale.
- An applicant has changed address and not provided a change of circumstances form.
- An applicant has refused two properties and/or has failed to attend the viewing appointment. The applicant will be suspended from bidding for a period of 12 months.
- An applicant accepted onto the housing register on the grounds that the authority has accepted a homelessness duty has refused a final offer of accommodation. The applicant will be suspended from bidding until the housing register application has been re-assessed.
- An application will be suspended whilst a re-assessment of housing need takes place.
- An applicant has omitted to include information relevant to their application or information provided by the applicant has been found to be false or misleading. The application will be suspended from bidding for a period of 12 months.
- An applicant has not bid on a property for 12 months and there is no reasonable cause for them not bidding.

### **3.7.2 Cancellation of an application**

An application will be cancelled if:

- The applicant has requested that their application be cancelled.
- The applicant has been housed as a result of a successful bid under the MyChoice lettings scheme or a direct let of a property.
- The applicant no longer qualifies for inclusion on the Housing Register.
- The applicant has been housed into the private rented sector under the Council's homelessness duties.
- The applicant fails to renew their housing application.
- The applicant has not provided the information requested to make an assessment on their application.

- The applicant has not responded to an offer of housing within an agreed timescale.
- The applicant has moved and not provided their new address.
- The applicant has given false or misleading information and been referred to the fraud department.
- The applicant has died.

In the event of an application being cancelled the Council may agree to re-instate the application and reinstate the effective date of the application if the applicant re-applies within 3 months. Should an applicant re-apply after this period this will be treated as a new application and a new effective date will be given if they qualify for housing.

Where an applicant, is considered to be potentially vulnerable, the local authority will contact the applicant, or, if appropriate, an agency that they are working with, 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.

## **4. Assessment of housing need**

### **4.1 How is housing need assessed?**

Once an application has been received, the Council will make an assessment to establish the priority of the application. This assessment will take into account the applicant's existing accommodation, including the number of bedrooms within the property, and any other accommodation that they may be entitled to occupy and any medical or welfare needs that they have.

An applicant is entitled to occupy accommodation as an owner, lessee, leaseholder or by virtue of a court order; an express or implied licence to occupy ( i.e. lodger or living with family) or any other enactment or rule of law giving the right to remain in occupation.

The assessment of the application will determine:

- The number of bedrooms that the applicant is entitled to.
- The effective date of the application.
- Which of the priority bands the applicants is placed in, based on their welfare, medical or other housing need.

These are explained below.

#### **4.1.1 Government bedroom standard**

In making its assessment and deciding what size of property an applicant is entitled to, the Council will use the Government's bedroom standard, set out in Appendix 3.

This states that a bedroom is allocated for each of the following:

- A couple.
- A single person aged 21 or over.
- Two children under 10 regardless of sex.
- Two adolescents aged 10-20 of the same sex.

In exceptional circumstances the Council may exercise discretion in deviating away from the bedroom standard, for example, a social housing tenant releasing a large family home. In all cases applicants will need to evidence that the property is affordable at the time of offer. Any deviation from the policy will be documented by the Senior Officer of the decision made. See Appendix 3 for the size of property that your household will qualify for.

Overcrowding is assessed using the Government bedroom standard. Any request for an additional bedroom on medical grounds will be assessed through the medical banding process. The Government bedroom standard will take precedence in determining the household's bedroom requirement.

## **4.2 Notification of the assessment**

When the Council has assessed the application, the applicant will receive a notification of the outcome of the assessment.

The notification will:

- Confirm whether the applicant is eligible and qualifies for the housing register.
- Confirm the unique reference number for the application.
- Confirm what band the applicant has been placed in.
- Confirm the size and, if applicable, the type of property the applicant can bid for.
- Confirm the effective date which should be the same as the registration date for new applications.
- Provide details about how and when a change of circumstances should be notified to the Council.
- Provide information about requesting a review of the decision.

## **4.3 Deciding the effective date**

The effective date is the date used to determine the priority of the application and enables applications in the same band to be prioritised in date order from the date that they went into the band.

Where there is a change in banding following a re-assessment, the effective date will be amended to the date the application was awarded a higher banding. Where an applicant is placed into a lower banding, they will keep the original date of application.

The effective date ensures that where applicants within the same band bid on the same property, the applicant with the longest waiting time will be prioritised and will be first to receive an offer of accommodation.

Where two applicants with the same band and effective date apply for the same property the applicant with the earliest registration date will be given priority for an offer of accommodation. If both applicants also have the same registration date the Team Leader for the Housing Register and Allocations Team will determine which applicant is given priority.

## **4.4 Priority bands**

Applicants will be placed into a priority band A-E, (A being the highest priority band) according to an assessment of need based on the information which has been provided on their housing application.

The criteria for the bands are set out in detail in Appendix 4. The assessment process is explained below.

## 4.5 Medical assessments

Where an applicant's current housing is detrimental to their health, or a move to more suitable accommodation would have a positive effect on their health, they should complete a medical information form.

Medical assessment does not examine how severe an applicant's medical condition or disability is. It looks at how your current accommodation affects the health or disability of a household member. The assessment is based on whether your health or a member of your household's health would improve by moving to alternative accommodation. Therefore, medical priority is awarded according to the extent to which the health or welfare of one or more members of the applicant's household is affected by their current housing conditions and the expected benefits of providing suitable alternative settled housing.

Applicants should complete a medical information form as we want to find out if your (or a member of your household's) health would be improved by moving to alternative accommodation.

Medical priority will **not** normally be awarded where health problems are not affected by your current home. Examples would be:

- Where the applicant has a health issue, that is not adversely affected by the accommodation that they currently occupy and would not be improved by rehousing, regardless of the severity of the condition.
- Where rehousing would only make a marginal improvement to the applicant's health condition.
- Where defects in the applicant's current accommodation can be rectified by the owner of the property within a reasonable timeframe.
- Neighbour disputes and Anti-Social behaviour unless the Council is satisfied that the landlord, police, Anti-Social Behaviour team, or Environmental Health team have done everything possible to resolve the anti-social behaviour.
- Homeless households in temporary accommodation (4.5.1).
- Overcrowding, dealt with already in the banding scheme.
- Where the health condition is of a temporary nature, rather than a long-term condition (e.g. pregnancy-related problems or a broken leg).
- Where the medical issue relates to an individual who is not part of the application.

Each case will be looked at on an individual basis. A medical banding will only be awarded where the current accommodation is having an impact on the medical condition.

### 4.5.1 Homeless Applicants Main Housing Duty

Homeless households who have been accepted for the main housing duty under the homelessness legislation and are being provided with temporary accommodation by Bracknell Forest Council (in pursuance of its homelessness duty under Part VII of

the Housing Act 1996) will not be entitled to a priority banding on medical or welfare grounds.

In this situation the household has a statutory right to request a review of the suitability of the temporary accommodation that has been secured for them. This will be conducted outside of the Allocations Policy and in accordance with current homelessness legislation. The Council will keep the suitability of the temporary accommodation under ongoing review and will respond to any change of circumstances that arises.

#### **4.5.2 Assessing a medical need**

A Housing Officer will consider all the information provided. Depending upon the information you have put on your application form, we may seek advice from a Medical Adviser and/or additional information from a health professional such as an Occupational Therapist, although the final decision on any application is made by the Council. Consideration will be also given to all factors that may be impacting upon your health such as overcrowding, the floor level of your accommodation and room size and will conduct a holistic assessment.

The Housing Officer will look at:

- How the current accommodation is causing or affecting the medical condition.
- The severity of the effect that housing is having on the medical condition.
- The duration of the condition and any expected recovery time
- Whether other options are viable that could improve the situation
- Whether the medical condition would be alleviated or significantly improved by moving.

Applicants who have been awarded a medical priority due to mobility problems, are unable to manage stairs, and need ground floor accommodation, will not usually be considered for a property with either an internal or external staircase unless there are appropriate adaptations or a lift in place.

Where it is determined in the Council's assessment that your current accommodation does not affect your medical condition, no medical priority will be awarded.

Following the assessment of their medical need and housing conditions, the applicant will be notified of the outcome of their application and the band in which they have been placed. More information on the bandings can be found in Appendix 4.

An applicant has the right to a review of the decision made on their application. Following the outcome of the review the Council will not undertake any further assessments for 12 months unless there has been a significant change in circumstances.

### **4.5.3 Reviewing medical priority banding**

Applicants are required to inform the Council of all changes in their circumstances relating to their housing application, including their health or the health of any member of their household. Such changes may result in an increase or decrease in the level of priority awarded.

The Council reserves the right to review the applicant's priority banding on an appropriate periodic basis to ensure that this still reflects the medical need and will be reviewed at the time of offer. Where an applicant already registered notifies a change in their medical circumstances and/or the impact of their current housing on this, the applicant's priority will be re-assessed using the same process.

### **4.6 Assessing welfare and hardship grounds**

Some applicants may need to move on welfare or hardship grounds that are unrelated to a medical condition. These applicants may need to move, not due to a medical need, but because they would suffer hardship if they were not able to move to a more suitable location within the borough.

All cases will be assessed individually and recorded to ensure that decisions are consistent and fair. Welfare and hardship grounds can include, but are not limited to:

- Where at least one person in a household is vulnerable and could not be expected to find their own settled or suitable accommodation, for example someone with learning difficulties who wishes to live independently.
- Where a move is required to provide or receive care or support. This could include foster carers, those approved to adopt who need to move to a larger home in order to accommodate a looked after child, or a child that was previously looked after by Bracknell Forest Council, and special guardians.
- Where an applicant needs to move to a different locality in order to give or receive care, to access specialised medical treatment, or to take up a particular employment, education, or training opportunity.
- Where an applicant has experienced Domestic Abuse and has spent a period of recovery in a refuge.
- Where an applicant has been discharged from hospital and cannot return home.

In all cases applicants will be advised of their right to request a review of the decision made on their application. Applicants who have been accepted for a main housing duty under homelessness legislation (Part VII of the Housing Act 1996) will not be considered for any additional priority on welfare grounds. Any request will be considered under section 193 of the Housing Act 1996 Part VII.

### **4.7 Approved Move-On from Supported Housing**

For some applicants ready to move to independent accommodation from supported accommodation there may be a protocol in place between the Housing Provider and the Council. In consideration of the pathway to independence for that applicant, an

assessment will be carried out to determine what type of housing is suitable to meet their needs. If it is established that the client needs a more supported environment, they may be prioritised for move on to social housing.

In assessing the suitability of move on to social housing, the move on panel will look at whether the applicant has acquired the necessary skills to live independently, has managed their current tenancy, has a clear rent account for a minimum of 6 months, and would not be able to manage or not in suitable private rented accommodation.

Applicants granted Move-On priority banding will receive one reasonable offer of accommodation. If an applicant successfully bids for a property and refuses a reasonable offer, the Council may withdraw the Move-On priority banding and reassess the applicant's housing priority accordingly.

#### **4.8 Care leavers under a Staying Put arrangement**

To recognise the responsibilities of the Council as a corporate parent, care leavers within a Staying Put arrangement will be placed in band C and will be given a registration date from their 18th birthday, unless they have an earlier registration date. In this case the registration date will also become the effective date.

#### **4.9 Households owed a homelessness prevention duty**

Where an applicant has approached Bracknell Forest for assistance and the Council is satisfied that a prevention duty is owed, they will be assessed based on their existing accommodation and awarded the banding that reflects their current circumstances.

Where a suitable offer of accommodation has been made by the Council under the prevention duty and has been refused by the applicant without good reason, the Council will have discharged its duty to prevent homelessness. Where an offer of accommodation has been accepted and the prevention duty has been discharged, the housing register application will be closed as suitably housed.

Where an applicant has refused an offer of accommodation and the prevention duty has been discharged the application will need to be re-assessed to determine whether the applicant is still eligible to remain on the housing register.

#### **4.10 Households assessed as having deliberately worsened their circumstances**

The Council will consider whether an applicant has deliberately made their housing situation worse in order to improve their chances of rehousing through the housing register.

To reduce the likelihood of applicants moving deliberately into poorer accommodation in order to qualify for higher priority and quicker re-housing, applicants who are deemed to have deliberately worsened their circumstances will

normally be placed in a band E for a period of 12 months. At the end of this period, the applicant can request that their application is re-assessed. All relevant facts and information available will be considered in the re-assessment process.

**Some examples of worsening housing circumstances are given below:**

- Applicants who have abandoned or voluntarily given up a social housing property.
- Moving without good reason to accommodation which is more overcrowded or is considered to be more unsatisfactory than their previous accommodation.
- Selling a property or giving notice on a tenancy without having alternative accommodation available to them.
- Allowing a property to become overcrowded by inviting additional households to move in.
- Applicants who have allowed family members to move into their property who previously had suitable accommodation, or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded.
- Moving out of a property against housing advice when the applicant was able to remain in the accommodation.
- Moving out of a property that has been adapted to meet the needs of a household member into accommodation without adaptations.
- Homeowners who have transferred their property to another family member within the last 5 years before making an application to the housing register.
- Applicants who have given up affordable and suitable private rented accommodation which they were able to maintain, to move in with other relatives/friends, or to move to a smaller private rented property creating a situation of overcrowding or sharing.
- Requesting or colluding with a landlord or family member to issue them with a Notice to quit.

Where an applicant has no, or no effective, control over their move to alternative accommodation, this should not be considered as a deliberate worsening of circumstances.

## 5 Finding a home through Choice Based Lettings

Applicants accepted onto the Housing Register can bid for available properties that are appropriate to their housing need. The key aim of a Choice-Based Lettings scheme is to enable people seeking rehousing through the housing register to exercise choice about where they live.

Some Housing Associations may decide not to advertise all of their available homes through MyChoice. This will depend on the level of nominations rights the Council has with the Housing Association. In some cases, a home may be excluded from advertising because the property will be needed for a direct let, temporary accommodation, or an internal move for the Housing Association.

All applicants who are eligible and qualify for MyChoice will be able to bid on properties advertised on [www.BFCMyChoice.org.uk](http://www.BFCMyChoice.org.uk)

The property details provided in the adverts should enable the applicant to make an informed choice before they make a bid. There is no limit to the number of bids a person can make in a week.

### 5.1 Restrictive labelling and how it is applied under this scheme

Restrictive labelling may be applied to certain properties in order to prioritise them for particular types of applicants. This will be made clear in the advert for the property.

The reason for restrictive labelling is to help meet local needs and targets by making the best use of social housing stock. For example, the Council may restrict some properties to enable transfer applicants to be given preference or to reduce the numbers of households in temporary accommodation by giving preference to households accepted as homeless by the Council.

Some examples of restrictive labelling include:

- Transfer applicants only.
- Homeless applicants only.
- Ground floor accommodation needed.
- Larger households.
- Properties where a Local Lettings Plan is in place.
- Disabled or adapted properties.
- Properties designated for sensitive letting.
- Age restricted properties.
- Properties where pets are not allowed.

There are more details about some of these in the sections below.

Adverts will clearly indicate any restrictions on bidding and will detail any particular criteria that apply. Where restrictive labelling is applied, bids from applicants who do not meet all of the eligibility criteria for the property will not be considered.

## **5.2 Local Lettings Policies (LLP)**

S166A (6) of the Housing Act 1996 enables housing authorities to allocate accommodation to particular people and there will be occasions when a local letting policy is needed to address issues such as child density, vulnerable households, and households in employment, in order to ensure that the housing development contributes towards a sustainable and balanced community in the local area.

Local lettings policies usually apply to new build developments with the aim of ensuring:

- a mix of household types/client groups.
- a range of households of different ages.
- a mix of people who are in paid employment and those who are not in paid employment.
- a balance of families with different numbers and ages of children.

Where a local lettings policy applies, this will be made available to applicants on request.

In all cases, local lettings policies will take account of the overall housing need in the area, whilst ensuring that vulnerable households are not unduly disadvantaged and that policies focus on ensuring tenancy sustainability.

## **5.3 Sensitive lettings (single property)**

On occasions, a Housing Association may ask for a sensitive letting for a property in order to address and manage localised issues within an area.

The request may be made to reduce the concentration of certain groups where this is creating housing management problems or having a negative impact on neighbours, or to promote a more balanced community by seeking to select/not select households with particular characteristics.

Where the Council agrees, a sensitive letting will be applied to match the property to a suitable household.

## **5.4 Bidding on an available home**

Properties are advertised on a weekly cycle. Weekly adverts are published on every Thursday at midnight and are available for applicants to make bids until the following Tuesday at Midnight. Applicants may express an interest through bidding on any advertised property that meets their needs.

Applicants can check their position on the list at the time of the bid, together with the total number of bids already placed by logging into their MyChoice account. This allows applicants to make informed decisions about their choice of property and the likelihood of being successful. For example, if they are making bids where they are

consistently low down in the priority for properties, they may want to consider other property types or areas to increase their chance of a successful bid. Within the bidding period, applicants may withdraw bids and make further bids.

In certain circumstances applicants may bid for properties by proxy. Council staff and support agencies may be able to make bids on behalf of applicants if they are not able to use the bidding system or are not actively making bids. In order, to minimise stays in temporary accommodation, the Council may bid for properties on behalf of homeless households, to enable them to move into household's long-term accommodation.

Property adverts will usually include a photograph of the home and a full description. The description will include:

- Type of property.
- Whether the property is being let at an affordable rent or social rent.
- Any age restrictions.
- Any special criteria e.g. local lettings plan or sensitive lets.
- Number of bedrooms.
- The maximum size of household that can apply for the property (for example, 3-bedroom 5-person house).
- The location of the property by street and town.
- Floor level (if appropriate).
- Any adaptations (for example, disabled facilities).
- Access to the property (for example whether there is ground-level access, a ramp or lift).
- Type of parking (if any).
- Access to a garden (if any, or if shared).
- Heating Type.
- Rent and service charge.
- Type of tenancy.
- Services provided (for example, extra care).
- Information about the surrounding area.
- Whether pets are allowed.

Once the advert cycle has closed a shortlist of all bids will be produced.

## **5.5 Determining priority between shortlisted applicants**

When applicants bid on a property they will be placed on a shortlist. Any applicant who bids on a property where they do not satisfy the advertised criteria will not be included on the shortlist.

Once the advertising period has closed, the housing system will automatically create a shortlist of applicants for each property, arranged in priority order (as determined by the allocations scheme).

For each property, advertised bids will be ranked in the following order:

- Priority Band (Band A will have a higher priority than Band B and so on).
- Effective date of band.
- Date of registration.
- Local connection.

The successful applicant will normally be the applicant who is eligible for the size and type of property being offered and who is in the highest band (at the point in time when the advert cycle closed). Where there is more than one applicant in that band, priority will be decided by the effective date of the application (relating to that band).

The top three applicants on the shortlist will be put forward or 'nominated' to the Housing Association that has the vacancy.

The prioritisation of shortlisted applicants will take into consideration any additional criteria stipulated by the Housing Association for the occupation of the property. Should the applicant with the highest priority on the shortlist not accept the property, the property will be offered by the Housing Association to the next applicant on the shortlist, and so on, until the property is accepted.

## **5.6 Verifying and nominating an application**

### **5.6.1 Verifying a Nomination**

Before any nomination is made, the successful applicant's details will be checked to ensure that:

- They are still eligible and qualify for MyChoice.
- That there has been no material change of circumstances since their banding was assessed.
- They have been placed in the correct priority banding based on information provided by the applicant.
- They are suitable for the size and type of property.

The Council may conduct unannounced home visits to assist in the verification of applications. Applicants will also be required to provide documentary proof to confirm statements made in their application.

If an applicant is not able to provide the necessary information within the timescale given or the Council is not able to contact the applicant, the applicant will not be nominated to the Housing Association.

Where it is found that an applicant is no longer eligible or a qualifying person their application will be cancelled.

Where it is found that an applicant's circumstances have changed from the information held by the Council are incorrect, their application will be re-assessed.

If this re-assessment finds that their priority band is reduced, the applicant will no longer be nominated to the Housing Association and their application will be placed in the appropriate band.

Cases will be referred to the Council's legal service if it is evident that there has been a deliberate action to defraud the Council by not notifying the Council of a change in circumstances.

It is important for applicants to be aware that should they be successful in bidding on a property, and it has been established that they have rent arrears, the bid will not be accepted, and the application will be placed into a band E until the arrears have been cleared. Once the arrears have been cleared, the application will be re-assessed, and they will be placed in a new band (if appropriate) and the effective date of their application will be the date on which the arrears were cleared.

Where applications have been cancelled or have had their priority band reduced, the Council will write to the applicant informing them of the decision made and how that decision was reached. The applicant will also be notified of their right to review any such decision.

### **5.6.2 Making a nomination**

The Council does not own any housing stock, and so all rehousing offers are made through nominations to the Housing Association advertising the property.

Some Housing Associations operate their own Allocations policy which may differ from MyChoice and on occasions, a nomination made by the Council will not be accepted by the housing association. In addition, some housing associations will undertake their own housing assessment including a financial assessment to ensure that the applicant can afford the property before making an offer of a tenancy.

Once the Housing Association has the details of the nominations made by the Council, the Housing Association will contact the applicant with a time to view the property. It is the responsibility of the applicant to attend the viewing at the stated time and respond to the timescales that the Housing Association requests to establish whether the first nominated applicant wishes to accept the offer of a tenancy. If the applicant does not contact the Housing Association or fails to attend the viewing the Housing Association reserves the right to withdraw any offer of a tenancy and to offer the tenancy to next person on the shortlist.

The Housing Association will inform an unsuccessful applicant of the reason behind their decision. The Council reserves the right to discuss any refusal of a nomination with the Housing Association if it believes the decision to be unreasonable or perverse.

### **5.6.3 Direct Match**

Whilst the aim of MyChoice is to provide choice in the allocation of social housing in Bracknell Forest, there will be exceptional situations where this is not possible. It may be necessary to nominate a particular household directly to a property to make

best use of housing stock. In these situations where an applicant is directly matched to the property these properties will not be advertised on MyChoice. To ensure transparency, the Council will report on properties that have been as allocated through direct matches.

The following are examples of circumstances where a direct match may be made:

- A homeless applicant owed a relief or main housing duty where they have failed to regularly bid on available properties on MyChoice.
- A homeless applicant where the Council has accepted a main housing duty and there is a strategic need to move the applicant.
- Where a property is needed to provide emergency accommodation for a homeless household.
- Where an existing social housing tenant living in Bracknell Forest has been assessed as needing an urgent move and this will avoid a homelessness application being made.
- A request made through the National Witness Protection Service.
- Where an applicant has been assessed by the Multi-Agency Protection Panel and it is decided that the Applicant should be offered social housing.
- Where a specially adapted property has been built, acquired, or adapted to meet the needs of a specific client.
- Where any delay in providing suitable accommodation would have a negative impact on the applicant.
- Where it is necessary to comply with a Court Order to fulfil an urgent statutory or legal duty.
- Where a certain type and location of property is needed to assist in a case of child protection or public protection.
- Where an applicant needs to move urgently because of a critical medical or welfare need where there are serious safeguarding implications.

#### **5.6.4 Withdrawal of an advert or nomination**

There may be exceptional circumstances in which a housing association that has advertised a property or made an offer of a tenancy to an applicant needs to withdraw this property from MyChoice. This could be for the following reasons:

- An error has been made in the advertising criteria.
- The property has been advertised, but the existing tenant has rescinded their notice.
- There is a right of succession to the property.
- The property has been advertised but further inspections have established that the property needs major works which will take several months.
- The property has been advertised but needs to be withdrawn for an urgent case as a direct let.
- The Housing Association needs the property for an urgent management move.
- The nominee does not qualify under the Housing Association's own Housing Allocations Policy.

Withdrawal of an advert or an offer can be done right up to the point before a tenancy is signed.

## **6. Refusals**

### **6.1 Transfer or first-time applicants**

Where a transfer or first-time applicant has successfully bid on a property and has been made an offer of accommodation by the Housing Association, and they fail to accept it, and they have refused a total of two suitable offers, their application will be suspended for a period of 12 months. During this period, the applicant will not be permitted to bid on any properties.

If an applicant successfully bids for a property but the Housing Association is unable to contact the applicant within a reasonable amount of time, the Housing Association will offer the property to the next eligible applicant on the shortlist. Lack of contact will be classed as a refusal for the purpose of suspending an application.

### **6.2 Homeless applicants**

If an applicant who is homeless and occupying temporary accommodation secured under s193 of the Housing Act 1996 Act Part VII is made an offer of accommodation and fails to contact the Housing Association or refuses a suitable direct match as a final offer the Council will discharge its homelessness duty.

The applicant will be invited to reconsider the offer and will be encouraged to accept this offer. Any applicant who refuses a final offer of accommodation has the right to request a review of the suitability of the offer of accommodation.

If, following the conclusion of the review, the Reviewing Officer decides that the offer was not suitable, the applicant will receive one further offer of suitable accommodation.

Where an applicant refuses a final offer of suitable accommodation and does not take up the offer, the Council's duty to accommodate them in temporary accommodation will cease.

Subject to the outcome of any review, the Council will instigate legal proceedings to recover possession of the temporary accommodation. The applicant will have to make their own arrangements for housing and their housing register application will need to be re-assessed.

Where the Council has ended its homelessness duties and the applicant is still occupying temporary accommodation, their banding will be amended to band E, worsened circumstances.

## **6.3 Direct Matches**

If a transfer or first-time applicant refuses a direct match to a property, the Council will consider the reasons for refusing the offer of accommodation, including whether the offer was suitable to meet the needs of the applicant and their household.

Where the Council decides that the direct match was not appropriate, it will make one further offer of accommodation to the applicant. Should the applicant refuse any subsequent direct match, the urgency of the case may be reviewed and re-assessed to a lower band to reflect this.

## **7. Feedback on Lettings**

The main aim of the Bracknell Forest Choice scheme is to operate an open and transparent lettings system.

The result of lettings made through the scheme will be published on the MyChoice website by showing:

- Each letting made by size, type, and location.
- The number of applicants who have bid for each property.
- The band and effective date of the successful bidder.

This information will enable applicants to make informed decisions about which properties to bid for by giving them a better idea of which properties or areas attract the greatest number of bids and how long they would normally have to wait for an offer. The results published do not contain any personal data relating to an applicant.

## **8. Request for a Review**

The Council is committed to making correct decisions on all applications. The Council will notify the applicant in writing of the decision made and give full details of how that the decision was made.

Under section 166A(9) of the Housing Act 1996 an applicant has a legal right to request a review of any of the following decisions reached by the Council on their housing application:

- A decision that an applicant is not eligible.
- A decision that an applicant is not a qualifying person to join the housing register.
- A decision regarding the band an applicant has been awarded.
- The effective date awarded of going into a band.
- A decision to remove an applicant from the housing register.
- Any decision about the facts of the case that has been used to assess their application.
- Where an applicant considers that a decision has been based on incorrect information.

Requests for a review must be submitted in writing or e-mail, to the Council within 21 days of the date when the notification was received.

Review requests will only be considered where it can be demonstrated that the policy has been incorrectly applied.

The request should refer to the relevant section or paragraph of the policy. Cases where new or additional evidence is provided will be considered by the relevant team as a re-assessment of the application rather than a review.

Where additional information was not available at the time of assessment, we may consider a re-assessment before formal review is conducted.

## **8.1 How a request for a review will be dealt with**

Upon receiving a request for a review:

- The applicant will receive a notification that the review has been received and we aim to conclude the review within 56 days.
- The review will be carried out by a Senior Officer who was not involved in the original decision.
- The applicant may be asked to provide additional information to support their review.
- On completion of the review the applicant will be notified in writing of the outcome.

If further information is required, the review period may be extended with the agreement of all parties. Once a review has been completed, the applicant cannot request a further review of the same decision unless there has been a material change in their circumstances.

## **9. Confidentiality, data protection and information sharing**

### **9.1 Data Protection**

Any information provided as part of the application process will be handled sensitively and subject the appropriate General Data Protection regulations.

Bracknell Forest Council shall comply with the requirements of the Data Protection Legislation and any equivalent or associated legislation in relation to the storing of computer records, processing and sharing of personal data in connection with this Allocation Policy.

To assess an application, the applicant's personal data will be used, and the Council will contact third parties to obtain and share information in order to comply with the statutory obligation of processing the applicant's housing/homelessness application or where disclosure of information is a legal requirement.

Applicants have the right to request any information held by the Council under a Subject Access Request.

## 9.2 Sharing personal information

Personal information obtained from the applicant that applies to the housing register or homeless application will only be used in ways that the applicant reasonably expects in order for the Council to process their application.

The details provided by the applicant may be shared with third parties to comply with statutory obligations, which include but may not be limited to:

- Housing Associations.
- Statutory and voluntary services, for example other housing providers, health trusts, police, probation service, social services, DWP, Housing Benefits, CAB.
- GPs.
- Private landlords/letting agents.
- For statistical and reporting purposes including government departments such as the Department for Levelling Up, Housing and Communities (DLUHC). Such reports will be statistical only and will not identify any individual.

Further details on how we use personal information and how we protect your privacy can be found in the housing options privacy notice on the Council's website [Housing options privacy notice | Bracknell Forest Council](#)

## 9.3 Councillor or MP enquiries on behalf of Applicants

The Council will provide Councillors and MPs with personal data about the Applicant if the Applicant provides permission to do so or if the Councillor or MP reasonably needs it to carry out their duties. However, the Councillor and/or MP must not use it for other purposes.

## 10. Complaints

Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. A request for a review should be made under the review procedure set out above and not through the Council's complaints procedure.

Where an applicant is dissatisfied with any aspect of the way in which their application for housing has been conducted and wishes to make a complaint, this should be made using the Council's complaints procedure. A copy of the current complaints procedure is available on the Bracknell Forest Council website and can be accessed here: <https://www.bracknell-forest.gov.uk/council-and-democracy/get-touch/complaints>

Where a complaint relates to how an applicant has been dealt with under this policy, an applicant who remains dissatisfied after following the internal complaints process has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government Ombudsman is an independent service run by Central Government to make sure that Councils provide the required standard of service to their customers.

The Ombudsman can investigate complaints about how the Council has done something, but they cannot question what has been done simply because someone did not agree with it. For further details contact: [www.lgo.org.uk](http://www.lgo.org.uk)

# Appendix 1

## Immigration Control Persons from Abroad

### Persons subject to immigration control

**1.1** The regulations setting out which classes of persons from abroad are eligible or ineligible for an allocation are the [Allocation of Housing and Homelessness \(Eligibility\) \(England\) Regulations 2006 \(SI 2006 No.1294\)](#) ('the Eligibility Regulations').

**1.2** The term 'person subject to immigration control' is defined in [s.13\(2\) of the Asylum and Immigration Act 1996](#) as a person who under the [Immigration Act 1971](#) requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

**1.3** The provisions of [section 7\(1\) of the Immigration Act 1988](#) and the Asylum and Immigration Act 1996 have been saved for the purpose of housing legislation to protect the rights of EEA citizens, and their family members, who have citizens' rights pursuant to the Withdrawal Agreement.

This will ensure that EEA citizens, and their family members, who:

- 1) have acquired limited leave to enter and remain in the UK (also known as pre-settled status) by virtue of Appendix EU of the Immigration Rules ("the EU Settlement Scheme"); or
- 2) were frontier working in the UK prior to 31 December 2020.

will continue to be treated as 'persons not subject to immigration control' in the instances where they would previously have been, so that their eligibility for the allocation of social housing can be judged on the basis of [Regulation 4 of the Eligibility Regulations](#) as was the case prior to 31 December 2020.

**1.4** EEA citizens, and their family members, who have been granted indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme, do not need the savings to apply to them. Their eligibility should be judged on the basis of [Class C of Regulation 3 of the Eligibility Regulations](#), as is the case for persons subject to immigration control who have been granted indefinite leave to remain. In general, they should be eligible provided they can demonstrate habitual residence in the Common Travel Area.

For the purpose of this guidance references to "the Withdrawal Agreement" in this note are to the "[Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community \(2019/C 384 I/01\)](#)". Equivalent provisions are to be found in separation agreements relating to the [European Economic Area/European Free Trade Agreement](#) and the [EU/Swiss Free Movement of Persons Agreement](#), which are also

given effect in domestic law by the [European Union \(Withdrawal Agreement\) Act 2020](#).

**1.5** The following categories of persons do not require leave to enter or remain in the UK:

- (i) British citizens.
- (ii) certain Commonwealth citizens with a right of abode in the UK.
- (iii) Irish citizens, who are not subject to immigration control in the UK because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.14 (iii) below) with the UK which allows free movement.
- (iv) by operation of the savings provisions referred to in paragraph 3.9 above, EEA citizens, and their family members, who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement, i.e. those who were residents and exercised a right to reside in the UK derived from European Union law or any provision under section 2(2) of the European Communities Act 1972, and those who were frontier working, before 31 December 2020. Whether an EEA citizen (or family member) has exercised a particular right to reside in the UK or rights to be treated as a frontier worker will depend on their circumstances, at that particular time. For example, whether the EEA citizen is, for the purposes of [the Immigration \(European Economic Area\) Regulations 2016 \(SI 2016/1052\)](#) ('the EEA Regulations') (as preserved by the savings provisions) a jobseeker, a worker, a self-employed person and so on.
- (v) persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

For the purpose of this guidance, 'EEA citizens' means citizens of any of the EU member states, and citizens of Iceland, Norway, Liechtenstein, and Switzerland.

**1.6** Any person who does not fall within one of the four categories in paragraph 3.11 will be a person subject to immigration control and will be ineligible for an allocation of accommodation unless they fall within a class of persons prescribed by [regulation 3 of the Eligibility Regulations](#) (see paragraph 3.14 below).

**1.7** If there is any uncertainty about an applicant's immigration status, it is recommended that authorities contact the Home Office.

### **Persons subject to immigration control who are eligible for an allocation of social housing**

**1.8** [Regulation 3 of the Eligibility Regulations](#) provides that the following classes of persons subject to immigration control are eligible for an allocation of accommodation:

- (i) a person granted refugee status: normally granted 5 years' limited leave to remain in the UK.

- (ii) a person granted exceptional leave to enter or remain in the UK granted outside the provisions of the Immigration Rules; and whose leave to enter and remain is not subject to a condition requiring them to maintain and accommodate themselves, and any person who is dependent on them, without recourse to public funds. Exceptional leave to remain now usually takes the form of 'discretionary leave.'
- (iii) a person with current leave to enter or remain in the UK with no condition or limitation, and who is habitually resident in the UK, the Channel Islands, the Isle of Man, or the Republic of Ireland (the Common Travel Area): such a person will have indefinite leave to enter or remain and will be regarded as having settled status. However, where indefinite leave to enter or remain was granted as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation, the applicant must have been resident in the Common Travel Area for five years since the date of entry - or the date of the sponsorship undertaking, whichever is later – in order to be eligible. Where the sponsor has (or, if there was more than one sponsor, all of the sponsors have) died within the first five years, the applicant will be eligible for an allocation of accommodation.
- (iv) a person who has humanitarian protection granted under [paragraphs 339C – 344C of the Immigration Rules](#);
- (v) a person who has limited leave to enter or remain in the United Kingdom on family or private life grounds under [Article 8 of the Human Rights Act](#), such leave granted under [paragraph 276BE \(1\)](#), [paragraph 276DG](#) or [Appendix FM](#) of the Immigration Rules, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds;
- (vi) a person who is habitually resident in the Common Travel Area and who has been transferred to the United Kingdom under [section 67 of the Immigration Act 2016](#) and has limited leave to remain under [paragraph 352ZH of the Immigration Rules](#);
- (vii) a person who is habitually resident in the Common Travel Area and who has Calais leave to remain under paragraph 352J of the Immigration Rules. (Effective from 1 November 2018);
- (viii) a person who is habitually resident in the Common Travel Area and who has limited leave to remain in the UK as a stateless person under paragraph 405 of the Immigration Rules;
- (ix) a person who has limited leave to enter and remain in the UK as the family member of a 'relevant person of Northern Ireland' by virtue of Appendix EU of the Immigration Rules;
- (x) a person who has limited leave to enter or remain in the United Kingdom under Appendix Hong Kong British Citizen (Overseas) of the Immigration Rules, who is habitually resident in the Common Travel Area, and who is not subject to a condition requiring that person to maintain and accommodate themselves, and any person dependent upon them, without recourse to public funds.

- (xi) a person who has been granted leave by virtue of the Afghan Relocations and Assistance Policy or the previous scheme for locally employed staff in Afghanistan; and
- (xii) a person with leave to enter or remain in the United Kingdom who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021 and who is not subject to a condition of no recourse to public funds and has not been given leave to enter or remain as a result of an undertaking that a sponsor would be responsible for the applicant's maintenance and accommodation. However, a person who was sponsored will be eligible for housing assistance if the applicant has been resident in the Common Travel Area for 5 years since the date of entry (or the date of the sponsorship undertaking, whichever is later) or their sponsor(s) have died.
- (xiii) a person in the UK who left Ukraine in connection with the Russian invasion on 24 February 2022 and had resided in Ukraine immediately before 1st January 2022, and who has been granted leave in accordance with Immigration rules made under section 3(2) of the Immigration Act 1971.
- (xiv) a person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the immigration rules pursuant to an application made by that person from within the United Kingdom.

### **Other persons from abroad who may be ineligible for an allocation**

**1.9** By virtue of [regulation 4 of the Eligibility Regulations](#), a person who is not subject to immigration control and who falls within one of the following descriptions is to be treated as a person from abroad who is ineligible for an allocation of accommodation:

- (i) a person who is not habitually resident in the Common Travel Area  
(Subject to certain exceptions - see paragraph 3.17 below).
- (ii) a person whose only right to reside in the UK is derived from his status as a jobseeker (or his status as the family member of a jobseeker). 'Jobseeker' has the same meaning as in [regulation 6\(1\) of the 'EEA Regulations'](#);
- (iii) a person whose only right to reside in the UK is an initial right to reside for a period not exceeding three months under [regulation 13 of the EEA Regulations](#);
- (iv) a person whose only right to reside in the UK is a derivative right to reside to which they are entitled under [regulation 16\(1\) of the EEA Regulations](#), but only in a case where the right exists under that regulation because the applicant satisfies the criteria in regulation 16(5) of those Regulations;
- (v) a person whose only right to reside in the Common Travel Area is a right equivalent to one of those mentioned in sub-paragraph (ii) to (iv) above.

**1.10** For the purposes of determining eligibility for an allocation of social housing, a person who is not subject to immigration control and who falls within categories (ii) or (iii) in paragraph 3.15 above should be treated as ineligible. This is regardless of whether such person has been granted limited leave to enter or remain in the UK by virtue of [Appendix EU of the Immigration Rules](#); or a family permit issued under the EU Settlement Scheme granting them limited leave to enter the UK by virtue of [the Immigration \(Leave to Enter and Remain\) Order 2000](#).

### **Persons exempted from the requirement to be habitually resident**

**1.11** The following persons from abroad are eligible for an allocation of accommodation even if they are not habitually resident in the Common Travel Area:

- (i) an EEA citizen who has been granted pre-settled status and is in the UK as a worker (which has the same meaning as in [regulation 6\(1\) of the EEA Regulations](#));
- (ii) an EEA citizen who has been granted pre-settled status and is in the UK as a self-employed person (which has the same meaning as in [regulation 6\(1\) of the EEA Regulations](#));
- (iii) a person who is treated as a worker for the purpose of the definition of 'qualified person' in regulation 6(1) of the EEA Regulations pursuant to regulation 5 of the [Accession of Croatia \(Immigration and Worker Authorisation\) Regulations 2013](#) (as amended), (right of residence of an accession State citizen subject to worker authorisation);
- (iv) a person who is a family member of a person referred to in (i) to (iii) above and has been granted pre-settled status.
- (v) a person who is in the UK as a result of their deportation, expulsion, or other removal by compulsion of law from another country to the UK.
- (vi) a person who is in the United Kingdom as a frontier worker for the purpose of the [Citizens' Rights \(Frontier Workers\) \(EU Exit\) Regulations 2020 \(SI 2020/1213\)](#) (as defined in paragraph 3.18 below);
- (vii) a person who is a family member of a person referred to in (vi) above and has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom, as a family member of a relevant EEA citizen, under the Immigration Act 1971 by virtue of Appendix EU to the Immigration Rules made under section 3 of that Act.
- (viii) a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021.
- (ix) a person who left Ukraine in connection with the Russian invasion on 24 February 2022 and had resided in Ukraine immediately before 1st January 2022 and is not subject to immigration control.

**1.12** A person who is no longer working or no longer in self-employment will retain his or her status as a worker or self-employed person in certain circumstances. A person who is no longer working does not cease to be treated as a 'worker' for the purpose of [regulation 6\(1\)\(b\) of the EEA Regulations](#), if he or she:

- (i) is temporarily unable to work as the result of an illness or accident or

- (ii) is recorded as involuntarily unemployed after having been employed in the UK, provided that he or she has registered as a jobseeker with the relevant employment office, and
  - (a) was employed for one year or more before becoming unemployed, or
  - (b) has been unemployed for no more than 6 months, or
  - (c) can provide evidence that he or she is seeking employment in the UK and has a genuine chance of being engaged, or
  - (d) is involuntarily unemployed and has embarked on vocational training, or
  - (e) has voluntarily ceased working and embarked on vocational training that is related to their previous employment.

**1.13** EEA citizens who have established citizens' rights in accordance with Part 2 of the Withdrawal Agreement can be joined by close family members (spouses, civil and unmarried partners, dependent children and grandchildren, and dependent parents and grandparents) who live in a different country at any point in the future, if the relationship existed before/on 31 December 2020 and still exists when the family member wishes to join the EEA citizen in the UK. The family member will have 3 months from their date of arrival to apply to the EU Settlement Scheme. If the family member is a third country citizen, they can apply for an EU Settlement Scheme family permit or EEA family permit. Information relevant to this can be found at: <https://www.gov.uk/family-permit/>. 'Family member' does not include a person who is an extended family member who is treated as a family member by virtue of regulation 7(3) of the EEA Regulations. When considering the eligibility of a family member, housing authorities should consider whether the person has acquired indefinite leave to remain in the UK in their own right, for example, a family member at the point they are eligible and are granted settled status under the EU Settlement Scheme.

## Appendix 2

### Reasonable Preference

The Housing Act 1996 requires that the Bracknell Forest Housing Allocations scheme must give reasonable preference to certain groups of people. The Reasonable Preference groups are listed in Section 166A (3) of the Housing Act 1996 as follows:

- i. People who are homeless (within the meaning of Part 7 (Homelessness) of the Housing Act).
- ii. People who are owed a duty by any local housing authority under Part 7 (Homelessness) of the Housing Act 1996 because they are: - Homeless and in priority need but homeless intentionally.
- iii. People who are homeless and in priority need and not intentionally homeless.
- iv. People who are threatened with homelessness and in priority need and not intentionally homeless.
- v. People who are not intentionally homeless but not in priority need.
- vi. People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
- vii. People who need to move on medical or welfare grounds (including grounds relating to disability).
- viii. People who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship to themselves or others.

However, in deciding how one applicant should be prioritised compared to another with similar needs, the Bracknell Forest Housing Allocation scheme will also take into account factors such as local connection, behaviour, and the financial resources available to each applicant.

For example, an applicant who: (i) falls into one of the reasonable preference categories and (ii) who has a local connection to the district area will be placed in a higher priority band than an applicant with similar needs who does not have a local connection to the district area.

## Appendix 3

### SIZE OF FAMILY - SIZE OF PROPERTY Government Bedroom Standard

Size of family	Size of property Required
Single	Bedsit/1 bedroom
Couple	1 bedroom
Exceptional cases where 2 adults need to live together	2 bedrooms
Parent(s) with one child	2 bedrooms
Parent(s) with two children of the same sex under the age of 21	2 bedrooms
Parent(s) with two children of the opposite sex both aged under 10	2 bedrooms
Parent(s) with two children of the same sex and the oldest is aged 21 years or more and the eldest child is assessed as not being able to live independently or in full time education	3 bedrooms
Parent(s) with two children of opposite sex where the older child is aged 10 years or over	3 bedrooms
Parents with three children where two children can share (because they are (i) same sex both under 21 or (ii) different sex both under 10)	3 bedrooms
Parents with four children where it is possible for two pairs of children to each share a bedroom (because they are (i) same sex both under 21 or (ii) different sex both under 10)	3 bedrooms
Parents with three children where none of which can share (same sex over 21 and assessed as not being able to live independently or being in full time education, or different sex over 10)	4 bedrooms
Parents with four children where only two can share (same sex both under 21, or different sex both under 10)	4 bedrooms
Parents with five or more children with any children over the age of 21 assessed as not being able to live independently or being in full time education	4 bedrooms

In exceptional circumstances the Senior Housing Officer may exercise discretion in deviating from the Bedroom Standard. For example, where applicants require larger accommodation on health grounds, the Senior Housing Officer will consider this on a case-by-case basis, considering the advice of a qualified medical advisor.

In all cases applicants will need to demonstrate that the property is affordable at the time of offer.

## Appendix 4

### Housing Bands

#### Band A

1. Social Housing tenants (including successors) within the Bracknell Forest area who are under-occupying family accommodation and are wishing to downsize.
2. Social Housing tenants within the Bracknell Forest area who are living in a property that has been built or adapted for a person with a disability which is no longer needed.
3. Urgent medical. Households who are suffering severe, long term medical conditions (chronic or progressive) or a severe disability because they cannot physically access their home or essential facilities within their current home, and it is not possible for adaptations to be undertaken to enable access.
4. Applicants who are ready to be discharged from hospital who have somewhere to live but are unable to return to their accommodation due to their medical needs and whose accommodation cannot be adapted, nor do they have the assets to adapt their current accommodation or move to another property.
5. Applicants or a member of their household who are living within the Bracknell Forest area who have been referred by a statutory agency and the Council is satisfied that the household has an urgent need for rehousing because if they are not rehoused their life will be in serious danger, and where a homeless application is not appropriate.
6. Applicants assessed by the Safeguarding Board where there is a critical and serious threat to the wellbeing of a child and their accommodation is a major contributory factor to the risk.
7. Applicants where the Council has agreed on the recommendation of the MAPPA partnership that the applicant requires, and is suitable for, independent housing. They must qualify for the housing register and, after considering the evidence submitted, the Council must be satisfied that due to the nature and extent of the circumstances of the MAPPA case, accommodation in the private rented sector would, through its short-term nature, have a detrimental effect on the multi-agency planning for that individual.
8. Families with children living in accommodation where there are two or more bedrooms short compared to their household bedroom need under the bedroom standard or the property is statutorily overcrowded. Where the household contains any non-dependent adult, they will be disregarded from this assessment.

9. An immediate prohibition order which is served due to the serious risk to life.
10. Two Registered Provider tenants living within the Bracknell Forest area, both giving up general needs accommodation who are wishing to move to one property as a household as joint tenants.
11. Homeless households who received a final offer of accommodation via Part VI of the Housing Act 1996 and moved into the accommodation who were subsequently successful in their request for a review.
12. Decants of Bracknell Forest owned property that are due for demolition or major repairs.

## **Band B**

1. Families with children living in accommodation where they are one bedroom short compared to their household bedroom need under the bedroom standard.
2. Register Provider tenants within the Bracknell Forest area moving from 1 bed general needs accommodation to older persons accommodation.
3. Applicants with a proven social care need, where rehousing will support the delivery of another statutory service within the Bracknell Forest area. To be approved by a panel of Housing and Social Care Managers.
4. Bracknell Forest care leavers in housing need who are ready for independent living within an agreed move on protocol and annual quota.
5. Foster carers/Adoption with approval from Bracknell Forest's Children's Social Care service, and there is a need to move to a larger home to accommodate a looked after child within an agreed annual quota.
6. Corporate Parenting and Guardianships taken on by family members to prevent a child from becoming looked after by Bracknell Forest Children's Services with an agreed annual quota.
7. Move on from supported housing commissioned by Bracknell Forest Council where there is a move on protocol in place with an annual quota.
8. Armed Forces personnel who have been medically discharged.
9. Medical Severe Applicants who need to move on medical grounds because their current home is having a severe impact on the health of a member of the household. By re-housing to more suitable accommodation this will help to reduce the impact and their health will deteriorate if the household is not moved to more suitable accommodation. Priority band B will only apply where

the applicant is bidding on properties that will reduce the impact on the health of the member of the households.

### **Band C**

1. Families with children living with another household and there is no overcrowding.
2. Homeless Applicants where the main housing duty has been accepted by Bracknell Forest Council.
3. Medical Adverse Impact. Applicants who need to move on medical grounds because their current home is having an adverse impact on the health of a member of his or her current accommodation and their health will not deteriorate in their current accommodation, but the adverse impact will be significantly reduced with a move to more suitable accommodation.
4. Singles or couples without children who are in insecure or overcrowded accommodation.
5. Verified Rough Sleepers working with the Council's rough sleeper team who are not being considered under a relief duty.
6. Applicants with a local connection who have been assessed as adequately housed but have had a prevention duty accepted by Bracknell Forest Council.
7. Safe Accommodation provided by Bracknell Forest Council or in a refuge and no homeless application has been made.
8. Category 1 Hazards. Applicants who are living in insanitary or unsatisfactory conditions which would include properties affected by lack of amenities or services, severe damp, major structural defects, flooding, collapse of roof or statutory nuisance and these conditions cannot be rectified within a reasonable period. (As assessed by the Council against the relevant legislation including housing standards and relevant safety rating systems).
9. Care leavers in a staying put arrangement supported by Bracknell Forest Council.

### **Band D**

1. Applicants who have served in the armed forces and who do not satisfy any reasonable preference categories.
2. Applicants needing to move to the locality to give/receive support to avoid hardship.

3. Applicants in supported accommodation who are not part of the move on criteria.
4. Applicants who are in care under Bracknell Forest's Children's Social Care service who wish to register and are under the age of 18.
5. Applicants who are owed a relief duty within the meaning of Part VII of the Housing Act 1996 and who have been assessed by the Council and qualify with a local connection via Part VI.
6. Applicants who have applied for assistance to the Council under Part VII of the Housing Act 1996 where the Council has reached a decision that they are homeless but not in priority need.

## **Band E**

1. Applicants who are homeless within the meaning of Part VII of the Housing Act 1996 and who have been assessed as being owed a prevention or relief duty by the Council, but they do not have a qualifying local connection.
2. Applicants who have applied for assistance to the Council under Part VII of the Housing Act 1996 where the Council has reached a decision that they are homeless and in priority need but have been determined to be homeless intentionally s191(3).
3. Applicants who have been assessed as having worsened their circumstances.
4. Applicants who have unreasonably refused to co-operate (s193c (4)). This band applies to applicants who would ordinarily be deemed as unintentionally homeless and having a priority need, but the relief duty has been ended due to their failure to co-operate. The relief duty will have been discharged in accordance with the non-co-operation procedure.
5. Applicants accepted under the Right to Move. Applicants who are able to demonstrate the need to move nearer their place of work within the Bracknell Forest area because they have secured or have permanent employment (over 16 hours per week average) in the area (evidence of the employment must be provided) and are currently a social housing tenant and would experience hardship if unable to move to the area.
6. Rent arrears or any housing related debt at time of application.
7. Rent arrears or any housing related debt at time of offer.
8. Owner occupiers who have a reasonable preference and do not have the resources to resolve their housing need.
9. Applicants who have had a change of circumstances and have not told the Council.

10. Applicants who are seeking aged persons accommodation due to having a high welfare and support need and need to move to Bracknell Forest to receive family support but do not currently live in Bracknell Forest.
11. Applicants who have been evicted for rent arrears in the past five years.
12. Applicants who have been evicted for anti-social behaviour in the past five years.
13. Applicants living in Bracknell in a reasonable preference category who do not meet the residential qualification.

## Appendix 5

### Explanation of terms used in this policy

Act	The Housing Act 1996.
Allocation (Nomination)	The allocation (nomination) process by which a person becomes an assured or assured shorthold tenant of housing accommodation held by a registered provider.
Applicant	The person making the application, whether as a single person or a couple.
BFC MyChoice	The name of Bracknell Forests Housing Allocation Policy.
Bracknell Forest	The administrative area of Bracknell Forest Borough Council.
Change of circumstances	A change in household circumstances (e.g. address/accommodation, addition of an adult household member) that may affect BHC qualification and/or priority banding.
Child/Dependent	A person under the age of 21.
Disabled Adapted Properties	Disabled adapted properties are properties that have been specially built or adapted for people with disabilities.
Effective Date	Date used to prioritise applications in a band based on the date that the band was awarded.
First Time Applicant	Applicants who have been accepted onto our housing register as being eligible to apply for social housing.
Homeless Applicant	Applicants found to be homeless, and where a homelessness duty has been accepted by Bracknell Forest Council.
Household	The term “household” includes all eligible adults and dependent children included in the applicant’s application. Short-term sharing arrangements or temporary part time arrangements will not normally be classified as a household member Section 3.
Housing Association/Registered Provider	The official name for housing associations, and housing companies that are registered with Homes England.
Housing Register	A database of applicants seeking social and affordable housing

Nomination	The name put forward, by Bracknell Forest Council, from the housing register to be considered for a property owned by a Housing Association.
Reasonable Preference Categories	A list of groups that the Council must allow on to the housing register.
Registration date	The date the applicant's Housing application was received.
Right to Move	Social housing tenants who have a reasonable preference and need to move to Bracknell Forest to avoid hardship, and need to move because the tenant works in the borough, or they need to move to take up an offer of work.
Social/Affordable housing	Housing that you rent from a Housing Association.
Transfer Tenant	A transfer applicant is a secure tenant or an assured tenant of a Housing Association living in Bracknell Forest who has been accepted on to the housing register.