



Wigan[♥]
Council

Wigan Council Allocations Policy – Housing Allocations Scheme – Draft New Policy

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Section 1: Introduction to Wigan Council Housing Allocations Scheme

1 Introduction

All local authorities are required to have a housing allocation policy (also known as an allocations scheme) which sets out the priorities and defines the procedures to be followed in allocating social housing in accordance with the requirements of The Housing Act 1996 Part 6, and as amended by the Homelessness Act 2002 and the Localism Act 2011

This policy sets out how Wigan Council allocate social housing in Wigan, the policy has been drafted considering local housing need, current demand and levels of available stock.

This document is available on request from the Council and can also be downloaded from our website ([link will be added once final policy is agreed](#))

Wigan Council operate a choice based letting scheme where applicants can bid for vacant properties when advertised. Wigan Council work in partnership with Registered Providers (Housing Associations) with housing stock in the Wigan area. Applicants can register in one central point via the Council's Housing Register. The council have nomination agreements in place with a number of registered providers operating in the Wigan Borough.

Our Allocation policy sets out the rules for:

- Who can apply to be rehoused by the Council into social housing
- What priority for rehousing the Council will give to residents who need a more suitable home – for example, because they need to move for health reasons, or because they are overcrowded, or because they are homeless
- How the Council will let the available Council and housing association homes to residents on our Housing Register.

The Scheme applies to both new people applying to join our Housing Register and residents already on the Register. It also applies to existing Council and Housing Association tenants who wish to transfer to another home and covers important issues including:

- Who is eligible to apply to be included on the Housing Register
- The circumstances when an individual or family will not be eligible to join the Housing Register or will not qualify to do so.
- The process of applying for housing, including bidding for homes

- How a family or individual's housing needs are assessed
- How properties are allocated
- How we will consider exercising discretion

1.1 What is the Housing Register?

The Housing Register is a record or list of everybody that we agree could be rehoused to a Council or Housing Association home if they have a high enough housing need. It is not a waiting list, though sometimes people call the Housing Register the "Council waiting list". It is important to understand that it is not like a queue. Being offered a new home does not just depend on when you joined the Register.

Although the Council believes that everyone on the Housing Register needs a better home, we also believe that some reasons for needing to move are relatively more important than others. This means that we prioritise some reasons for needing to move above others. We are required by law to give reasonable preference to certain groups.

Where you are on our Housing Register is based mainly on your priority for rehousing. Your priority does increase the longer you have been waiting, but that is not the main factor in deciding if to offer you a home.

We explain how we prioritise households for rehousing later in this Housing Allocation Scheme.

1.2 What the national laws for housing allocation schemes tell us we must do

The Housing Act 1996 Part 6, and as amended by the Homelessness Act 2002 and the Localism Act 2011, sets out how we must allocate social housing.

The national laws tell us:

- That nearly all the social housing we let to residents and households on our Housing Register must fall under the rules set out in our Housing Allocation Scheme.
- How someone's immigration status affects their right to be included on the Housing Register.
- That we must give a priority for rehousing to certain types of housing need applicants who are assessed as having 'reasonable preference'.
- That we must allow residents the chance to express choices or a preference about moving to a new home even if we are unable to meet their choices and decide to offer a home that would not necessarily be their choice.
- That we must take into account other Council policies when preparing our Housing Allocation Scheme.

We can allocate homes outside of the usual scheme rules and set our own preference categories to meet local community needs when a Local Lettings Policy is in place.

In exceptional circumstances we can decide that a part of this Scheme should not be applied or should be suspended. The reasons why a rule has not been applied, or has been suspended, will be fully documented so that our decision is transparent and accountable.

This is our revised Housing Allocation Scheme for Wigan Council and will take effect on or after *(date to be added once when the Scheme has been approved and an implementation date has been agreed)*.

It is important to understand that these new rules will be applied to all new and existing cases from this date meaning for example someone who had a priority band under the old Scheme may not have one under the new Scheme.

More detail for what the national laws require us to do and how this Scheme complies with the national laws is set out in appendix 1.

1.3 Reviewing and amending our Housing Allocation Scheme

We will monitor and review how our Housing Allocation Scheme is working. We may decide that changes are needed, for example, because it is not meeting the needs of our residents in the way we hoped it would, or because of financial or other pressures the Council must manage, or because of changes in legislation, regulations or guidance.

Where a minor change is needed, Wigan Council's Director of Place can agree this change after discussing it with the Lead Elected Member for Housing.

By law, any major change or changes to the Scheme can only be made after a copy of the proposed changes have been consulted on by sending them to every Housing Association operating in the Borough of Wigan and giving them a reasonable period of time to comment on what we are proposing to change.

Any significant changes to this Policy will be approved by a meeting of the council's cabinet.

Where we carry out a full review of our Scheme, we think it is important to adopt local government good practice guidelines and undertake a wider consultation rather than just meet the minimum legal requirements to consult with our Housing Association partners. We will therefore carry out a much broader consultation that includes relevant statutory and voluntary

sector organisations in the Borough, tenant representatives, and of course, people on the Housing Register.

If a significant change is needed, we will engage with all our residents and run a public consultation on that change.

We will also make sure that within a reasonable period of time we will let everyone on the Housing Register know about any changes we have made to the Scheme.

1.4 What does our Housing Allocation Scheme aim to do?

As well as complying with legislation set by the Government, we want our Housing Allocation Scheme to help and support our residents by putting them at the heart of what we do. We want the Scheme to:

- Help those most in housing need
- Rehouse our residents and households in a clear and transparent way that can be easily understood and trusted
- Promote and support the strength of our diverse, mixed communities
- Manage in the best way possible the challenges facing the Council given the huge gap between the number of our residents who need more suitable homes, and the number of suitable and affordable homes that become available.

1.5 What is not covered by this Housing Allocation Scheme?

Under the Allocation Scheme laws, we must let the social housing that becomes vacant in the Borough of Wigan by only applying the rules set out in this Scheme. However, there are some exceptions where these rules do not apply. These are:

Helping someone move into a private rented home – Where we help households who are homeless to move into a suitable home rented from a private landlord these moves are not covered by the Allocation Scheme rules

Temporary accommodation – Sometimes we use a small number of Council homes to provide temporary accommodation to households who are homeless, and these are not let under the rules of the Scheme.

Succeeding to, or assigning a social housing tenancy - Sometimes, when a Council tenant dies (or sometimes a Housing Association tenant), family members living with the tenant have the legal right to take over the tenancy, this is called succeeding to a tenancy or succession. A living tenant can also pass a tenancy to a family member living with the tenant who would have the legal right to succeed. This is called assigning a tenancy, or assignment.

Wigan Council may also offer ‘discretionary succession’ which are local rules that will allow a family member to take over the tenancy when the tenant

dies, in cases where they do not legally have a legal 'right to succeed'. The Housing Act 1996 explains when succession and assignment can happen and are briefly described in this Scheme.

Mutual exchanges - This is when two Council or Housing Association tenants swap their homes and usually their tenancies. The rules about mutual exchange are set out in Government legislation. If you are a Council or Housing Association tenant and you have questions about mutual exchange, please ask for advice from your landlord.

Section 2: Who is allowed to join our Housing Register and how we will assess your application

2 Who can join the Housing Register

Although anyone can apply to join our Scheme there are rules about who can, and cannot, be included on our Housing Register and be rehoused into a Council or Housing Association home. This section explains these rules.

There are two types of rules.

Are you eligible to join our Housing Register? This is about your immigration status in the UK. These rules are set by the Government and are the same for all Council Housing Allocation Schemes.

Do you qualify to join our Housing Register? These are rules set specifically by Wigan Council where we set some local rules about who can join our Housing Register or remain on the Register.

We explain both these sets of rules below.

2.1 Are you eligible to join our Housing Register?

This is about your immigration status in the UK, and the status of any members of your family. The rules on being eligible to join our Housing Register can be very complicated, so you should ask for advice from the Council or from an advice agency, or solicitor, if you are not sure if they apply to your circumstances. The list below is not a full list of all of the eligibility rules we must apply as there are just too many to list.

Usually you will be eligible, meaning you can join our Housing Register, if:

- You are a British or Irish citizen
- You have indefinite leave to remain
- You have settled status under the European Settlement scheme
- You have the 'right of abode' as a Commonwealth citizen

- You have refugee status or humanitarian protection
- You have a visa that allows you to live in the UK with access to public funds like benefits and social housing.

A good starting point is for you to check whether you (and members of your family) can claim 'public funds', for example, benefits such as Universal Credit and Housing Benefit. This usually means you can join the Housing Register if you meet the other adopted qualification rules. However, this is not a guarantee, it is just a useful first step.

Usually, you cannot be rehoused to social housing if:

- 1) You are subject to immigration control
- 2) You are a person from abroad excluded by regulations made by the Secretary of State
- 3) You are a person not 'habitually resident' in the United Kingdom, or you are required to leave the UK by the Home Office.

If you fall into one of these three categories above, but you are already a Council or Housing Association tenant, you still might be able to be rehoused to another social housing home. This can happen if the reasons you need to move mean you must be given a 'reasonable preference' or priority for rehousing. We explain what 'reasonable preference' priority means in more detail later in this Scheme.

2.2 Can you qualify to join our Housing Register

Anyone can apply to join our Housing Register although that doesn't mean you will be allowed to do so even if you are eligible to join our Housing Register under the immigration rules, this does not mean you meet our local qualification criteria'.

This is because we have adopted local rules about who can join (called who can qualify) to be a member of our Housing Register. This section explains the 10 reasons or rules for why you will not be able to join or may not be able to remain on our Housing Register. The 10 rules are listed below and then each rule is explained in detail so you can see how we assess it and whether it might apply to your circumstances.

- 1) You need to be aged 18 or over to join our Housing Register – with some very limited exceptions (see below).
- 2) You must have a connection to Wigan through living in Wigan now and for the last 3 years without a break
- 3) You must have an assessed housing need as defined by the circumstances set out in bands 1-3.

- 4) If we consider that you have enough money or resources to be able to resolve your own housing issues you will not be able to qualify
- 5) You cannot qualify if you are a homeowner now or in the recent past
- 6) If there is evidence of unacceptable behaviour you may not be allowed to qualify for our Housing Register
- 7) You don't have either current or former rent arrears owed to Wigan Council or any other Council, or Housing Association or private landlord. Plus, for Wigan Council alone you must not have another housing related debt specified.
- 8) We have evidence that you have made a fraudulent application
- 9) We will remove you from the Housing Register if you have refused 2 reasonable offers
- 10) We will remove you from the Housing Register if you have failed to bid in the last 12 months without good reason.

Note: when we talk about 'you' in this Scheme we mean you (who we call the applicant) and any joint applicant or any member of your household if you are not applying as a single person.

2.3 Qualification rule 1: You need to be aged 18 or over to join our Housing Register

This rule does not apply to:

- a) Young people living in a foster home or in residential care provided by Wigan Children Services for whom re-housing under the Children Act has been agreed and who are within 6 months of their 18th birthday, or
- b) 16- or 17-year-olds who have been accepted as being owed what is called the main homelessness duty by Wigan Council and it is agreed that they are ready for independent living, although they will not be able to hold a tenancy in law until their 18th birthday.

2.4 Qualification rule 2: You must have a connection to Wigan through living in Wigan now and for the last 3 years without a break

You need to be living in the local government boundaries set for the borough of Wigan for at least 3 years without a break before you will be able to join our Housing Register. This is called our 'local residency qualification rule'. If you meet this rule when you apply and we put you on the Housing Register, you must then continue to live in Wigan otherwise you will be removed from the Housing Register as you will no longer meet the 3-year rule.

Anyone applying to join the Register in the following circumstances will not normally be considered as having a residential connection to Wigan:

- a) If you have been admitted or detained in the Wigan area in prison, custody, or hospital, you will not be able to meet the residency rule in this way as this does not constitute being resident in Wigan by choice.
- b) Anyone still owed any homelessness duty by any Council who is living in Wigan will be regarded as not-qualifying regardless of whether they have been placed in the Wigan area or not by that other Council. This is because another Council retains the responsibility for helping that household.
- c) People placed in supported housing in Wigan by another Council.
- d) Anyone who does not meet the residential rule but who have family members in our Borough, or who are employed in Wigan.

When we decide if you have a residency connection, we will accept the following circumstances as demonstrating residence:

- a) Living in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch.
- b) People rough sleeping in Wigan.

We may, in exceptional circumstances and at our discretion, not apply the residency qualification rule. These circumstances are:

- a) Where we agree there are very exceptional circumstances requiring a move into our area. This will be decided on a case-by-case basis.

Examples might include:

- Reasons of safety, for example if someone is fleeing domestic abuse from another area, or
 - If someone is on a witness protection program and we agree that a move to our area is essential, or
 - If we agree there is a very exceptional need to live in our area to provide or receive essential support from close family
- b) If you are homeless and owed by Wigan Council what is called the 'main homelessness duty', or the relief of homelessness duty and we assess you would be likely to be owed the main duty. However, this exemption only relates to the 3-year residency rule and not any of the other qualification rules, so for example you would not be allowed to join the Register for former rent arrears or unacceptable behaviour despite being owed the main homelessness duty by Wigan Council.
 - c) If you are a member of the gypsy or traveller community who may not have fully met the 3-year rule because you have been travelling. The facts of each case will be considered when deciding whether the rule should be waived, and you must have spent most of the last 3 years living in Wigan.

- d) If you are a young person owed what is called leaving care duties under Section 23C of the Children's Act 1989, who was looked after by Wigan or any other Council and was looked after in Wigan you will establish a residency connection to Wigan until you reach the age of 21 or 25 if they are pursuing a program of education agreed in your pathway plan.
- e) If you are a young person who has been provided with accommodation under Section 22A of the Children Act 1989 (provision of accommodation for children in care) and the accommodation you were provided with was in Wigan and you lived there for a continuous period of at least two years.
- f) If you are over the age of 55 and living in Wigan and are willing to accept an offer of older person housing only you can qualify even if you have not lived in Wigan for a continuous period of 3 years. However, if we agree not to apply the 3-year rule to your case we will only consider you for older person housing and not general needs housing.
- g) If you satisfy what is called the 'Right to Move' rules. Under these rules called "The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015" we must not apply the 3-year residency rule if you are an existing social tenant seeking to move from another social housing tenancy in England who needs to move for work related reasons to avoid hardship. However, under this rule we will limit these moves to no more than 1% of all lettings per year.

See appendix 6 for details of how the 'Right to Move' criteria will be applied.

- h) If you are someone who, at the date of your application, is not living in Wigan whilst:
 - Receiving medical or respite care; or
 - Serving a custodial sentence.
 - In these circumstances you must have been living in Wigan for 3 continuous years prior to your current circumstances.
- i) If you come under the [Allocation of Housing \(Qualification Criteria for Armed Forces\) \(England\) Regulations 2012](#) as amended which means we must not apply the 3 year residency qualification rule to:
 - (a) Those who are currently serving or have ever served in the Regular Armed Forces
 - (b) Bereaved spouses or civil partners of those who have served in the regular 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 spouse or civil partner, and
- (ii) the death was wholly or partly attributable to their service

(c) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

If you come under the armed forces regulations, we will not apply the 3-year residency rule, but the other qualification rules will still be applied to your application such as earning levels, unacceptable behaviour or current or former rent arrears.

2.5 Qualification rule 3: You must have an assessed housing need as defined by the circumstances set out in bands 1-3

If you have applied to our Housing Register but we have not given you priority for rehousing, meaning that your housing need circumstances are not enough to be given a band, you will not be able to join. This is because the number of households who need a home is much greater in Wigan than the number of homes that become available every year. Therefore, unfortunately only those households with the greatest need are allowed to join the Register.

However, you can join our Housing Register without any housing need if you are over 55 and would like to be considered for Sheltered Housing (older person's accommodation). You will still have to meet the other qualification rules but if you do you do not have to have a housing need. This is because we have a better supply of older person housing available for older people.

2.6 Qualification rule 4: If we consider that you have enough money or resources to be able to resolve your own housing issues you will not be able to qualify

If we think that you have enough money or resources to find your own housing, you will not be able to qualify to join the Housing Register. This rule applies if:

- you are single person or in a couple and your household income is more than £40,000, or you have more than £30,000 in savings or capital, or
- you are a family who needs a home with two or more bedrooms, and your household income is more than £60,000, or you have more than £30,000 in savings or capital.

If you own a property, or a share in a property, this will count in the same way as savings.

If you have money or resources above these limits, you may wish to consider what is called 'intermediate housing' which covers a range of schemes to help you buy or rent a home. We can give you further information on any local intermediate housing schemes in our area if you ask us.

We may, in exceptional circumstances and at our complete discretion, waive this qualification requirement if you have income or savings, above our limits but we think you could not reasonably use them to find a suitable home. For example, we may consider not applying this rule if:

- You are fleeing domestic abuse – although a decision will still be made based on your resources and ability to access them
- You are an older resident wanting to move to sheltered housing
- You have extreme vulnerabilities that make it difficult for you to live independently
- You are a member or former member of the British Armed Forces who received a lump sum payment as compensation for an injury or disability sustained on active service.

2.7 Qualification rule 5: You cannot qualify if you are a homeowner now or in the recent past

If you are a current homeowner in the UK or abroad, or another member of your household who is included in their application, is a homeowner you will not qualify to join the Housing Register. We define homeowners as:

- People who have or are acquiring a freehold or leasehold interest in a residential property whether in sole or joint names. This includes properties purchased under the right to buy or the right to acquire, properties abroad, properties that have been sublet and properties where people have an interest via shared equity or shared ownership
- People who own or part-own a sited mobile home or houseboat
- People who still have their names on the title deeds of a residential property which has been repossessed but not sold or who still have their names on the title deeds of a property that is for sale, or have an unresolved legal or financial interest in their home (for example through divorce or separation proceedings), will be considered as current homeowners until such time as they can provide documentary proof that they no longer have a legal or financial interest in the property
- Someone who has gifted their residential property, or equity from their property to another person within the last ten years.

If you have been the owner of a residential property within the last 5 years you will need to provide proof of the proceeds from the sale and of the disposal of any proceeds. If we think that the proceeds from any sale have not been spent reasonably, we may still decide that you do not qualify.

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

- a) If as a result of a divorce settlement a Court has ordered that an applicant may not reside in the former matrimonial or civil partnership home in which they still have a legal interest for a period which is likely to exceed 5 years.
- b) Where someone is a homeowner and is statutory homeless due to domestic abuse 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 the case.
- c) The applicant has a substantial disability, and their current home is not suitable for their specific needs. This is intended to cover situations where a person owns their own home but where it is agreed that they are no longer able to manage in it due to their advancing years, or due to a substantial disability that makes living in their home impracticable and where selling is unlikely to provide sufficient funds to purchase alternative accommodation that would be suitable for their needs.

2.8 Qualification rule 6: If there is evidence of unacceptable behaviour you may not be allowed to qualify for our Housing Register

We think it is very important to make sure that all social housing tenants living in Wigan can enjoy their home and surroundings and do not have to put up with any anti-social or other forms of poor behaviour from their neighbours. Therefore, if we have evidence that leads us to believe that you or a member of your family that are part of any application have behaved in a way that makes you or them unsuitable to be a social housing tenant, you will not be able to join our Housing Register.

Examples of unacceptable behaviour include:

- Violence, or threats of violence, harassment, crime or anti-social behaviour.
- Discriminating against anyone because of their sex, race, religion or faith, disability, sexual orientation, gender identity, or age or certain other personal characteristics.
- Physical or verbal abuse towards staff of the Council, its contractors, or housing association staff.
- Giving false or misleading information when trying to join our Housing Register, or when trying to find a home.

- Paying money to get a tenancy with either the Council or a Housing Association.
- Evidence that a person is or has been selling drugs whether or not they have been convicted.
- If there is evidence that you or a member of your family are using class A drugs you will normally be disqualified until there is evidence to show that the person using is adhering to a drug reduction programme.

This unacceptable behaviour rule will also apply if you are already registered but there is evidence of recent unreasonable behaviour or new information has come to our attention.

In appendix 2 we set out a more detailed list of examples of unacceptable behaviour and how we will assess all cases to decide whether to apply the rule or not. If we do decide that this rule should be applied to your case, we will write to you and tell you that:

- a) The unacceptable behaviour rule has been applied to your case and either you do not qualify to join or remain on the Housing Register, or that you will be allowed to qualify but cannot be considered for an allocation until the behaviour identified has been resolved.
- b) What you or the person named must do to resolve the problem and
- c) That you have a right to ask for a review of our decision.

Where we have applied this rule, it will continue to apply if you make a further application to join the Housing Register, until you (or a member of your household if the rule has been applied to them) has demonstrated to our satisfaction that the unacceptable behaviour identified is unlikely to reoccur. This may mean you needing to demonstrate cooperation with support agencies and clear evidence that there has been a substantial improvement in behaviour.

Where you have been disqualified from joining or remaining on our Housing Register under this rule, we will normally not consider any new application from you for 2 years and then only where there has been no reasonable cause for complaint or concern against you or a member of your household. It is important that you also know that it is for you or the person named to provide enough evidence to us to back up your or their claim that their behaviour has changed and won't reoccur.

2.9 Qualification rule 7: You may not qualify due to former or current rent arrears or another housing related debt

It is important that whenever someone rents a home that they pay the rent. For a Council or Housing Association home the rents pay for the homes upkeep and staff to manage and repair it. It is also not fair to tenants that do pay the rent if some people 'don't play by the rules and are allowed not to pay with no consequence for their actions.

The reasons why we have adopted a qualification rule for current or former rent arrears, or another housing related debt are:

- To make sure any relevant housing debt owed to Wigan Council or another Council or a Housing Association is recovered, and
- To have a well-defined set of rules so everyone is clear on when they will and won't be able to qualify, and
- To be seen to being fair to all the tenants in social housing in Wigan who do pay their rent.

Below we set out the rules for when somebody applying to be included on the Housing Register will either:

- a) Not be allowed to qualify because of the amount of current or former rent arrears or another housing related debt, or
- b) Be allowed to qualify but will not be allowed to bid for any property advertised until their rent arrears or housing-related debt have been resolved to the satisfaction of the Council.

The first part below explains the rules relating to current or former rent arrears, or another housing related debt, owed to Wigan Council, or current or former rent arrears, owed to another Council or Housing Association

The second part explains the rules relating to current or former rent arrears owed to a private landlord.

2.9.1 Current or former rent arrears, or another housing related debt, owed to Wigan Council or current or former rent arrears owed to another Council or Housing Association

Generally, if you have current or former rent arrears owed to Wigan Council or another Council or Housing Association, or have another specified housing-related debt that is owed to Wigan Council alone, you will either:

- a) Not be allowed to join the Housing Register if the debt is over £1,000, or
- b) Can qualify but will not be considered for an offer of social housing until the debt has been resolved as per the rules set out below. In these circumstances you will still be allocated a band based on your assessed

housing needs but cannot be offered a home until you have resolved the debt as per the actions required and detailed below.

Current or former rent arrears are defined as current or former tenant rent arrears or charges for use and occupation owed to Wigan Council, any other Council or any Housing Association whether that Association is based in Wigan or not.

Housing-related debt is a housing debt owed to Wigan Council only and specifically includes:

- a) Current or former Wigan Council tenants with housing related debt
- b) Unpaid sundry debts owed to Wigan Council including rechargeable debts or court costs.
- c) Any unpaid Right to Buy discounts from a previously owned Wigan Council property.
 - a) Outstanding re-chargeable repairs
 - b) Current and former housing related service charge arrears
 - c) Temporary accommodation charge arrears for a license or a non-secure tenancy where that temporary accommodation was provided by Wigan Council
- d) Any court costs incurred by the Council are associated with any of the above debts.

We will apply this qualification rule to anyone applying, including members of an applicant's household. So, it is clear how we will apply this rule we have given an example here – if you are the applicant and do not have any current or former rent arrears but your partner who is on your application has former rent arrears of over £1,000. In these circumstances you will not be able to qualify until your partner has resolved the arrears as per the rules set out in this Scheme even though you (the applicant) do not have any former rent arrears.

We will use the following framework to help guide our Housing Register Team when they are considering whether to apply this rule to your application. We will look at:

- The reasons why you or a member of your family got into arrears and whether there are exceptional circumstances that we should consider when we make our decision.
- Whether the debt has been caused by factors difficult for you or a member of your family to control, for example a case where we agree you were genuinely unable to pay the full rent due to being impacted by the 'spare room subsidy' rule commonly known as the "bedroom tax"
- Whether you still owe the debt, and if you do whether it is a recoverable debt, or a statute barred debt.

- Whether you have taken debt advice, acted on it, and entered into an arrangement to pay off the arrears/debt.
- If you have made an arrangement, we will consider how much of the debt has been paid off and what is still outstanding, and how regularly you have made payments.

Housing debts of over £1,000 will normally mean that you automatically do not qualify to be included on the Housing Register until that debt has been reduced to under that amount, after which the rules set out below must be met before you can be considered for an offer of accommodation. We will of course still consider any case you make for exceptional circumstances even if the debt is over £1000.

In the case of former or current tenant rent arrears of under £1,000 (or another housing related debt owed to Wigan Council) you must have made a repayment commitment to clear the debt and be making regular payments of an agreed sum which you have maintained for a period of at least 3 months. This will normally mean you have not missed a single payment, and the debt has been reduced to a figure that is equal to or less than 8 weeks' payable rent. At this stage you would then be allowed to bid for homes.

If you are a social housing tenant, you will normally not be offered a transfer until the debt has been completely cleared.

If you meet these rules and we decide to lift the restriction on you bidding you will still be expected to continue to make regular payments of the agreed sum until the debt is cleared – if payments are missed, you might again be suspended from bidding until the arrears are cleared or payments have been made satisfactorily for at least a further 3 months.

If any of the debt is still outstanding and we are considering offering you a home, you will be expected to sign an agreement and to continue to pay off the rest of the debt before you can sign for the tenancy.

If we decide that you do not qualify you can apply again when you think the debt has been reduced to under £1000 and we will then assess whether you have taken the required actions to address the debt.

Note: Tenants would not usually be allowed to transfer if they have a current housing debt owed to Wigan Council or another Housing Association in Wigan, however we will consider allowing tenants in arrears to downsize on the basis that smaller accommodation will be cheaper to rent, and it will be cheaper to run. An affordability assessment will be carried out to identify if there is a financial benefit and/or impact of

downsizing and any downsizing incentive payment will be offset against the debt owed.

Note: if you have had your rent arrears/housing related debt included in a 'Debt Relief Order', bankruptcy declaration or individual voluntary agreement (IVA) a period of at least 12 months must pass from the declaration of insolvency to the point a debt is cleared. Should you maintain your finances satisfactorily for this period, this will be considered as strong evidence that you are likely to be able to maintain your rent for any new tenancy.

2.9.2 Current or former rent arrears owed to a private landlord

We recognise that someone might have had several private rented tenancies over say the last 5 years, so we normally only consider whether there were rent arrears from your last private rented tenancy. If we are satisfied that a debt is owed, we will decide on the level of debt and the reasons for it as to whether you should be classified as a not qualifying or should be allowed to qualify and if so whether they should be suspended from bidding until the debt is resolved. Where it is established that a debt is owed the same rules will apply as per a social housing debt above.

Where you or a joint applicant has held a private rented tenancy in the last 5 years we will write to your last landlord or lettings agency to ask the reasons why the tenancy was ended and whether there were any rent arrears at the point you left the property. We do not think it is fair to penalise someone if a landlord or lettings agency fails to reply within 6 weeks. We will send a further reminder and telephone them but if no reply has been obtained within 6 weeks, as long as you meet the other qualification rules, you will be allowed onto the register and will be able to bid for properties.

Normally, we will only contact the landlord or agent for the last rented property. However, where it comes to our attention that there were significant rent arrears relating to a previous private rented tenancy in the last 5 years that was not your last tenancy, a decision will be taken whether to still apply the rent arrears rule. For example, you may have had a 6 month tenancy that you left with no rent arrears but the previous tenancy you were evicted for £5,000 rent arrears – in this case we would still have concerns as to whether this might happen again if we housed you and therefore may decide to apply the rent arrears qualification rules to your case.

2.10 Qualification rule 8: We have evidence that you have made a fraudulent application

It is an offence for any person looking to join the Housing Register to make a false statement or to withhold information which is relevant to their application. Formally, this offence comes under Section 171 of the Housing Act and is punishable with a fine.

If you try to obtain a home by making a false or misleading statement or by withholding relevant information, or by failing to tell us of any material change in your circumstances we may decide that you won't be allowed to qualify, or where you are already registered, you may have your application cancelled. We will also consider whether to prosecute if we think that a criminal offence has been committed.

Also, if we find out after you have been given a tenancy of a fraudulent application, we will take proceedings for possession to recover any tenancy given due a fraudulent application for housing if it is a Council tenancy and if it is a Housing Association tenancy they may consider possession proceedings against you.

It will be for our housing team to decide in the first instance if any errors made in a person's application were deliberately made or not. If we decide that the errors were not deliberate, or that they were deliberate but minor and will have no impact on your application, then no action will be taken though we will warn you about the need to provide accurate information and the consequences for not doing so.

If you are disqualified from joining the register or removed from the register on these grounds, you will normally not be able to reapply for at least 2 years.

2.11 Disqualification rule 9: We will remove you from the Housing Register if you have refused 2 reasonable offers

If you have refused 2 suitable offers of a home, you will unfortunately be disqualified from our Housing Register and not allowed to reapply for a period of 12 months. If you then reapply and qualify to re-join the Register your effective date and any band awarded will not be backdated to your original band and the date you were awarded before you were disqualified for refusing 2 suitable offers.

This reasonable offer rule applies to all offers of a Council or Housing Association home, both through choice-based lettings or if we make you a direct offer.

If you are owed a homeless duty by the Council, you will only be made 1 suitable offer before your banding for being owed a homelessness duty is taken away.

2.12 Disqualification rule 10: We will remove you from the Housing Register if you have failed to bid in the last 12 months without good reason.

This disqualification rule will be applied if you are on the Housing Register, and you have not bid for more than 12 months when we think there have been suitable properties advertised that you could have bid for regardless of any area that you have stated that you would prefer to live in.

If you have not bid in 12 months, we take the view that you are unlikely to be in significant housing need regardless of our original assessment as it is reasonable to assume that anyone who urgently needs a new home will be bidding. Before removing anyone from the Register we will contact you and ask you to explain why you haven't a bid, for example you might tell us that you are vulnerable and did not understand the bidding system. In these circumstances the rule will not be applied.

2.13 How and when we will consider exceptional circumstances for any of these adopted qualification rules, or for any other rule set out in our Scheme

We have adopted a clear set of qualification rules, but we will still consider whether to use our discretion and not apply a rule if someone makes a case for exceptional circumstances to be applied and we agree with their claim. We will consider a claim for exceptional circumstances for any of the rules set out in our Scheme and not just for the qualification rules.

If you apply to join the Housing Register and think that you may not qualify then you can make a case for discretion to be applied for exceptional circumstances as part of your application. Alternatively, where a request for discretion to be applied has not been made as part of your application, you will have a second chance to make a case through the review process. For example, if we decide you do not qualify to join the Housing Register because you have not lived in Wigan for 3 years you can request a review of our decision and tell us why you think your circumstances are exceptional enough for us not to apply the 3-year residency qualification rule.

It is your responsibility to make a case for why discretion should be applied to your application due to exceptional circumstances when you request a review and please remember a request for a review must be made within 21 days of our decision being received by you.

Where requested, we will then consider whether your circumstances (or those of a member of your family) are so exceptional that we should apply discretion to your case. You will receive a written decision for any request that exceptional circumstances should be applied to your application within 56 days and, where our decision is that your case is not considered to be exceptional, we will give reasons why we have reached that decision.

It is important also to know that we cannot waive the eligibility rules for anyone who is not allowed to access social housing under the immigration and 'persons from abroad' laws set by the Government.

In deciding whether your circumstances are exceptional we will of course fully consider the responsibilities placed on the Council by the Equality Act 2010 and Children Act 2004, if there are dependent children as part of your application, and the Care Act 2004.

Section 3: Applying to join our Housing Register and how we deal with applications

3 How to apply to join the Housing Register

Anyone over the age of 18 can apply to join our Housing Register. You must apply by completing our online application form or someone on your behalf, can complete the form. The on-line form can be found at our 'Find a Home' website. If you are a Council tenant wanting to apply for a transfer, you must also apply via the 'Find a Home' website.

<https://www.wigan.gov.uk/Resident/Housing/Council-homes/Find-a-home/Housing-register/Apply.aspx>

Free and confidential advice and support is available for anyone who may have difficulty in making an on-line application.

If you need help in completing the on-line application form you can contact our Housing Register Team on 01942 486182 and we can guide, you through the process of completing the form or offer an appointment to help you.

The information you provide on the form lets us know the reasons why you would like to join the Housing Register. When you submit it, we will assess it and contact you if we need more information.

Please fill in the form in full, taking care to make sure that the information is correct. When we have received your application form, we will assess it to decide:

- a) If you meet the rules to be able to join the housing register and, if you do,
- b) What band we will award you based on our assessment of your housing need

3.1 Verifying your application

When you make your application, it will be subject to certain verification checks and depending on the check we need to make we may carry these out:

- At the point of your initial application
- Following any change of circumstance request you have sent us
- Following any routine validation audits
- Following an annual review of your application
- At the point of an offer of accommodation if you have sufficient priority to be considered for an offer of accommodation
- At the point of deciding whether to offer a tenancy to you

At point of making the application the Council will need to see certain documents including identification documents and confirmation of current and previous recent addresses. Documents may be requested that are needed, for example, to check whether you qualify for residency, have a housing need, whether you are a homeowner, or have a housing-related debt. We will also ask for any medical information if you claim that your current home is impacting severely on health conditions. A full list of the documents we require will be notified to you when you start to complete the on-line application form. You will be required to complete an income and expenditure affordability check if you reach the point where we may be making you an offer of social housing.

You should not send any original documents in the post unless this has been expressly requested. When any documents are requested, you should visit one of the Council's Life Centre's where copies will be taken of the documents and the originals returned at the same time. The Council may accept digital copies of documents asked for. Digital copies should be sent to the Housing Register Team via e-mail at houreg@wigan.gov.uk or uploaded via the on-line portal.

Once the application has been received, if there is a need for additional information, we will let you know. If an application form has not been fully completed or documents requested have not been provided, we will not be able to complete our assessment meaning you will be put in a 'pending queue' and not be able to be made live on the Housing Register until the information is provided and has been assessed.

If we have asked for extra information but you do not provide it, we will normally close your application 28 days after we have asked for that information. If closed this doesn't stop you making a new application

although it would not be backdated to the date of your earlier application which we closed.

When we assess your application, we will need to make enquiries to verify information. We might for example have to contact previous landlords, health or medical advisors, or the Police. We will do our best to complete our assessment of your application within a reasonable period of time once all the information we have requested has been received.

In some circumstances, for example if you are claiming to be overcrowded, we might need to carry out a visit to your current home to check your circumstances.

If you are accepted onto our Housing Register, we will write to you to tell you:

- a) The band that your application has been placed into - this is important because it tells you what priority for housing we have given your case based on your housing need
- b) The date we have awarded priority within that band
- c) The size and type of properties for which you can bid for and be considered
- d) Your application reference number which you will need to bid
- e) How to seek a review against the banding we have given you if you think we have got the assessment wrong.

If your application to join the Housing Register is refused, we will also tell you in writing and will give you a right to review the decision we have made.

When we make your application active on the Housing Register, your registration date will normally be the date we received the form as long as all the other essential supporting information we asked you to provide has been provided within 28 days of you submitting your application. If the information requested has not been provided within 28 days, we may either close your application or where it has been kept open your registration date will be the date you finally provided all outstanding information.

In terms of making an application active for prisoners it will be made active 2 months prior to a person's date of release and for members of HM Forces again their application will be made active 2 months prior to discharge.

3.2 Who can be included in your family or household as part of your application?

Why we explain who can be included in your family

Before you make important decisions about where you are going to live, it is important that you have all the information you need. This includes knowing

which members of your family or household you can include when you apply to our Housing Register.

Who can specifically be included on your application

You can include people who normally live with you and might be expected to live with you as their main and principal home. The table below sets out who under our rules we will include as part of your application and who we won't include.

We will accept the following household members as part of your application	We won't normally accept the following household members as part of your application unless there are exceptional reasons that we agree, mean we should include them as part of your household
<ul style="list-style-type: none"> • Your partner or spouse - This includes mixed-sex and same-sex couples, whether or not you are married or in a civil partnership. • Dependent children – meaning children (aged 17 and under) who live with you as their main and principal home. This includes adoption, special guardianship and long-term fostering. • Adult sons and daughters - Sons and daughters aged 18, 19 or 20 who live with you as their main and principle home and have done so for at least 12 months. • You can only include other adults on your application for housing, including sons and daughters aged 21 and over, if they have an exceptional need to live with you. Usually, this will be because they provide, or receive, very important care for you or another member of your family. 	<ul style="list-style-type: none"> • Adult children aged 21 or over • You or your partner's parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends or lodgers. • Sons and daughters living with you who have their own children living in your home. They can make their own application) • People living with you as a couple, for example if your daughter aged under 21 lives with you with her partner.

3.3 Some other important information about who can and cannot be included as part of your application

You and members of your family can only be on one Housing Register application to the Council.

If you have been awarded what is called the 'main homeless duty' by Wigan Council your Housing Register application can include people, we have accepted that can be part of your homeless application for example adult children even if they are aged 21 and over.

You can only include persons on your application who will be a permanent member of your household and who will be occupying the accommodation offered as their only or principal home.

People who usually live with you but are temporarily absent due to circumstances beyond their control (for example, they are in prison on a short-term sentence, or staying in hospital, or undertaking a college or university course), may be considered as a 'usual' household member at the discretion of the Council, and depending on the facts presented.

3.4 When will a sole application or a joint application be allowed?

Sole applications will be accepted. If your circumstances meet the criteria set out below, we will record your application as a joint application:

We will accept joint housing register applications from couples where both are aged 18 years or over and are married or civil partners; or have lived together for at least six months; or have a child of their relationship, provided each applicant is eligible and qualifies to join the register in their own right. If they do not qualify, we would accept them as a member of the applicant's household.

Joint tenancies are normally granted by the Council or a partner Housing Association where joint applicants have a long-term commitment, for example, married, or unmarried couples, or civil partners. This decision is for the Council or the relevant Housing Association who will decide whether to allow a joint tenancy depending on the circumstances.

3.5 What about children who share their time between separated parents?

Many children will share their time between parents who have separated and now live in different homes. When you apply to our Housing Register and wish to include children who spend some time with their other parent, we will look at whether the children live with you as their main and principal home. This is the case even if the parents share custody of their children through a Court order or by agreement between the parents.

This means that we will decide which of the parents' homes is your child's or children's main home. If a child or children spend more than half their time (more than 50%) living at one home, this will ordinarily be considered their main home. It also means that, if both parents have applied to be on our Housing Register, the children can only be included on one application. This is important because it might make a difference to the number of bedrooms you need.

We will look at evidence to show which home is the main home. This might include showing who receives child benefit, Universal Credit support for childcare costs, disability living allowance for children, and child maintenance payments. It may also include asking a GP (doctor) or a school to confirm a child's registered home address.

As part of the assessment process the Council will record whether an applicant has children that live with them part of the week and whether this arrangement is made by the court or not.

Where we agree that children who share their time equally between separated parents can be part of your application there will be a number of factors that we will have to consider when deciding what size accommodation you can be offered. These factors include:

- a) Your ability to afford the rent with or without help from benefits
- b) The availability and popularity of family housing in any area that you have expressed a preference to live in. For example, a partner Housing Association may be willing to be more flexible in allocating to a family where children do not live there 7 days a week, where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

3.6 How we deal with applications from Elected Council Members, staff members or relations

To ensure the Council is seen to be treating everyone who applies to go on our Housing Register fairly, any application for housing or rehousing from elected members of the Council, or people who work for the Council must be disclosed.

If you have a connection with the Council, you will be treated no differently than any other person applying for housing. However, before any offer of accommodation can be made to you this must be authorised by a senior manager in the Council. Below we set out who this authorisation rule applies to, and the level of authorisation required:

- Anyone who is a current elected member of the Council, or a former elected member of the Council – any offer must be authorised by the Council's Chief Executive.

- Any applicant who is a current member of staff of the Council - any offer must be authorised by the Assistant Director of Housing Services or a more Senior Officer than this postholder
- Any applicant who is a former member of staff of the Housing Service within the past 5 years – any offer must be authorised by the Assistant Director of Housing Services or a more Senior Officer than this postholder
- A close relative of any current member of the Council’s Housing Service defined as mother, father, son, daughter, brother, sister, partner, nephew, niece, uncle, aunt, grandparent, or grandchild - any offer must be authorised by the Assistant Director of Housing Services or a more Senior Officer than this postholder

3.7 Why we will ask you if you have any court cases pending or unspent criminal convictions

We ask all applicants and members of their household to disclose any pending court cases or unspent criminal convictions.

We may use any information disclosed (or any other information obtained during our assessment of your application to decide on whether a person should be disqualified from joining, or from remaining on our Housing Register after applying our serious unacceptable behaviour disqualification rule.

You do not need to disclose spent convictions, spent conviction will not be taken into account when assessing whether someone can join or remain on our housing register. What we are assessing is whether there is evidence of any current serious unacceptable behaviour, that means you should not be included on our Housing Register, regardless of whether you or a member of your household has been convicted in the past for something we think is unacceptable behaviour.

If we decide that, on the information obtained during our assessment that there is a need to carry out a Disclosure and Barring Service (DBS) check, we will let you know that this is the action we intend to take and if you don't wish us to do so we will have to unfortunately close your application as we cannot complete our enquiries.

Any information provided or obtained during our assessment about current or previous unacceptable behaviour will not automatically exclude someone from the Housing Register. All assessments will, of course, be carried out in accordance with our data protection and information sharing policies and other legal requirements.

3.8 Assessing Applications

If we agree that you are eligible and qualify to join our Housing Register, we will then reflect your priority for housing – meaning your assessed level of housing need. We do this through our ‘needs based’ banding system which is detailed in Section 5 of the Scheme.

Any band awarded will reflect your assessed housing need, with the higher the band awarded reflecting the greater level of housing need.

Everyone applying to join the Housing Register is required to make a declaration, or to give informed consent, to confirm their understanding that:

- a) The information you have provided to us through your application form and response to any further questions we have asked you is correct and that you will let us know immediately of any change in your circumstances including changes relevant to any members on your application.
- b) We will make enquiries to decide whether you can join the register.
- c) Information will be provided to other partner organisations that are directly or indirectly impacted by the Scheme, for example information to a Housing Association to help them decide whether they will accept a nomination from the Council for one of their vacant properties.

All the information we receive from you, or any other organisation is then processed under what is called Article 6 of the General Data Protection Regulations. The processing of your information is necessary under what is called the ‘Public Task’ purpose and is necessary for the Council to perform a task in the public interest, or for its official functions, which in this case to meet our legal responsibility to assess housing applications, and we are satisfied that the task or function has a clear basis in law. Because this is the legal basis for which we process and use your information, the way we have described it, can sound quite complicated. Please contact us if you are not sure what this means for you, and we will be happy to explain it to you.

The way applications to the Housing Register works is that it is your responsibility to provide all the information requested and to provide any supporting information or documents that are requested so we can fully assess your circumstances. Unfortunately, we have to place the responsibility on you to provide the information requested because we receive so many applications every week and do not have the resources to carry out a lot of enquiries to try and obtain information which we think you should be able to provide us with. Likewise, any incomplete applications will not be made live until such time as we are satisfied that we have all of the information we need to complete our assessment.

3.9 When will decisions be made by a Housing Register Officer or a Manager for that Team and when will they be referred to the Housing Panel?

Most decisions about applications, priority and allocation of a home will be made by our Housing Register Assistants, or a manager where a decision clearly comes within the rules set out in this Scheme. However, there will be a small number of decisions where a case will be referred to what we call the Housing Panel due to the complexity of the decision needing to be made.

The Housing Panel is made up of a group of senior housing managers from the Housing Service in the Council who will meet to discuss specific housing cases where the circumstances are complicated and do not necessarily clearly come under the rules set out in this Scheme.

Under its remit the Panel may consider:

- a) Decisions on whether to award Band 1 for urgent medical, welfare or exceptional circumstances where the manager for our Housing Register Team is of the view that the case is not straightforward and would benefit from being considered by the Panel.
- b) Complicated cases where on the facts and circumstances a decision is needed as to whether to exercise discretion, for example should discretion be applied where someone does not meet a qualification rule but has made a case for discretion to be applied and the facts presented are not straightforward.
- c) A case that falls outside the rules of this Allocation Scheme.

3.10 Keeping your Housing Register application up to date

If your situation changes, you need to tell us. Examples of changes you should tell us about include:

- If you have a baby
- If someone moves into or out of your home
- If you move home or change your address
- Very important changes to your health or the health of a family member
- Your immigration status changes

Telling us is important because it might mean you are given a higher band for rehousing, or it might mean that your band is reduced or that you no longer qualify to stay on the Housing Register. A change in circumstances could also result in a change to the number of bedrooms you need in your new home.

Before you are offered a new home, we will check that we have recorded your band and your situation correctly. If you have not told us about changes to your situation, you may not be allowed to accept an offer of a new home.

Please remember, we will not know if you have told another team in the Council, or another organisation such as Universal Credit, about changes in your situation. This means that it is important that you tell the Housing Register team too. We usually will ask for evidence of any changes – for example, the birth certificate for a new baby.

If you deliberately fail to tell us about any changes and know that a change in your situation might affect your application, but you still don't tell us, we may look at this as housing fraud – meaning that you have not told us the truth. This could result in us closing your Housing Register application and you will not be offered a home.

3.11 Telling the truth

You must tell the truth on your Housing Register application. This means you should not lie about your situation, hide information, or give us misleading information. If you do, you will be committing fraud.

We take fraud very seriously, and we can take legal action against anyone who does not tell us the truth on their application. We can also close your Housing Register application, meaning we will not offer you a Council or Housing Association home. Committing fraud in this way could also result in criminal prosecution.

If we are not sure about the information you have given us, we may suspend your Housing Register application while we look into it further.

If you move into a Council or Housing Association home and we find out afterwards that you did not tell the truth when you were waiting for a new home, you can lose your tenancy and your home. This is called obtaining a tenancy by deception.

3.12 The circumstances when your Housing Register application will be cancelled

Your Housing Register application will be cancelled in the following circumstances:

- a) If you request that your application is cancelled
- b) where you do not respond within the time set out in a letter or email that we send you if we contact you to review your application.
- c) Where either Wigan Council, another Council or a Housing Association has housed you

- d) Where your circumstances change so you no longer have an assessed housing need to qualify to remain on the Housing Register, for example if you have found a private rented tenancy and have no other housing need as set out under bands 1-3
- e) If you are on the Housing Register and have completed a mutual exchange
- f) Where you move and don't let the Council know so we cannot contact you
- g) Where unfortunately if you die and there is no other adult on their application
- h) Where, when you make your application, we need more information, and you have not supplied the information requested within 28 days of being asked
- i) Where if you are already registered, you then become ineligible due to the immigration laws, or you are disqualified under the rules we have adopted for this Scheme
- j) Where you buy a property either through the 'Right to Buy' or the 'Right to Acquire' rules, or through the open market, or you inherit a property.

If we do cancel your application, we will tell you in writing by either email or a posted letter and you will have the right to ask for a review of our decision.

3.13 When we will review your application

We try to review every application on our Housing Register annually, or more frequently if we can, to ensure that your information is up to date and that you still want to be considered for housing.

At the anniversary of your application date, or when carrying out a review, you will be contacted, usually by letter or email, to confirm that you still want your application to remain on our Housing Register and all of your details are still correct. This review may be carried out through what we call your 'on-line portal' meaning you can answer the review questions on-line through your 'find a home' account or you may be sent an email review form. Normally, if you have not responded within 28 days a reminder will be sent by email or by letter. If no response is received to the reminder, then your application will be cancelled.

3.14 How we will assess your case if we think you have deliberately made your housing circumstances worse

Social housing in Wigan is an extremely scarce resource and wanted by a very large number of people, the majority of whom will unfortunately never have enough priority to receive an offer through our Scheme. For this reason where there is evidence that someone has deliberately made their housing

situation worse in order to gain a higher banding – meaning a better chance of being made an offer - our assessment of their needs will be based on their circumstances before they did something which had the effect of making their housing circumstances worse than they would have been if they had not done what they did.

Examples where we may say that someone has deliberately made their housing circumstances worse include:

- Where someone has transferred their property to another family member within 5 years of their application to the Housing Register, meaning they would not have had their current housing need if they had not transferred that property.
- If you have given up an affordable and suitable private rented home to move in with other relatives or friends which then means you became overcrowded.
- If you have colluded with a landlord or family member in order to be issued with a notice to leave their accommodation.

These are examples only. There may be other circumstances we decide that someone has deliberately worsened their housing circumstances.

3.15 How do Council and Housing Association homes become available in Wigan?

There are two main types of social landlord in Wigan. There is Wigan Council and a number of Housing Associations who own homes in our Borough. Housing Associations are entirely separate from the Council.

The Council has around 21,000 rented homes and combined with the Housing Association homes this makes up approximately 25,000 social housing homes in the Borough.

Each week, our Housing Management team and the different Housing Associations let our Lettings team know when one of their homes is available to let to a household on the Housing Register.

The Council's Housing Management team hand over nearly all of their available homes but they are allowed under the national allocation laws to keep some, so we can transfer existing tenants who urgently need to move, either for a short period of time or permanently.

Housing Associations hand over a share of their vacant homes. An agreement between the Council and the Housing Associations called a 'nominations agreement' sets out what share of their available homes they should give us to let to households on our Housing Register. We unfortunately have no control over how many homes become available to

let, and in the last few years the number of homes has reduced as fewer tenants are moving out of their home.

3.16 Homes advertised on our 'find a home' website

We advertise most of the available Council and Housing Association homes on a website called 'Find a Home' (see link below). <https://www.wigan.gov.uk/Docs/PDF/Resident/Housing/Council-homes/Find-a-home/Property-weekly-list.pdf>

The website uses a system called choice-based lettings (CBL) to let the homes available. You will see details on available homes and will be able to let us know that you are interested – sometimes called expressing an interest or 'bidding'.

The advert will tell you:

- Whether there are any other restrictions on who may express an interest – for example, the advert may say the home is only for residents over the age of 60 or for homeless households in temporary accommodation
- How many bedrooms the home has
- Whether it is suitable for a resident who needs accessible housing
- The floor level and if there is a lift
- Who the landlord is
- The type of tenancy you will be offered
- The weekly rent and service charges (if any)

We advertise homes every week. The deadline for expressing an interest is set out in the advert – this is when the advert will close.

3.17 Expressing an interest in an advertised home

You will see clear advice in the adverts about how to express an interest in a home. Please contact us if you are not sure how to register your interest. In Wigan we let people on the Housing Register express an interest in as many homes as you like, as long as they are suitable for you, and you meet the requirements set out in the advert. However, the maximum number of homes you can be selected or 'shortlisted' for is three.

It does not matter when in the week that you express an interest in a home. There is no advantage to expressing an interest early, or late, in the week as long as you express your interest before the deadline day given in the advert.

Please let us know if you find using a website difficult. We can make sure that you will not miss out if a home that is suitable for you becomes available.

3.18 Making sure you express an interest in the right adverts

You can only express an interest in advertised homes that are suitable for you. This means:

- The number of bedrooms is the same as the number you are registered for
- That you meet any conditions found in the advert – for example, a home for residents aged 55 or over, or a home that has been targeted for households in temporary accommodation.

If you express an interest in a home that is not suitable for you, your expression of interest will not count. There are a few other things you need to know about expressing an interest in a property. These are:

- Bids will only be registered if you are on the housing register
- You will not be contacted individually if your bid is unsuccessful, however, the results of the bids will be published on our feedback page
- Bids can be withdrawn at any time prior to the closing date
- Bids will be accepted from a nominated representative of the applicant. To make a bid on your behalf the representative will be required to give your Housing Application Reference Number, National Insurance Number and date of birth for the first applicant
- Bids received after the advertised closing date and time will not be accepted under any circumstances
- At the end of each lettings cycle the bids will be sorted in order of:
 - a) Meeting the criteria as stated in the property advert
 - b) Date order from Bands 1 to 3. Where an applicant has bid for more than one property and is top of the short list for more than one property, they will be offered the property for which they first bid.

Note: where someone is being shortlisted for a 3 or 4 bedroom property and there are more than one household who has bid from the band that contains the highest banded bidders, any household with 2 or more children under 16 will be shortlisted before a family with children over the age of 16. There will be exceptions if a child over the age of 16 has an assessed disability. The reason for this policy is that the demand for 3 and 4 bedroom properties is far higher than the number that become available to let, and families with younger children are more likely to require and larger property for longer than a family with older children where it is more likely that 1 or more of those children will move out.

3.19 Providing you with help to bid through our 'Homefinder Service'

Our Homefinder Service is for those people who:

- Do not have access to a computer or cannot use a computer and
- Do not have family, friends or a support worker to help them search for suitable properties

Our Housing Register team can arrange to place bids for suitable properties on your behalf if we agree that you need the support of our 'Homefinder Service'. Additionally, if you are offered a home but tell us that you are worried about setting up and managing your tenancy, we can make a referral to our Tenancy Support Team.

3.20 Making an offer of accommodation

This section sets out the procedure that will apply before we make an offer of accommodation if you have been selected from a shortlist of people who had bid for a home.

We will carry out some further verification checks before offering the property. These checks are to ensure that all the information we hold relating to your application is up to date. We might carry out these checks through asking you further questions or by coming to see you or asking you in for an interview.

Anyone who will be a new Council tenancy may be required to attend a pre-tenancy interview before we can offer you a tenancy for a Council home.

If the successful bidder does not respond within two working days or fails to attend an appointment for a pre-tenancy interview and verification check, their bid will be disregarded, and the next shortlisted applicant will be contacted.

Following a successful verification check, and pre-tenancy interview, you will be offered the property and if you have not already viewed the home you will be invited to view it when it is ready to let. At the viewing, you will be formally offered the tenancy of the property and invited to sign their tenancy agreement. There may be times where a viewing would be prior to the letting but will be stated by the officer at the time of offer. If you think that you need more time to make a decision whether to accept the tenancy offered, you will be asked to contact the lettings team with your decision no later than 9.30am on the next working day.

If you refuse the offer of a tenancy (including not turning up to view the property) or you fail to contact the lettings team with their decision by 9.30am on the next working day, the next shortlisted applicant will be invited

to view and accept an offer of the tenancy of the property, and so on until an offer is accepted.

From time to time, it may be necessary to arrange multiple viewings of a property. In these circumstances, the decision on whether to accept a tenancy must be made at the viewing. The offer of a tenancy will be made to the top bidder present, if refused to the next ranked bidder and so on until the offer of a tenancy is accepted.

Where two or more bidders have the same effective date of application within a band, we will give priority to the case with the earliest original date of application.

We will disregard the highest shortlisted bidder and invite the next shortlisted bidder to view in the following circumstances:

- Where priority is given to a particular group, and you are not in that group
- If you don't meet the criteria for the property bid for
- You fail to respond within two working days to a request to arrange a pre-tenancy interview and verification check
- If you fail to attend an arranged viewing
- If you have pets and the property bid for is not suitable for certain pets
- If you are a tenant of the Council or a Housing Association and following your successful bid we find out you have committed anti-social behaviour or have rent arrears, or your current property is found not to meet the leaving standard, or you have committed any other breach of tenancy conditions
- On verification of your details, we find that the priority band has been incorrectly awarded due to the information received by yourself or due to mistakes in the assessment of your application
- That your circumstances have changed since the priority band was awarded and you are no longer entitled to the same level of priority.
- Either the Council or the Housing Association landlord for the property being advertised has evidenced a housing management reason not to offer the property to you

You can only be offered one property at a time. Once an offer has been made you will not be able to be considered for another property until the current offer has been resolved.

There may, unfortunately, be exceptional circumstances where, following a viewing or notification of offer an offer may still be withdrawn. This can be done up to the point before a tenancy is signed. Examples of reasons when a property offer may be withdrawn are:

- The property is assessed as not suitable for your needs

- The property fails to become available
- The offer has been made in error
- The property is required for an emergency for another applicant or tenant
- It transpires that the rent would not be affordable

There must be clear grounds for refusing or bypassing anyone who is top of any shortlist and these reasons will be recorded by the Council, or a partner Housing Association where the property advertised is owned by them.

Section 4: Important information about some general rules and policies we have adopted for our Scheme

4 Our policy on offering you choice over where you would like to live and the type of home you would prefer

The housing laws tell us to include within our Allocation Scheme a statement on choice and this is our statement to comply with the housing laws.

We will let the majority of properties through a system called ‘choice-based lettings’ (CBL). The majority of properties will be advertised through our ‘find a home’ website and you will be able to ‘bid’ on properties that suit your needs, but not all of the vacant properties will be let this way.

We list below the circumstances when we may decide to make a direct offer to let a home rather than making it available for you to bid for.

If you meet the rules to be included on our Housing Register, we will ask you to express a preference for an area, or areas, in which you would ideally like to live in Wigan and the type of property you would prefer to live in. However, you must understand that it might not be possible to meet your preferences if you only choose areas where there are very few vacancies. This might mean you end up bidding for the few homes that come up in a very popular area and have very little chance of being the successful bidder, whereas if you bid for homes in several areas you might have a better chance of being successful.

We may also restrict you from bidding for properties in a location where we consider it would be detrimental to your wellbeing or the wellbeing of someone else, or the local community more generally.

We don’t allow unlimited choice and have set out in the table below when we will allow you to restrict your choices and when we won’t.

4.1 Saying no to an offer of a home if you are not a homeless household

If you refuse a suitable offer, it increases the time it takes to let a home, and this increases the costs to the Council or the Housing Association that has the vacant home. More importantly you are denying other households on the Housing Register the opportunity to be shortlisted for that property. Therefore, we have a rule that you will be disqualified from the Housing Register if you refuse 2 suitable offers.

As long as you are not someone owed a homelessness duty by Wigan Council you can say no to one offer of a Council or Housing Association home without any penalty – in other words, without it affecting your application or banding.

However, if you have refused 2 suitable offers of a home you will unfortunately be disqualified from our Housing Register and not allowed to reapply for a period of 12 months (see the separate rule below that is relevant if you are owed a statutory homeless duty and refuse one suitable offer).

If you are disqualified from the Housing Register you will have to reapply to join it after 12 months and if you do qualify to re-join your effective date and any band awarded will not be backdated to your original band and date that you were given before you were disqualified.

This reasonable offer rule applies to all offers of a Council or Housing Association home made through you bidding for a home or if we make you a direct offer.

If you think that any of the homes you are offered is not suitable, you can seek a review to challenge our decision that the offer was suitable. You will need to tell us why you think that the offer was not suitable for you and your family, if you have one, and provide evidence to support your opinion if you have any evidence to provide. We will then decide and, if we agree with you that the home we offered you was not suitable, it will not count as one of the two offers you can receive before being removed from the Housing Register.

If you bid successfully or are made a direct offer but don't attend the viewing, we will treat this as a refusal unless we accept that you had a good reason not to attend.

Unless you are owed a homelessness duty by the Council or have been awarded Band 1 because we agree you need to be housed urgently, we will let you withdraw your bid for a property without penalty at any stage of the bidding process up to the close of the bidding round. However, if you don't withdraw your bid and are the successful bidder on a property but you don't attend a viewing appointment, or if you refuse the offer without good reason, this will count as a reasonable offer refused.

<p>People owed any homelessness duty by Wigan Council – prevention, relief or main duty</p>	<ul style="list-style-type: none"> • You are allowed to bid for homes • You are allowed to express a preference for the areas of the Borough that you would prefer to live in • We will ask you at the time of your application to state any area in which you believe you cannot live due to fear of violence, harassment, or domestic abuse. We will consider the facts and decide whether you can restrict areas. • We may make a direct offer to any area of the Borough we assess is suitable for you • If you refuse 1 suitable offer the homelessness duty owed will be ended and you will lose your priority banding for having been owed that homelessness duty. If you have no other assessed housing need you will no longer be able to remain on the housing register.
<p>People awarded Band 1 due to their exceptionally urgent need to move</p>	<ul style="list-style-type: none"> • You are allowed to bid for homes • You are allowed to express a preference for the areas of the Borough that you would prefer to live in • We may make a direct offer to any area of the Borough we assess is suitable for you • If you refuse 2 suitable offers you will be removed from the Housing Register for 12 months and will then have to reapply afresh to join the Register.
<p>Everyone else who is not owed a homelessness duty by Wigan Council or has not been given Band 1 priority due to their urgent need to move.</p>	<ul style="list-style-type: none"> • You are allowed to restrict your preferences to certain areas of the Borough that you would prefer to live in • You are allowed to bid for homes • If you have not bid for a home within 12 months we may close your application

	<ul style="list-style-type: none"> • If you refuse 2 suitable offers you will be removed from the Housing Register for 12 months and will then have to reapply afresh to join the Register. • You should contact us for advice on how many homes come up in the areas you would prefer to live in compared to the areas where you would prefer not to live in. This will help you to decide on whether to restrict your choice of areas or not.
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We will decide whether an offer was reasonable for you to accept using the reasonable offer criteria set out at appendix 3 of this Scheme.

If you think you had good reason to refuse the offer of a tenancy that you have bid for, we will of course consider what you say if you seek a review of the suitability of the home offered. However, since full details of the property such as property type, size, floor level (if applicable), street name and rent due, are given in the property advertisement, we expect that the number of occasions we would consider a refusal to be reasonable once you had bid for a property to be very few.

4.2 When we may choose to make a direct offer outside of the bidding (CBL) system and occasionally outside of the band and date order system

There will be circumstances where we decide that there is an urgent reason to make a direct offer instead of waiting for someone to be successful through bidding for a home. What we mean by a direct offer is that we will match you to a property rather than waiting for you to bid successfully for a home. We may also make a direct offer where we think this will be better for good housing management reasons, rather than letting a property through the bidding system.

We will also very occasionally make a direct offer outside of the normal band and date you were put in a band criteria again for good management or financial reasons and will record these cases so we are open and transparent as to why we did this. We have set out below specific examples and hopefully you can see from the examples listed why we might choose to make a direct offer. However, if you need any of these explained to you do not hesitate to ask us:

- a) If you need to move due to a fire or flood, or severe storm damage to your home.
- b) Where we agree that there is a threat to your life or that of a member of your family in the area in which you live, for example, if you are at imminent risk of violence or need to be housed through a Witness Protection Programme.
- c) If it has been agreed that you must be housed urgently based on the recommendation of a multi-agency group who deal with MAPPA or MARRAC cases and we agree with their assessment that there is a need to manage where you should be housed.
- d) Where a vacant property that has already been adapted for disabilities becomes available and we think it is important to match this to a family or individual who needs an adapted home
- e) If you are a social housing tenant who is willing to transfer from a property that you no longer need and your home is particularly suitable for someone with a disability or special need.
- f) If you are owed a homeless duty by the Council and are in temporary accommodation, we may make a direct offer to reduce the cost to us or to meet any legal requirements placed on the Council.
- g) Anyone whom the Council has a duty to rehouse under section 39 of the Land Compensation Act 1973 which is normally where Wigan Council has taken certain actions to close a housing in multiple occupation (called an HMO) down.
- h) If we have assessed that you are very vulnerable and as a result, we think it would be best to make sure that you are housed in a location that would be best for you or a certain type of home.
- i) Where we are letting some of our older person housing. Quite often some older people want a chance to see an older person's scheme and talk to staff about what it is like living there before they are prepared to accept a tenancy. We think therefore that directly matching some older people to vacant homes can be a far better way of letting them rather than you 'bidding' for a home in a scheme you know little about. In the future we might decide to let all of our older person vacant homes in through direct matching.
- j) We are letting a new build set of homes and think it is important to make sure that for community cohesion reasons we need to make sure there is the right mix of new tenants for that new development.
- k) Where it might have been the case that the previous tenant of a property has been responsible for anti-social behaviour, so we think there is a need to let that property to a new tenant sensitively because of the impact on neighbours or the community of the previous tenant's behaviour.
- l) Where we think that by making a direct offer this will make best use of the Council's housing stock or is in the best interests of managing the housing stock to allow a transfer.

- m) Where a young person is leaving care and a direct match to a property and area may be in the best interests of the young person in terms of tenancy sustainability.
- n) you come under what is called the statutory or discretionary successor rules and are required to move to a smaller property. In these circumstances the chance to wait and bid for a property is limited because of the legal rules that mean we have to serve a notice requiring you to move no earlier than six months after the tenant's death but before 12 months has passed in order for that notice to be considered legally valid.

In all of these examples set out above, a direct matching offer may be made and there is no minimum time that someone will be allowed to bid before they can be considered for a direct offer. For example, if you are owed a homeless duty and living in temporary accommodation you will still be allowed to bid for homes but you may still receive a direct offer at any time because we need to resolve your homelessness quickly and reduce the financial impact on Wigan Council of temporary accommodation. Another example may be when you need to move due to redevelopment, we may look to may you a direct offer rather than you applying in the usual way.

It is also important to understand that if you are a Council tenant and we agree that you need to move, we can make an offer outside of the rules set for this Allocation Scheme, as any offer will be a management initiated move and these transfers sit outside of the legal requirements set under the allocation's legislation.

There might be a number of reasons why we might want to initiate a move, for example:

- If there are significant disrepair issues with your home, or
- to free up an extensively adapted property for someone in urgent need on the Housing Register, or
- It might involve a 'chain let' i.e. transferring one or more tenants to free up and adapted property.

4.3 The rules on how much choice we allow if someone owed a statutory homelessness duty by Wigan Council

The considerable housing pressures we face as a Council unfortunately mean that we have to limit the amount of choice that can be offered to families and individuals who are homeless and owed a homeless duty by Wigan Council. These pressures include the need to house people as quickly as possible, so they are no longer homeless and the need to reduce the financial impact on the Council of providing temporary accommodation.

If you are a homeless household and we have agreed to try and rehouse you (meaning that we have agreed that we owe you either a prevention, relief or main homelessness duty) we can end that duty by offering you a suitable social or private rented home. This is called 'discharging our duty'.

We think that the need to offer suitable housing is more important than allowing you to wait for an offer of accommodation in a location where you would prefer to live. Therefore, there is no minimum time set for when someone owed a statutory homeless duty will be allowed to bid for social housing before a direct offer can be made. This is because the Council has a legal responsibility to rehouse you to a suitable home, which might include a home in the private rented sector.

While we understand that you might want to wait for an offer in an area where you would ideally prefer to live, we unfortunately cannot allow this as it is likely to increase the time it takes to rehouse you. You can still bid for properties in areas where you would prefer to live and you may be successful, but we may also make a direct offer to you at any point where we think there is a vacant home that is suitable for you.

If you have bid for a home or we have made you a direct offer and we have assessed that the home offered is suitable for you (and your family members) it means we will no longer have a responsibility or duty to rehouse you if you refuse that offer. If you are living in temporary accommodation, you will have to leave it and find another home.

If you receive an offer of a home, please think very carefully about it. Make sure that you have all the information you need to make the right decision for you and your family. We will be happy to answer any questions you have. If you think the home, we have offered is not suitable, you can ask for a review, this means you can tell us why you think that the home is not suitable. You will find more information on asking for a review in the section 'Reviews – disagreeing with a decision we have made'.

Even if you do not think the home is suitable, we strongly suggest that you say yes to the offer. You can still ask for a review even if you say yes and move in. This means that if you lose your review (we believe after the review that the home is still suitable) you will still have somewhere to live. If you win your review (we agree with you, that the home is not suitable) you will keep your band and can continue to look for another home.

If we end the statutory homeless duty owed to you, we will then assess whether you have another housing need that means you should be awarded a band 1-3. If you don't you will unfortunately be removed from the Housing Register.

A statutory homeless duty is defined as:

- a) The prevention of homelessness duty under Section 195(2)
- b) The 'relief of homelessness duty under Section 189B(2)
- c) Where the relief duty has come to an end and an applicant is then owed a section 190 Intentionally homeless temporary accommodation duty to provide them with a reasonable opportunity to secure alternative accommodation for occupation (section 190(2) duty),
- d) The section 193(2) Main Homelessness duty or the section 193C(4) 'reduced' section 193 duty

4.4 When we may decide to suspend your application

There are various reasons set out in this Scheme for when your application may be suspended. The reasons include:

- Where we are waiting for information to verify your application including where you have told us about a change in your circumstances
- If you are still in Care or in Supported accommodation and have been assessed as not yet ready to move on
- If you come under the rent arrears or other housing related debt rules where we have agreed that you can qualify to join the Housing Register but will be suspended from bidding until you have resolved the arrears/housing debt as per the rules set out under this Scheme
- If you were registered and then are assessed to lack mental capacity(, this decision would be documented in a 'Capacity Assessment') you will not be able to receive an offer until a) we agree you have capacity or have regained capacity, or b) have an appointed legal representative such as a Deputy appointed by the Court of Protection or an Attorney under a Lasting Power of Attorney. .
- Whilst we investigate whether someone has committed fraud

If we do suspend your case, you will normally be able to remain on the Housing Register (unless the suspension is to do with whether we should allow you on the Register for example, if we are investigating whether you have told us the truth on your application).

4.5 If you need an extensively adapted property

In order to make best use of stock, you would not normally be offered a general needs property which would require extensive adaptations even if you have a high priority on the Housing Register. Instead, you will be considered for a suitably adapted property that might become available or a property that could be adapted at minimal costs.

4.6 Tenants needing extensive adaptations to their home

If the recommendation from the Occupational Therapy Team is that major adaptations are needed to a property, e.g. extension or through the floor lift; then rehousing will be considered as a first option.

Every effort will be made to find suitable alternative accommodation in your area of choice within 6 months of our Homefinder Team receiving the referral from the Occupational Therapist.

Where rehousing is not an option e.g. there are no suitably adapted properties in your area of choice or close to their support network, then the adaptations will be carried out.

There may be other exceptional circumstances that warrant the adaptations being carried out as soon as possible. These will be considered by the Occupational Therapy Team and the Homefinder Team on an individual basis.

Applications from people already living in a property which has been adapted to meet their needs and is suitable for them will normally be assessed as having low priority on the Housing Register unless there are special circumstances. If there is an accepted special need to move, you will be considered for a suitably adapted property or one that can be adapted at minimal cost. You would not be offered a property that would require extensive adaptations even if you are 'next in turn' for the property you had bid for.

4.7 A few other things we think you need to know

4.7.1 How we deal with your personal information

We will make sure that all of your personal information is:

- a) stored lawfully.
- b) processed in a fair and transparent manner.
- c) collected for a specific, explicit and legitimate purpose.
- d) only held until it is no longer required; and
- e) shared only with other organisations for legitimate processing.

Wigan Council has a privacy notice, which sets out when and why we will collect your personal information, how we use it, how we keep it safe and your rights. This can be found on our website:

<https://www.wigan.gov.uk/Council/DataProtection-FOI-Stats/Privacy-notices/Data-Primary-Privacy-Notice.aspx>

You have a right to request access to any of your personal information held by the Council and a right to know where the data came from, how it is used, and why it is held. Such a request is called a “subject access request” and applies to personal data in housing files. Information about making a subject access request is available on our website:

<https://www.wigan.gov.uk/Council/DataProtection-FOI-Stats/Subject-Access-Request-form.aspx>

4.7.2 How we make sure that our Scheme treats people fairly and equally

Wigan is home to residents and families from a wide range of backgrounds. We are committed to ensure that equality, diversity and inclusion will be at the centre of our decision making and service delivery. This includes opportunities to be rehoused to a more suitable home.

Our Housing Allocation Scheme must be fair to all sections of the community regardless of age, disability, gender, marriage and civil partnership, pregnancy and maternity, race, religion or belief, or sexual orientation. Our Housing Register, and our advice and support services, must be accessible to anyone and everyone. If you need extra help to be able to use our services, such as translation and interpretation services, large print or signing, please tell us.

To help us identify the needs of applicants, our application form contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability, and other relevant criteria. We will use this information to monitor the impact of the Scheme and get a better understanding of people’s housing needs and ensure no one is discriminated against, as a result of the way this Scheme has been framed or during the administration of it.

Under legislation called the Equality Act 2010 we will make sure that the Scheme has had a full Equality Impact Assessment (EQIA) before we adopt it. The EQIA will be regularly reviewed as more information regarding the impact of the Scheme is obtained or when we make any major changes. A copy of this EQIA can be requested directly from the Council.

4.7.3 How to complain about the service you have received

We are committed to providing high quality services, but occasionally things can go wrong. We are very sorry if you feel that you need to complain about our service to you.

Often, matters can be quickly resolved by contacting the relevant officer or manager directly. You can do this face-to-face, by telephone, or email. You

might find the following contact details useful if you do not know the relevant officer:

Email: houreg@wigan.gov.uk

Telephone: 01942 486183

However, if you still want to make a formal complaint you can via

Email us at complaints@wigan.gov.uk

Or phone us on 01942 827607, or

Write to us at the Complaints and Information team,

PO Box 100, Wigan, WN1 3DS.

It is important to understand complaints are separate to the circumstances in which an applicant is entitled to seek a review of a decision made on their housing application. A request for a review of a decision made on an application should be made under the review procedure (set out in the section below) and not through the Council's complaints process.

You also have a right to continue with your complaint to the Local Government Ombudsman Service if you are unhappy with the response to your formal complaint made through the Council's complaints procedure.

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.

Website: www.lgo.org.uk

4.8 When you have a right to ask for review of a decision, we have made on your housing application

We understand that you may not agree with a decision we have made about your housing application. If you are not happy with a decision we have made, we suggest you ask us to look at it informally first. We might be able to solve the issue very quickly for example, perhaps we or you have not understood an important bit of information, or we missed something we should have considered. We might be able to put a problem right very quickly and easily.

However, you can still seek a review of certain decisions made on your housing application without asking us informally to look at the decision again, or if you have asked us to do so and are still unhappy with our decision. This is because you have a right under the housing laws to seek a review of

a number of important decisions we might make on your application. We explain what those decisions are below and tell you how you can seek a review.

Under housing law, you have a legal right to request a review of any of the following decisions we have made:

- 1) You have been told that you are not eligible to join our Housing Register – this means you cannot join because of your immigration status
- 2) You have been told that you do not qualify to join our Housing Register – for example, because you have not lived in Wigan for 3 years
- 3) You disagree with the way we have assessed your application for rehousing, or any decision about the facts of your application which is likely to be, or has been taken into account in considering whether to allocate housing accommodation to you – for example, the band we have given you or the number of bedrooms we think you and your family need
- 4) You are unhappy that we have suspended your Housing Register application – for example because we do not think you are ready to live independently
- 5) You disagree with our decision to remove you from the Housing Register
- 6) If you have said no to two offers of a Council or Housing Association home and we have removed you from the Housing Register and you think that an offer was not suitable. You will be able to tell us why you think an offer was not suitable and provide evidence to support this.

If you seek a review, we will look at our decision again, taking into account any further information we think is relevant. We will then make our review decision which might be to agree with our original decision, or we might agree with you that we made the wrong decision or might reach a new decision.

The review decision will be taken by someone who was independent from and not involved in the original decision and is a person more senior than the person who made the original decision.

If you want to seek a review for any of the above decisions, you will need to tell us within 28 days of you receiving that decision. You will then need to give us as much information as possible to support your case. We will aim to complete the review within 56 days. If you think you will find it difficult to ask for the review within 28 days, or the 28 days have passed and you did not ask for a review in time, please let us know why. We might be able to extend these timescales depending on your reasons for not asking for a review on time.

You might want to get advice and support to help you with your case – for example from a solicitor or independent advice agency.

To request a review either:

- 1) Send an email to the Housing Register Team via houreg@wigan.gov.uk asking for a review and outlining the reasons for requesting that review, or
- 2) Write to:
Housing Register Review Request
Housing Services
Place Directorate
Wigan Town Hall
Library Street Wigan
WN1 1YN

4.9 How we deal with what is called a statutory or discretionary succession

There are rules called statutory and discretionary successions. These rules are not covered by the housing allocation laws, but it is useful to put the details for them in this Scheme as they cover how a small number of homes are let each year. These rules are quite legalistic and technical, so we have set them out fully below rather than try and explain them in plain English. If anyone is not sure whether the rules apply to their circumstances, they should ask us and we will explain.

Statutory succession rules for tenancies created prior to 1 April 2012:

Under the terms of the Housing Act 1985, where no succession to a tenancy has already taken place, specified family members may succeed to a secure tenancy on the death of the tenant, if certain conditions are met. This is known as a statutory succession. Where the successor tenant is the spouse, partner or civil partner of the tenant they will not be required to move even if under-occupying. If the statutory successor tenant will be under-occupying the property, they will be required to move to a property that is suited to their needs. The right of succession is to the tenancy, not the property.

Statutory succession rules for tenancies created from 1 April 2012:

The Localism Act 2011 introduced changes to the law on succession rights. For tenancies created after 1st April 2012, the statutory right to succeed to a tenancy rest only with a spouse, partner or civil partner of the tenant, who was residing with the tenant as their only or principal home at the time of the tenant's death. Other family members will not have a statutory right to succeed to a tenancy.

Discretionary succession rules:

Where a statutory succession to a tenancy has already taken place, or for a post April 2012 tenancy where there is no spouse, partner or civil partner eligible to succeed to the tenancy, we will consider a request to succeed to the tenancy from certain family members or live-in carers who were resident with the tenant at the time of the death of the tenant. They must be eligible to join the Housing Register and qualify for an offer of accommodation, in their own right and satisfy certain other conditions as set out in our succession policy. This is known as a discretionary succession.

In every case where we have agreed a discretionary succession and there is under-occupation of the existing property, the discretionary successor will be required to move to a property that we have assessed is more suited to their needs. They will still be allowed to bid under the Choice Based Lettings, but a direct offer is more likely to be made and can be made at any time.

Only one offer arising out of a successful bid or one direct offer will be made and if this is refused, the council will consider that the discretion is no longer justified, and the discretionary successor will be required to leave the property and make their own arrangements for their future housing. The council will take legal action to recover possession of the property in occupation by the discretionary successor if they refuse to leave the property.

4.10 When we will apply a 'Local Lettings Policy'

Along with lots of other Councils we use local lettings policies (LLP's). These are local rules that are applied to meet the particular needs of a local area or can even be applied to a particular block of flats. They are aimed at addressing local sustainability and community issues.

Note all new developments may be subject to a local lettings plan. To give an example there may be a block of flats that has a number of vulnerable tenants living in that block and a decision is taken under a LLP not to house any more vulnerable people into that block until the balance is better.

We think it is very important to have clear evidence for the need to apply a LLP before we do so. Otherwise, a policy can be unfair for example, if the Council adopted an LLP that all general needs blocks of flats with 1 bedroom homes must only be let to people over 50, that would be an example of an unfair LLP as it would be unfair to the many single people on the Register who are under 50 who would have little chance of being housed as most 1 bedroom homes are in blocks of flats.

Therefore, to make sure that our LLP policies are fair each one will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include things like the extent of anti-social behaviour, and stock turnover in a particular block, street or area.

We set out in appendix 7 more details for how LLP's will be agreed and applied.

4.11 Why we may decide to apply a quota for lettings to families and individuals owed a homelessness duty by our Council

There is a huge financial impact on Wigan Council of single people and families who we have had to place into temporary accommodation because they are homeless. In some cases, we might be paying £100 a night or more for a bed and breakfast hotel as we might not have anywhere else to place a family. The cost of temporary accommodation can mean that the Council has to cut other services to pay for it and this is not something we want to do. Therefore, in order to reduce the financial impact and to ensure that we are able to meet our legal duties to the homeless we will target a proportion of properties to be let to families and individuals owed a homeless duty. We will set this target at the start of each financial year (for example we may set the target or quota at say 35% of all new lets) and it may go up or down during the year according to demand pressures.

4.12 If you are a Council or Housing Association Tenant you will normally only be allowed to transfer if you meet our 'transfer standard'

If you are a tenant, you will only be allowed to transfer to another home if the transfer standard is met. This means:

- The property is in a clean condition and satisfactory state of decoration.
- The property shows no signs of damage caused by the tenant, members of their household or visitors to their home.
- Any garden is reasonably cultivated and free from rubbish and/or overgrowth.
- There is a clear rent account.
- The tenant or any members of their household are not involved in criminal activity or anti-social behaviour.

You may be exempt from the above requirements in the following circumstances:

- Disabled or vulnerable tenants with a need to move

- Current tenants who have been awarded due to their medical or welfare circumstances
- Where there is a risk of violence to the tenant or member of their household
- Where there are clear issues of affordability and transfer to a smaller property would alleviate the financial difficulties, Wigan Council will have the discretion to waive the transfer standard

If you are a tenant who has sufficient priority to be offered a transfer but does not meet the transfer standard you can contact us and ask for the opportunity to address any issues within a reasonable timescale, depending on the circumstances.

Section 5: The ‘banding system’ we have adopted to decide your priority for housing

5 If you meet the rules to join the housing register what will then happen to your application?

If you meet the rules to be able to join the Housing Register, we will then place you into a band based on our assessment of your housing need which we make using the assessment criteria set out in this section of our Scheme. There are 3 housing needs bands, and we will place you in the band which reflects your assessed housing circumstances.

We have chosen to adopt a simple and transparent system by creating ‘3 bands’ where people are ranked by date order for each ‘band queue’.

In this section we give you full details of how we will assess your housing needs and when we will or won’t award a band based on your assessed needs. We have tried to make it clear for you so hopefully you will be able to understand from reading the descriptions below whether you are likely to be awarded a band for your housing need or not.

The system works on the basis that people in Band 1 have a higher assessed housing need than people in Bands 2 or 3. Then people in Band 2 have a higher assessed housing need than people in Band 3.

Although we believe that everyone on the Housing Register needs a home, or a better home, we also believe that some reasons for needing to move are relatively more important than others and should be given a higher Band. Where you are on our Housing Register in terms of your chances of receiving an offer is based mainly on the Band you have been given. Your priority does increase the longer you have been waiting in your Band and that is important if 2 people from the same Band bid and come top of a shortlist –

the person who has been waiting longest in that band would normally be offered the home first.

There is a table at the end of this section that can give you a quick indication whether you would be likely to be assessed as having a housing need and, if so, which band you may be placed in. However, you should refer to the full details in this section for how we will assess each of the housing need circumstances - for example how we will assess and decide if someone should be given a Band for being overcrowded.

The 3 housing needs bands are:

Band 1 – Urgent or exceptional housing need

Band 2 – High housing need

Band 3 – Lower housing need

It is important to understand that you will be placed in the appropriate band if we agree after assessing your case that your housing need meets the threshold for that band. If you qualify under more than one of the housing need criteria you will be awarded the highest priority that you are entitled to under the criteria. You will not be awarded a higher band just because they meet more than one housing need criteria. For example, if you meet 2 housing need criteria for Band 2, you will still only be awarded band 2 and not promoted to Band 1 on the basis of having multiple Band 2 needs.

By law we must give a priority band for certain types of housing need known as 'reasonable preference'. The laws do not however tell us how to assess that need and what Band we must give. Those decisions are for the Council to make.

THE FULL DETAILS FOR HOW WE WILL ASSESS WHETHER YOUR HOUSING NEEDS MEANS THAT WE WILL AWARD YOU A BAND AND IF SO WHAT BAND SHOULD THAT BE.

We now look at each of the housing need reasons for why a priority band can be awarded and set out fully when we will award a Band and what Band that would be.

5.1 Housing need category 1: Assessing whether you should be given a priority band (bands 1 or 2) for any serious impact that your current housing circumstances is having on a physical or mental health condition or another medical condition for either yourself or a member of your family

Some residents in Wigan have long-term health problems that make it very difficult to continue to live in their current home. Usually, these are physical

health problems including problems with mobility (e.g. using stairs), but they also include mental health problems.

We do not award a priority band simply because you, or a household member, has a health problem. We look instead at how your current home affects the person with that health problem for example, how difficult it is to get in and out of your current home or how difficult it is to move around inside your home, or to cook and to wash yourself, or to receive the treatment and care you need inside your current home.

How we assess health priority banding is perhaps the area in any Allocation Scheme that people are confused about, as understandably many will believe that it is the extent of their health condition that qualifies for a priority band, whereas this is not the test we apply – the test is how the person's current housing, impacts on their health condition as well as an assessment of whether their health would be significantly improved by rehousing, otherwise a move will have no beneficial impact.

If we think that rehousing you to a more suitable home is the right way to help you, there are two different bands that we will consider awarding you. The first is Band 1, where we have assessed there is a very urgent or emergency need for you to move due to the impact of your current housing on your health condition. The second is a high priority need to move.

5.2 When will we award Band 1 – for an urgent or emergency need to move

We will award Band 1 where:

- 1) There is substantial evidence from specialist services (and we agree with their assessment) that you (or a member of your household's) disability or severe and enduring medical condition is so serious that it makes it virtually impossible for you to continue living in the current home, and it would be life-threatening for you to do so; and
- 2) There is substantial evidence from specialist services that you need to move to a more suitable home so that you can receive appropriate support and care to safeguard health, independence and wellbeing; and
- 3) All other options to address your difficulties have been explored, including in relation to medical treatment, care, your current home (including adaptations), and other suitable rehousing options; and
- 4) There are properties available which are likely to meet your needs better than where you are now.

As medical conditions may change over time, these awards will be reassessed regularly to establish whether or not the award should continue.

Situations where an award of emergency health and independence priority banding are needed, are very rare, usually because essential treatment and care can be provided in the existing home.

5.3 When will we award Band 2 – for a high priority need to move

We will award Band 2 where:

- 1) There is substantial evidence from specialist services (and we agree with their assessment) that you (or a member of your household's) disability or severe and enduring medical condition, which substantially impacts on your health and independence in your current home; and
- 2) There is substantial evidence from specialist services that you are unable to enter or leave the home and/or access essential facilities within the home; and
- 3) All other options to address your difficulties have been explored, including in relation to medical treatment, care, your current home (including adaptations), and other suitable rehousing options; and
- 4) There are properties available which are likely to meet your needs better than where you are now.

We will also award Band 2 in relation to mental health conditions or neurodivergent conditions where:

- 1) There is substantial evidence from specialist services (and we agree with their assessment) that you (or a member of your household) have a severe and enduring mental health condition or neurodivergent condition, which substantially impacts on your health and independence in your current home; and
- 2) There is substantial evidence from specialist services that you have suffered or will suffer a severe, long-term and detrimental deterioration in this condition as a direct result of your home, and you will not recover from this if you remain in your home; and
- 3) All other options to address your difficulties have been explored, including in relation to medical treatment, care, your current home, and other suitable rehousing options; and
- 4) It is evidenced that moving to a more suitable home will have a substantial positive impact upon this condition and your independence; and
- 5) There are properties available which are likely to meet your needs better than where you are now.

We know that people on the Housing Register are often unsure or confused as to what health impact circumstances might result in an award of Band 1 or Band 2 or no award at all. In appendix 4 we set out a lot of examples for

when Band 1 is likely to be awarded for an urgent or emergency need to move and when Band 2 is likely to be awarded. These lists also help officers when they are assessing whether to grant an award or not.

When assessing whether to award you Band 1 or 2 or no priority, we will follow the five-stage assessment set out below:

- 1) Is the medical/disability issue, serious enough for a priority banding to be considered?
- 2) If the medical condition is serious enough for a priority banding to be considered, we will then decide if there is a direct link between the identified medical problem your current housing accommodation/situation, i.e., on the facts obtained (from you and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist, if we need to seek their advice) do we accept that your current housing accommodation/circumstances are making the medical condition or disability identified substantially worse, or will make it worse?
- 3) In practical terms we will consider the adverse effect this has on your ability to manage day-to-day tasks in your current home. The current housing accommodation/circumstances may be impacting on you or a family member's medical condition or disability, but not to the extent that an award of Band 1 or 2 priority should be granted under the criteria we have adopted for this policy. There are examples listed in appendix 4 for when an award of Band 1 or 2, may be awarded, and they are used to guide the officer when making their decision.
- 4) Before making an award, we will need to be satisfied there is a realistic expectation that the impact on the identified medical condition/disability would be removed or significantly improved through the provision of alternative accommodation.
- 5) If we are satisfied that the impact on the identified medical condition/disability would be removed or significantly improved, we will then decide whether to award Band 1 or 2, depending on the severity of the impact. In most cases the assessing officer will make this decision based on the guidelines set out in the Scheme. However, we may make the decision after obtaining an opinion from a medical adviser or Occupational therapist and they will be guided by this five-stage assessment process.

5.4 When will we not normally award a priority band for health - medical or disability circumstances

Medical/health priority will not normally be awarded in the following circumstances:

- a) Where you or a member of your family have a health issue, however severe, that is not impacted by the accommodation occupied

- b) Health problems that are not affected by housing or cannot be improved by moving
- c) Where a move would only make a marginal improvement to that condition
- d) Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame
- e) Where another reasonable course of action is available to you to resolve the impact on your health
- f) Time-related medical or health problems (e.g., pregnancy-related problems or a broken leg)
- g) Disrepair problems not impacting significantly on your medical condition. (Note: under the Scheme you may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of your circumstances and impact)
- h) Overcrowding not impacting significantly on your medical condition. (Note: under the Scheme you may receive priority separately for being overcrowded)
- i) If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time
- j) If you moved into a home that, from the start, was not suitable due to any family member's health problems. We look at these kinds of cases very carefully. For example, we will consider the reasons why you moved into an unsuitable home, and whether it might have been possible and reasonable for you to move into a more suitable home elsewhere.

Medical assessments are not just related to banding. We will also consider recommendations for future housing, for example regarding the floor level you may need and whether an extra bedroom is required due to a child having autism. How we assess extra bedroom requests for ADHD, Autistic Spectrum, Sensory Processing difficulties, and other mental or physical health problems are set out in appendix 5.

5.5 Housing need category 2: Moving on from Care

Some of our residents are young people who are ready to move on from being in care. We give these cases priority Band 1 if they meet the following rules.

A care leaver who meets the criteria is:

- a) A care leaver who was looked after by Wigan Council and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education), or

- b) A care leaver who was not looked after by Wigan Council but was placed into foster care or residential care in Wigan and has been resident in Wigan for 3 continuous years and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education).

The Council's Children Services will refer a young person to live independently when it has been evidenced that the young person is assessed as ready. The young person referred must have an agreed support package and an up-to-date comprehensive pathway plan and risk assessment in place. We will consider the referral from Children Services, and if satisfied that the young person is ready to move-on and that all support services are in place for their transition to living independently, we will place their application into Band 1.

Until we have assessed that a young person due to leave care is ready for independent living, they will be allowed to join the register but will be suspended from bidding or being considered for an offer of social housing.

5.6 Housing need category 3: Moving on from 'Commissioned Supported Housing'

Some of our residents are given help and support to live independently, or to work towards living independently so they can live their best lives. Often, these residents will be given specialist housing called supported housing, which provides support or care

Examples of residents living in supported housing include the following:

- Former rough sleepers
- Residents with a learning disability or autism
- Residents with mental ill health
- Residents (and their families) fleeing domestic abuse
- Pregnant residents or residents with babies who benefit from support
- Residents recovering from a drug or alcohol dependence
- Ex-offenders released from prison

Not everyone living in supported housing will need to be rehoused to a Council or Housing Association home. Most residents in supported housing will be able to move into their own home in the private rented sector and will receive help to do so.

However, some residents will struggle to manage a private rented home or to live completely independently and will need the stability of a Council or housing association home.

5.6.1 How is this assessed?

You will be awarded Band 2 if:

- You are ready to move out of supported housing or another form of support to live independently, and we agree that
- You have vulnerabilities and needs that mean you would find it very difficult to manage a private rented tenancy and stay independent
- You must have been given supported housing in one of Wigan Council's commissioned supported housing schemes.

Before being given 'move on' banding we will need assessments and reports from other Council departments and/or the organisations that are supporting you such as the workers in the Supported Housing scheme where you live. The reports must explain what kind of help and support you need, any health problems that you have, and explain why you are now ready to live independently. You should agree to receiving help and support after you move to your own home if this is recommended for you. We will normally want to see a care plan and support package in place for the transition to move into general housing accommodation before we would award priority banding for this reason.

There is no guarantee that just because you live in a commissioned Supported housing scheme that you will be given the 'move on' band 2 priority. We will need to decide whether you need a Council or Housing Association home and whether you are ready to live independently.

Until the criteria are met for assessing whether a person in supported housing is ready to move on to a tenancy, they will be allowed to join the register but suspended from bidding until we assess they are ready to move on.

5.7 Housing need category 4: Awarding a priority band if you are an older person

If you are aged 55 or over, you can apply for sheltered housing and other housing specifically for older residents. Sheltered housing supports our older residents to live independently. Most homes are usually self-contained and often have common areas open to all the residents and have staff nearby during working hours.

This type of housing provides a safer, more comfortable community for our older residents. They are usually studio or one-bedroom homes.

We usually let our sheltered housing through our 'find a home' website but may also let it through a direct offer.

When we advertise available sheltered or older residents' housing on the 'find my home' website the advert will say that the home is for our older residents only. When a property in a Sheltered block of flats becomes vacant, first consideration will normally be given to transferring any existing residents wishing to move within the scheme, e.g. from a first floor flat to a ground floor flat, provided that the move will benefit their health and wellbeing. (This would not normally apply to what we call grouped bungalows).

You must normally be aged 55 or over if you would like to move to sheltered housing. If you are a couple moving to sheltered housing, both of you must be aged 55 or over.

If you are aged 55 and over, you can apply to our Housing Register to move to homes for residents aged 55 and over and don't have to have a statutory housing need as set out for Band 1-3. If you qualify to join our Housing Register, we will give you band 3 but you will only be able to bid, or be considered, for older person housing.

However, if we agree that you do have a statutory housing need which means you would qualify for Band 1 or 2, for example, if you need to move for health reasons then you will be given the appropriate band (1 or 2) and can bid for general needs housing as well as older person housing.

Older persons housing will normally only be allocated to applicants who are aged 55 or over, or 60 or over, depending on the age threshold for a particular scheme which may be different depending on the scheme.

5.8 Housing need category 5: Moving so you can foster or adopt

We really want to encourage more opportunities for children and young people in our care to be fostered and adopted. We want to support residents from all backgrounds to help children and young people who need short-term or long-term care. Some residents become Special Guardian for children or young people. This is when the Family Court orders that a child or young person must live with someone other than their parent(s) on a long-term basis.

You might wish to foster or adopt or become a Special Guardian for a child or young person but cannot do so because the home you live in is not suitable. Or you may have fostered or adopted or become a Special Guardian for a child or young person, but it is difficult because your home is not suitable. Usually, you will need a home with more bedrooms.

5.8.1 How is this assessed?

If you need a new home because you have fostered, adopted or become a Special Guardian, you will need to be referred by our Children's Services or by an organisation the Council has contracted to deliver our fostering and adopting services.

The referral will need to explain why your current home is not suitable for you to foster, adopt or become a Special Guardian for children or young people. The referral will also provide us with information that will help us work out what kind of home you need.

You must be offering a home to a child living in Wigan or a young person in our care. Or you will need to be a resident of Wigan who has become a Special Guardian for a child or young person who may live within, or outside of, Wigan.

We do not expect foster children, adopted children, or children you are looking after under a Special Guardianship to share a bedroom with your own children. National guidance says that, at the very least, foster children aged over three need their own room.

If we assess that you meet these rules you will be awarded priority band 1.

5.9 Housing need category 6: Moving to free up a home for a resident in Wigan with disabilities

Some Council and Housing Association homes in Wigan are suitable for residents with disabilities and residents with mobility difficulties. For example, the homes might be suitable for residents who use wheelchairs, or residents who find stairs difficult. They help the residents live more independent lives. These types of homes are sometimes called 'accessible homes'. Council and Housing Association tenants can end up living in an accessible home even though there are no members in the household that need this kind of home. We will award Band 1 for tenants of the Council or a Housing Association where we agree that you are living in an assessable home that no one in your household requires.

The Council or Housing Association cannot make someone living in an accessible home move if they don't need an accessible home. However, you might choose to move for a number of reasons, and we will give you priority to help you do so. The reasons for choosing to move might include the following.

- Moving to another home offers a chance to move to an area you like, or to a type of home you like

- Moving to another home may mean you moving to somewhere more suitable for your own household. For example, if you are overcrowded it may help you move to a larger home.
- You would like to offer your home to a resident who needs an accessible home.

We want to help households who do not need an accessible home to move to another home so we will award you Band 1. This is so we can then help a resident who needs an accessible place to live, to move into your old home.

5.10 Housing need category 7: When we will give someone a priority band for being overcrowded

Many families in Wigan are overcrowded, meaning that their home does not have enough bedrooms for all members of their household. Overcrowding can cause significant problems. It can affect the physical and mental health and wellbeing of family members, especially children who may not have enough space to play and study. The national housing laws mean that we must band people who qualify to join our Housing Register if they are overcrowded. However, these laws allow the Council to set the rules for when they will consider a family to be overcrowded. Our adopted rules are set out below.

5.10.1 How we will decide if you should be given a priority band for being overcrowded and if you are, the number of bedrooms that you need if we are able to offer you a home

We work out how many bedrooms you and your family need using our adopted 'bedroom standard'. You can find more information about how we work out the number of bedrooms you need below.

Unfortunately, if you lack one bedroom you will not be given a band for being overcrowded. This is because there are not enough family-sized homes, so we need to focus our help on families who are very overcrowded which means they are lacking two or more bedrooms. We know that families lacking one bedroom will still face problems due to overcrowding. However, we do not have enough family-sized homes to help the most overcrowded families, so even if families lacking one bedroom did join the Housing Register, they might never be offered a larger home.

We may not award you a band for being overcrowded if you move into a home that, from the start, was lacking two or more bedrooms. We will consider the reasons why you moved into an overcrowded home, and whether it might have been possible and reasonable for you to move into a

more suitable home elsewhere and if we think it was possible you will not be given a band for being overcrowded.

For the purpose of assessing whether you have a housing need for being overcrowded and for the purpose of deciding the number of bedrooms you would be allocated we have adopted the Wigan Council bedroom standard using the following rules:

1 bedroom will be allowed for:

- One bedroom for an applicant and partner/spouse (if any)
- One bedroom for any additional adult couple
- One bedroom for any two additional people of the same sex (up to the age of 21)
- One bedroom for any two additional people of the opposite sex under the age of 10
- One bedroom for any additional person (aged 21 or over) if we have agreed they can be included on your application (see Section 2 which sets out who can be included on an application).

Further guidance on how the Council will apply the overcrowding rules:

- a) Children are not considered as part of the household of an applicant if they have a main permanent residence elsewhere.
- b) Couples should always have their own bedrooms and not be expected to share with children.
- c) For assessing overcrowding and the size of the home that can be allocated, the Council will include students as long as they are only away on a temporary basis i.e. at university or college.
- d) Non-dependent children aged 18-21 will only be considered as a member of your household if they have been living with you as their permanent full-time residence for a period of over 12 months.
- e) Non-dependent children over the age of 21 and other non-dependent relatives will not be included when assessing overcrowding and the size of any home that would be allocated to you. This includes:
 - Children aged 21 or over,
 - You or your partner's parents, grandparents, brothers, sisters, aunts, uncles, grandchildren, nieces, nephews, cousins, friends or lodgers.
 - Sons and daughters over the age of 18 living with you who now have their own children.
 - People living with you as a couple, for example your daughter and her partner, usually will not be included on your Housing Register application.
- f) Any property with 2 reception rooms will have one counted as a bedroom
- g) An extra bedroom may be awarded where there is a severely disabled adult or child who the Council agree, based on the facts assessed, needs their own room (see appendix 5 for more details as to how a claim for an extra bedroom will be assessed).

- h) In assessing overcrowding and the size of home to be allocated where a child is over the age of 10 and not yet 16 the Council will consider a child to be overcrowded on the basis of sex overcrowding. We will also consider, if the sex they are transitioning to would result in sex overcrowding if they are receiving specific medical treatment as defined below for gender dysphoria through the NHS Children and Young People's Gender services. Medical treatment is defined as Hormone therapy from a specialist consultant endocrinologist or Puberty blockers (gonadotrophin-releasing hormone analogues). Note the Government has made a decision that puberty blockers will not normally be available to children for gender incongruence or gender dysphoria but will still be available for children who have started such treatments.
- i) A couple or single parent expecting a baby is entitled to a two bedroom home. Unborn babies will be considered when determining the number of bedrooms needed
- j) Single people without children may be offered a studio or bedsit home
- k) When deciding on the size of bedrooms in any home you may be offered, we consider that single bedrooms are suitable for a single parent
- l) Council tenants under occupying in their current properties and living in a property with three or more bedrooms will be allowed to be considered for properties with one bedroom more than they need if that is what they want.
- m) It is important to know that for Housing Association vacant homes the Association may have adopted different criteria for determining the number of bedrooms a household requires than is set out in our Scheme. For example, a Housing Association might have a rule to say children over the age of 16 must have their own room, whereas our rule is that children up to the age of 21 of the same sex can share a room.
- n) If you need a 3-bedroom home or more, if you are willing to choose to be considered for smaller council owned properties that has up to one bedroom less than your assessed need, you can bid and be offered this size home as long as this does not mean that you will be statutorily overcrowded. For 3-bedroom properties this is limited to families with more than one child under the age of 5 who have been assessed as having a 3 bedroom need but opt to be considered for a 2 bedroom property. For 4- or 5-bedroom properties this is limited to families with more than 4 children.
- o) Carers who provide regular overnight care may be granted a bedroom based on the assessment of the facts of each case. The fact that there is overnight care will not necessarily mean an extra bedroom will be allowed. The decision will be based on the facts of the case including:
- the number of days overnight care is provided.
 - whether there is a requirement for the carer to remain awake and
 - what other facilities are available in the home.

The table shows the number of bedrooms that we consider an applicant needs based on household size

Size of family	Size of property
Single person over the age of 18	Studio / single person home with single bedroom
A couple without children	1 bedroom
A couple with one child of any age, including an adult child	2 bedrooms
A couple with two children of the same sex up to the age of 21	2 bedrooms
Two adults of opposite sex who do not live as a couple, for example a brother and sister	2 bedrooms
A couple with two children of the opposite sex and both under 10	2 bedrooms
A couple with two children of the opposite sex, one of whom is aged 10 or over	3 bedrooms
A couple with three children	3 bedrooms
A couple with four children (all of the same sex or two of each sex)	3 bedrooms
A couple with two children of the opposite sex aged under 10, and one dependent relative (for example, widowed mother)	3 bedrooms
A couple with four children (three of one sex and one of the opposite sex)	4 bedrooms
A couple with more than four children	4 bedrooms

5.11 Housing need category 8: What band we will award you for being owed a homelessness duty by Wigan Council

There are three main points in time when we will provide you with a priority Band for being owed a homeless duty by Wigan Council. These are:

5.12 When we agree that you might become homeless, but you are not homeless yet

The Council has a legal responsibility to help you if you are at risk of becoming homeless within 56 days (8 weeks). Often working with our partners in the community and across the Council, we will try to prevent you from becoming homeless. The earlier we can help you, the more chance of success.

This is called the **'prevent'** stage of homelessness and means we have assessed that we legally owe you a prevention of homelessness duty.

5.13 When we agree that you have become homeless

The Council has a legal responsibility to help you find a new place to live if you have become homeless. This includes helping you find a suitable home you can afford in the private rented sector or 'PRS' – a rented home with a private landlord. We have 56 days (8 weeks) to try to relieve your homeless – in other words, to help you find somewhere new to live.

If you have nowhere to live, we may offer you temporary accommodation if you are pregnant or have dependent children who live with you or are a single person or couple, if we deem you are 'priority need'. We do not offer every homeless resident temporary accommodation, and if you are homeless, we will have separately sent you a letter to tell you whether you have a priority need for temporary accommodation or not.

This is called the **'relief'** stage of homelessness and means we have assessed that we legally owe you a relief of homelessness duty.

5.14 When it has not been possible to stop you becoming homeless or to find you a new place to live after you become homeless and we agree that we owe you 'main' homelessness duty

If it has not been possible to stop you from becoming homeless, or a new place to live that is suitable and affordable has not become available, we may still have an ongoing legal responsibility to rehouse you. This is called the **'main homelessness duty'**, or the 'main rehousing duty', or simply the 'main duty'. It only applies where at the end of the relief of homelessness duty we agree that you are pregnant or have dependent children who live with you or are a single person or couple we have assessed as having a priority need and the relief of homelessness duty owed to you did not end through your own fault such as, refusing a final offer of social or private rented housing.

If we owe you either the main duty or the relief duty and are satisfied that you would be owed the main duty if the relief duty ends unsuccessfully, we will award you Band 2.

If we owe you the prevention duty or the relief duty and we are not satisfied that you will be owed the main duty if that relief duty were to end unsuccessfully, we will award you Band 3. There are also several other minor duties owed to households who are homeless where we will award Band 3 and these are set out in the summary table below.

5.15 Housing need category 9: When we will award you a Band for being in a home that has been assessed as being in poor condition or lacks basic facilities

There are 2 circumstances when we will award a priority Band. These are:

5.15.1 Where we agree there is an exceptional impact of living in an unfit private sector property – Band 1 will be awarded

This will apply to:

- Private sector tenants and residents of dwellings where the Council's Housing Standards team has determined the property poses a Category 1 hazard, under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and
- Following that assessment, the applicant's property is subject to a prohibition order, emergency action, demolition order or clearance under the Housing Health and Safety Rating System of the Housing Act 2004, and
- We are satisfied that the problem cannot be resolved by the landlord within six months and as a result continuing to occupy the accommodation will pose a considerable risk to your health or a member of your families health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or living conditions that are a statutory nuisance, and there is no prospect of the problems being remedied within a six-month time period.

5.15.2 Where we agree there is a significant impact of living in an unfit private sector property – Band 2 will be awarded

Band 2 will be awarded for private sector tenants that Wigan Council's Housing Standards Team has determined that, the property poses a serious Category 1 hazard under the Health and Safety fitness rating and the Council's assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result, continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation.

5.16 If we assess that you have no access at all to any of the following facilities – Band 1 will be awarded

If you have accommodation (i.e. you are not a rough sleeper) with no access to the following within your current property:

- a) A bath or shower
- b) A toilet
- c) Running hot water supplies
- d) Electric/gas needed for essential activities

If you have access to shared facilities re-cooking; bathroom and toilet will not qualify under these criteria.

5.17 Housing need category 10: If you need to move due to the need to redevelop an area or refurbish a social housing block or estate or where a compulsory purchase order has been issued

This priority covers situations where we have decided to demolish or refurbish your existing Council home meaning that you will need to move to another home.

It also applies if you are a tenant or owner-occupiers living in the Wigan Borough in confirmed clearance areas, or in a property subject to a Compulsory Purchase Order (including those where a CPO could be made, but the owner agrees to sell their property to the Council by agreement) or subject to Prohibition, excluding emergency prohibitions, or Demolition Orders.

We will award you priority Band 1 if your circumstances meet these rules.

5.18 Housing need category 11: Where we agree that there is an exceptionally urgent need for you to move

If agreed, you will be awarded Band 1. These decisions will be made by either the manager for the Housing Register team or by the Housing Panel where it is considered that a case is extremely complicated and would benefit from being scrutinised by the Panel.

In the interests of fairness to everyone on the Housing Register awards will be kept to a minimum. Examples of exceptional circumstances include, but are not limited to:

- A severe threat to life by others
- Households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community
- Cases nominated under the Police Witness Protection Policy or other similar Policies that the Council has agreed to be part of

- If you have an exceptional need that is not covered in the Allocation Policy. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered
- Other exceptional circumstances as authorised by the Service Manager or Assistant Director of Housing in Wigan Council.

For any Housing Association tenant, the expectation is that, where it is safe to do so, a like for like management transfer would be granted, or an emergency decant provided whilst a suitable transfer can be arranged and therefore the majority of these cases should not need to be awarded a banding by the Council.

5.19 Housing need category 12: Priority banding for current or former armed forces

Band 1 will be awarded where you have an assessed urgent housing need and have access to no other accommodation and meet one of the following:

- a) They are serving in the regular forces and will be discharged within 6 months and have served for 5 years or more, or
- b) They were serving in the regular forces in the last 5 years and have applied to join the housing register within that 5-year period, and
- c) Had been previously living in the Wigan area immediately before joining the armed forces or since leaving

And d) and e) below must also apply

- d) They did not leave the armed forces as a result of a dishonorable discharge, and
 - e) They do not own or have a legal interest in any other property
- For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

Band 1 will also be awarded to any applicant who:

- a) Has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service
- b) Has recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service.

For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.

5.20 The date we will allocate to your case when you have been given a band

Your band start date is the date we assessed your Housing Register application after receiving all of the information requested. If following being banded, your housing need and/or circumstances change and a reassessment, results in you being placed in a higher band, your date for the higher band will be the date you were awarded that band for that higher assessed housing need.

Note: for eligible homeless applicants who meet the qualification rules to join the Housing Register the following will apply about their band start date:

- a) Owed a Section 195(2) Prevention of homelessness duty – Band date is the date the duty was owed and not the date of the homelessness application.
- b) Owed a Section 189B (2) Relief of homelessness duty – If an applicant has not been owed a prevention duty, then the band date is the date the relief duty is owed and not the date of the homelessness application. If the applicant was owed a prevention duty which ended because they became homeless and they are then owed a relief duty, the effective date is the date the prevention duty was owed.
- c) Owed the Main Section 193(2) duty – Band date is the date the Relief of homelessness duty was owed and not the date the Main duty was owed. This is because, to start the date at the date the Main duty was owed would disadvantage an applicant by 56 days who has been found to be in priority need and unintentionally homeless.
- d) Circumstances where the relief duty has ended, and the applicant is assessed at this point as not being in priority need - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- e) Circumstances where the relief duty has ended, and the applicant is assessed at that point as not being owed a main duty due to being intentionally homeless - Band date is the date the Relief of homelessness duty is owed (or the date the prevention duty was owed if the applicant had been owed a prevention duty before being owed the relief duty) and not the date that the Relief duty is brought to an end.
- f) Where the applicant becomes homeless unintentionally within 2 years of accepting a private rented sector offer, offered to bring the main Section 193 homelessness duty to an end, the effective date will be the date of the new application.

THE BANDING SUMMARY TABLE

The following section provides a table summarising the banding awards that are set out in detail above.

Band 1 – Urgent priority statutory housing need to move: these are applicants that are owed a statutory award of ‘reasonable preference’ but whom the Council also believes should also be awarded ‘additional preference’ based on their very urgent housing need.

Band 2 – High priority statutory housing need to move: This band consists of applicants that are owed a statutory award of ‘reasonable preference’ under the policy and have been awarded band 2 priority based on their assessed high housing need.

Band 3 – Lower priority statutory housing need to move: This band consists of applicants with a statutory need but that need is assessed as being lower than Band 2, plus applicants over the age of 55 without a statutory housing need but are willing to consider accepting a tenancy for specialist accommodation for older people in Wigan.

BAND 1: Exceptional Urgent Need to Move

These are applicants awarded reasonable preference and additional preference and include households with the highest need for rehousing.

Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the Council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.

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1: Emergency medical or disability need:

A Band 1 award is for applicants who are suffering sudden or severe progressive life-threatening medical conditions or disability and need an immediate move (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and poses an immediate and serious danger to the individual.

See appendix 4 for more details on when a Band 1 award may be granted with examples of a Band 1 award.

<p>2: Exceptionally urgent need to move</p>	<p>These decisions may be made by the manager for the Housing Register Team or made by the Housing Panel where it is considered that a case is extremely complicated and would benefit from being scrutinised by the Panel.</p> <p>In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional circumstances include, but are not limited to:</p> <ul style="list-style-type: none"> • a severe threat to life by others • emergency cases whose homes are damaged by fire, flood, or other disaster may be provided with another tenancy if it is not possible to repair the existing home, or if any work to repair is to take such a long period of time that there will be serious disruption to family life • households which, on police advice, must be moved immediately due to serious threats to one or more members of the household, or whose continuing occupation would pose a threat to the community • cases nominated under the Police Witness Protection Policy or other similar Policies that the Council has agreed to be part of • an applicant who has an exceptional need that is not covered in the Allocation Scheme. For example, where child or public protection issues require rehousing or for domestic abuse where all other options to remain in the home have been considered • other exceptional circumstances as authorised by the Assistant Director of Housing Services or equivalent. <p>For any Housing Association tenant, the expectation is that, where it is safe to do so, a like for like management transfer would be</p>

	<p>granted, or an emergency decant provided whilst a suitable transfer can be arranged and therefore the majority of these cases should not need to be awarded a banding by the Council</p>
<p>3: Exceptional impact of an unfit private sector property</p>	<ul style="list-style-type: none"> • Private sector tenants and residents of dwellings where the Council's Housing Standard's Team has determined the property poses a Category 1 hazard under the Housing Health and Safety Rating System (e.g. crowding and space, excessive cold or risk of falls) and • Following assessment, the applicants property is subject to prohibition order, emergency action, demolition order or clearance under the Housing Health and Safety Rating System of the Housing Act 2004, and • The Council is satisfied that the problem cannot be resolved by the landlord within six months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant's health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or living conditions that are a statutory nuisance, and there is no prospect of the problems being remedied within a six-month time period.
<p>4: Applicants without access at all to any of the following facilities:</p>	<p>An applicant who has accommodation (not rough sleepers) with no access to the following within their current property:</p> <ul style="list-style-type: none"> e) A bath or shower f) A toilet g) Running hot water supplies h) Electric/gas needed for essential activities <p>Applicants who have access to shared facilities re cooking; bathroom and toilet will not qualify under these criteria.</p>
<p>5: Statutory overcrowding or severe overcrowding by 3 bedrooms or more as</p>	<p>The measurement of overcrowding is set out in section 5 of the Scheme</p>

<p>defined by the bedroom standard</p>	
<p>6: Freeing up a social housing home that has been already significantly adapted</p>	<p>Where a tenant is living in a substantially adapted property and does not need the adaptations in their home they will be awarded band 1, in order to release the adapted home if the adaptations are assessed as being needed by an applicant listed as being in urgent need of the adaptations in the applicant's property</p>
<p>7: Armed Forces who meet the following criteria</p>	<p>Band 1 will be awarded where you have an assessed urgent housing need and have access to no other accommodation and meet one of the following:</p> <ul style="list-style-type: none"> a) They are serving in the regular forces and will be discharged within 6 months and have served for 5 years or more, or b) They were serving in the regular forces in the last 5 years and have applied to join the housing register within that 5-year period, and (if a and b above are met) c) Had been previously living in the Wigan area immediately before joining the armed forces or since leaving <p>And d and e below must also apply</p> <ul style="list-style-type: none"> d) They did not leave the armed forces as a result of a dishonorable discharge, and e) They do not own or have a legal interest in any other property <p>Band 1 will also be awarded to any applicant who:</p> <ul style="list-style-type: none"> a) has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service b) has recently ceased, or will cease to be entitled, to reside in accommodation provided by the MOD following the death of that person's spouse or civil partner who has served in the regular forces and whose

	<p>death was attributable (wholly or partly) to that service.</p> <p>For this purpose "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.</p>
<p>8: Care Leavers</p>	<p>A care leaver who meets the criteria is:</p> <ul style="list-style-type: none"> a) a care leaver who was looked after by Wigan Council and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education), or b) a care leaver who was not looked after by Wigan Council but was placed into foster care or residential care in Wigan and has been resident in Wigan for 2 continuous years and meets the requirements for housing under the Leaving Care Act 2000 as being an eligible, relevant or former relevant person aged 18-21 (24 if in full time education).

BAND 2 – High Priority, Statutory Housing Need to Move:

These are applicants that are owed a statutory award of 'reasonable preference' under the policy and have been awarded Band 2 priority based on their assessed high housing need.

Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the Council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.

<p>1: Homeless applicants who are owed one of the following duties by Wigan Council only</p>	<ul style="list-style-type: none"> • the Main Housing Duty under Section 193 of the Housing Act 1996, or • a relief duty under Section 189B (2) where the applicant is, at the point of that 189B duty being accepted, considered likely to be in priority need and unintentionally homeless, whether a decision to that effect has been made or not, and the applicant is accommodated in interim temporary accommodation.
<p>2: Severe or medical disability impact:</p>	<ul style="list-style-type: none"> • Where an applicant (or a member of their household) is living in accommodation with a severe, long term, medical conditions (chronic or progressive) or severe disability that means they urgently need to move because their home is assessed as being highly unsuitable and is directly detrimental to the applicants' physical or mental health. • Where an applicant's (or a member of their household) housing is unsuitable because of severe medical reasons or because of their disability. The applicant (or member of their household) is not housebound, but their current housing is exacerbating their health conditions. <p>See appendix 4 for examples of when a Band 2 award may be granted for severe medical or disability impact.</p>
<p>3: Existing Wigan Council tenants who:</p>	<ul style="list-style-type: none"> • will move into a smaller property releasing a high demand property • occupy a house and wish to move to a general needs flat • occupy a two-bedroom bungalow or elderly persons flat and wish to move to a one bedroomed bungalows or into specialist accommodation for older persons <p>Note the Council will assess whether a property that could be released is a high demand property and if so whether to award Band 1.</p>

<p>4: Existing Wigan Council tenants who:</p>	<p>a) Has succeeded to the tenancy of a property which was specially built or substantially adapted for a person with a disability, and they do not need this accommodation (see the succession policy for further information).</p> <p>b) Has an identified need for adaptations to their current property and there is another property with these adaptations already fitted. This will only apply when the applicant has been assessed by an Occupational Therapist and excludes minor adaptations i.e., grab rail.</p> <p><i>Note: many of these moves will be achieved through the Council initiating a management transfer and where this action is taken the transfer will not be carried out under this allocation policy.</i></p>
<p>5: Overcrowded by 2 bedrooms as defined by the bedroom standard set out in this policy</p>	<p>This group is defined as applicants overcrowded by 2 bedrooms who are living in the Wigan area as defined under this Scheme's adopted overcrowding standard.</p>
<p>6: Succession to a tenancy</p>	<p>The applicant is a statutory or discretionary successor to a tenancy and is required to move to a smaller property. Note successors who are downsizing or are required to move to a smaller property will not be allowed one more bedroom than their housing need (as per the previous policy before this revised 2025 policy).</p>

<p>7: Unsatisfactory housing conditions or fitness</p>	<p>Private sector tenants that Wigan Borough Council has determined that the property poses a serious category 1 hazard under the Health and Safety fitness rating and the Council’s assessing officer is satisfied that the problem cannot be resolved by the landlord within 6 months and as a result continuing to occupy the accommodation will pose a considerable risk to the applicant’s health. This includes a property that has severe damp, major structural defects including subsidence, flooding, collapse of roof, or have living conditions which are a statutory nuisance, and there is no prospect of the problems being remedied within a 6 month time period, and the household are not able to resolve their own housing problem by moving to alternative private sector accommodation.</p>
<p>8: Ready to move on from Council commissioned supported housing scheme</p>	<ul style="list-style-type: none"> • An applicant is in a Council commissioned supported housing in the Wigan area, and • Is ready to move to independent settled housing on the recommendation of the support worker or equivalent; and • The applicant is in need of medium to long term rather than short term ongoing tenancy support; and • That support package has been assessed and is in place.

Band 3 – Lower Priority, Statutory Housing Need to Move:

Note: To be awarded any of the bands an applicant must qualify to be included on the Housing Register. This means they must meet the residential connection rule and not be disqualified under any of the other adopted rules, unless the Council has agreed that discretion should be applied to waive the residential connection rule or any other qualification rule due to exceptional circumstances.

<p>1: Applicants owed one of the following homelessness duties</p>	<p>Applicants owed any of the following homelessness duties by Wigan Council as set out below:</p> <ul style="list-style-type: none"> a) Applicants where the Section 189(B) Relief duty has been brought to an end and an applicant has been assessed at that point as being intentionally homeless (and hasn't been disqualified under the unacceptable behaviour disqualification rule). b) Applicants owed the Section 193 C (4) Main duty where the Prevention or Relief duty was ended by the Council due to their deliberate non-cooperation. c) Applicants owed a Section 189B (2) Relief duty by the Council and not considered likely to be in priority need. d) Applicants owed a Section 195 (2) Prevention of homelessness duty by the Council and not considered likely to be in priority need. e) Applicants where the Section 189(B) Relief of homelessness duty has been brought to an end and the applicant is determined to be homeless but not in priority need and therefore not owed a Main Homeless Duty.
<p>2: Insecurity that risks homelessness</p> <p><i>Note: Applicants in this category will be boosted to Band 2 after 6 months in Band 3. Their effective date for Band 2 will be the date they are boosted to Band 2 and not the date they were awarded Band 3</i></p>	<p>A pregnant applicant or applicant with a child or children who are sharing a home with family who are not part of their household and where:</p> <ul style="list-style-type: none"> a) They have no ownership or tenancy rights, and the arrangement is short term and very insecure and only available whilst the applicant is actively seeking an offer of social housing or alternative accommodation with friends or in the private rented sector, and b) They were owed a prevention of homelessness duty as they were assessed as likely to become homeless within 56 days, and that duty has ended because they have been allowed to remain at home whilst they bid for social housing with their Band 2 priority and it is likely that they can remain for at least a year, and

	<p>b) c) The family member with the interest in the home has agreed to allow the applicant to remain for at least a year.</p>
<p>3: Applicants over 55 who have been assessed for accommodation for older persons only</p>	<p>Single applicant or couples aged 55 or over and with no other priority that would mean they would be awarded band 1 or 2. The applicant wishes to move to specialist accommodation for older persons and has been assessed as suitable by Wigan Borough Council.</p>
<p>4: Applicants who satisfy the 'Right to Move' criteria</p>	<p>These are applicants who meet the Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015. This banding award applies to existing social tenants who seek to move from another Council in England, and who have a need to move for work related reasons to avoid hardship. However, under this Allocation Policy, Wigan Council will limit these moves to no more than 1% of all lettings per year.</p> <p>See appendix 7 for details of how the 'Right to Move' criteria will be applied.</p>

APPENDICES

APPENDIX 1: HOW THIS ALLOCATION SCHEME MEETS THE LEGAL REQUIREMENTS PLACED ON THE COUNCIL

Wigan Council's Allocation Policy sits within a legal framework that is summarised in this section.

The 1996 Housing Act (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocation Policy. A summary of the Allocation Policy must be published and made available free of charge to any person who asks for a copy. This document is available on the Council's web site: <https://www.Wigan.gov.uk/housing/council-housing/housing-register>

The Housing Act 1996, (as amended) requires Councils to give Reasonable Preference in their Allocation Policy to people with high levels of assessed housing need who are defined as:

- all homeless people as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty)
- people who are owed a duty under Sections 189B, 190 (2), 193 (2), or 195 of the Housing Act 1996 (or under Sections 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any Housing Authority under Section 192 (3)
- people occupying insanitary, overcrowded or otherwise unsatisfactory housing
- 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 within the area to avoid hardship to themselves or others

The Housing Act 1996 also requires Councils to state within their Allocation Policy their position on offering applicants a choice of housing accommodation or offering them the opportunity to express a preference about the housing accommodation to be allocated to them. Our policy on choice is described in section 4 of this Policy.

In developing this policy, the Council has had regard to the law and regulatory requirements, including:

- a) The Housing Act 1996, Part 6 as amended by Localism Act 2011 (England).
- b) The Housing Act 1996, Part 7 as amended by the Homelessness Reduction Act 2017.
- c) Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code".

- d) Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code".
- e) Allocation of Housing (Procedure) Regulations 1997, SI 1997/483
Allocation of Housing (England) Regulations 2002, SI 2002/3264.
- f) Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments.
- g) Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869.
- h) Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012, SI 2012/2989.
- i) The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015.
- j) 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)'.
- k) Equality Act 2010.
- l) Data Protection Act 2018
- m) UK-GDPR (General Data Protection Regulation) 2021.
- n) Care Act 2014.
- o) Human Rights Act 1998.
- p) Domestic Abuse Act 2021; and
- q) Children and Social Work Act 2017

In framing the Allocation Policy, regard has also been given to the Council's current:

- Housing Strategy
- Homelessness and Rough Sleeping Strategy
- Tenancy Strategy,
- Relevant caselaw.

All references to statutory materials are by way of summary and are not used as substitutes for the details within the original.

The Council will provide an electronic copy of this Policy to anyone who asks for one. Copies in alternative formats will be considered on an individual basis. A paper copy can be available on request.

APPENDIX 2: THE UNACCEPTABLE BEHAVIOUR QUALIFICATION RULE AND THE DETAIL FOR HOW WE WILL ASSESS AND APPLY THIS RULE

We set out here a more detailed list of examples of unacceptable behaviour and how we will assess whether to apply the rule to your application.

Examples of unacceptable behaviour that may result in a decision that an applicant will not qualify to join the housing register include:

- a) They or a member of their household has committed anti-social behaviour in or around the vicinity of their home that has resulted in enforcement action, including, but not limited to an ASB Injunction, Community Protection Notice, Noise Abatement Notice, Criminal Behaviour Order, Possession Proceedings, Closure Order or any other legal enforcement tools in the past five years.
- b) They or a member of their household have a conviction for using their accommodation, or allowing it to be used, for illegal or immoral purposes such as drug dealing, within the past five years.
- c) they have been evicted from a tenancy by a social or private landlord for a breach of tenancy conditions, including non-payment of rent, within the past five years.
- d) Failing to maintain any previous social rented or private rented property within the terms of their tenancy agreement or committing acts causing or likely to cause nuisance or annoyance to neighbours or others in the area where they live or have previously lived.
- e) Conduct likely to cause nuisance or annoyance if they were to be offered a tenancy. This is conduct or behaviour that does not only relate to a previous social housing or private rented sector tenancy. It may include the circumstances where an applicant, or a member of their current or prospective household, is the subject of actions being taken by any Council (or some other recognised body) on grounds of alleged antisocial behaviour (ASB).
- f) Circumstances where the applicant, or any member of their household, has assaulted a member of the Council's staff, whether or not an injunction is being sought, or has been obtained.
- g) Being subject to a court order (including an interim order) for breach of tenancy conditions.
- h) Conviction for illegal or immoral use of their current or former home.
- i) Causing nuisance and annoyance to neighbours or visitors.
- j) Committing criminal offences that still pose a threat to neighbours or the community such as drug dealing.
- k) Being violent towards a partner or members of the family. The Council does not **tolerate any form of domestic abuse**.
- l) Allowing the condition of the property to deteriorate in avoidable circumstances.
- m) Paying money illegally to obtain a tenancy.
- n) Unlawfully subletting their tenancy.

- o) Applicants who have been convicted of housing or welfare benefit related fraud, where that conviction is unspent under the Rehabilitation Offenders Act 1974.
- p) Having unspent convictions where an assessment by the Council concludes that the applicant is unsuitable to be a tenant due to a significant risk to potential neighbours and/or communities.
- q) An applicant or any member of their household has been 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 trans phobic 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 assessing officer will be guided by the following framework when assessing whether an applicant should not qualify based on their unacceptable behaviour:

- a) The behaviour need not have led to possession, prosecution, or other enforcement action by a statutory agency, provided that, on the balance of probability, the household is responsible.
- b) in normal circumstances the behaviour concerned should have occurred within the last five years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate if the applicant still poses a threat to neighbours and community.
- c) there must be reasonable grounds for believing that the behaviour could continue or be repeated. For example, the applicant may have issued threats, or there might be a history of repeat offending.

When assessing whether behaviour may result in the applicant not qualifying the assessing officer will consider:

- a) The seriousness of the applicant's behaviour.
- b) The duration of the behaviour and/or the number and frequency of incidents.
- c) The length of time that has elapsed since the behaviour took place.
- d) any relevant vulnerability or support needs that may explain the behaviour.
- e) Whether there is meaningful engagement with support agencies.
- f) critically, whether there has been a significant and sustained change in the applicant's behaviour.
- g) Whether they believe on the evidence that the behaviour is likely to still reoccur now or at the point a tenancy was offered or commenced.
- h) Whether the circumstances that caused the behaviour have changed. For example, whether nuisance was caused by drug or alcohol problems that the applicant has since successfully resolved.

- i) Whether the member of the household responsible for the behaviour is still a member of the household.
- j) Whether the Council can accept a voluntary acceptable behaviour agreement from the applicant setting out the behaviour that is expected of them for future tenancies.
- k) If the unacceptable behaviour is believed to be due to physical, mental or learning difficulties, whether, with appropriate support, the applicant could maintain a tenancy.

Applicants to whom the rule is applied will be written to and informed that:

- d) The unacceptable behaviour rule has been applied to their case and either they do not qualify, or that they qualify but cannot be considered for an allocation until the behaviour has been resolved.
- e) What they must do to resolve the problem.
- f) Where an applicant is disqualified for unacceptable behaviour they will be informed that they have a right to ask for a review of the decision made to disqualify them.

Non-qualification will apply until the applicant (or a member of their prospective household) has demonstrated, to the satisfaction of the Council, their previous unacceptable conduct is unlikely to reoccur. This may include demonstrating cooperation with support agencies leading to a substantial improvement in behaviour.

Where an applicant is disqualified, any new application will only be reconsidered at the request of the applicant and only where there has been no reasonable cause for complaint or concern against the applicant (or members of their prospective household) for a continuous period of 12 months. It is the applicant's responsibility to notify the Council when they have, in their view, resolved the issue and they will need to present evidence to back up their view as part of any new application.

An applicant may re-apply to join the housing register after 12 months. During this time, they will be expected to demonstrate behaviour that would make them suitable to be a tenant, such as no further anti-social or criminal behaviour in or around the vicinity of their home and/or no further breaches of tenancy conditions. In the event of an offer of accommodation being made, it will be subject to a probationary period by way of an introductory tenancy, during which time the applicant will be expected to continue to demonstrate reasonable behaviour.

APPENDIX 3: DEFINITION OF A SUITABLE OFFER

Where accommodation is offered an applicant will normally be expected to accept an offer of a property that meets their specified needs. Reasonable offers are those that are deemed as suitable and appropriate to meet the housing and medical needs of the household concerned and are affordable to the applicant and his or her household.

The suitability criteria used to determine whether an offer to end a main homeless duty owed under Section 193(2) of the Housing Act 1996) or a relief of homelessness duty owed under Section 189b, will be the criteria set down in the Suitability of Accommodation Order England 2012, as amended by Section 12 of the Homelessness Reduction Act 2017, relevant case law and statutory guidance.

These above criteria only apply to an offer of social housing or private rented housing made with the intention of ending a full homeless duty.

Where an offer is made to any other banded applicant who is not owed a full homeless duty it is for the Council to decide on the facts of the case whether the offer is suitable using the guidance in this appendix to help the officer make the decision.

The Council will consider that a property is suitable if all of the following criteria are met:

- it is located in an area that the Council considers to be suitable for the applicant and their household. This could include accommodation located outside of the Wigan area
- if it is affordable for the applicant and his or her household based on his or her financial circumstances at the time of offer
- it is sized in accordance with the criteria in this Policy
- it complies with any recommendation made by a medical or other relevant advisor

In determining the suitability of accommodation, the Council will consider the following:

- a) the significance of any disruption to the employment, education or caring responsibilities of the applicant or a member of the household
- b) the accessibility of medical or other support facilities that are currently used by the applicant or a member of the household
- c) the accessibility of local services, including places of worship, amenities, and transport
- d) its duty to safeguard children under Section 11 Children Act 2004
- e) its public sector equality duty under Section 149 Equality Act 2010

- f) if a suitable property is located outside of the borough's boundary then the Council has to take into consideration the distance from the applicant's existing accommodation in the borough

The above are matters for the Council to determine based on the facts of the case.

Guidance for assessing officers on how the Council will assess reasonable and unreasonable refusals:

1) Property size

The property must be the appropriate size for the household's needs at the time of making the offer. Where the family composition has changed, so that the property offered is too small or large for the applicant's needs, the refusal will be recorded as reasonable.

It is the applicant's responsibility to ensure that they register any change in their circumstances that will affect the number of bedrooms to which they are entitled.

Where the applicant refuses a property because it is too small on grounds of the need for an additional or larger bedroom(s) due to medical/mobility factors, but it meets the lettings standard, this will normally be considered to be an unreasonable refusal unless the applicant provides new medical information at the offer stage that is accepted by the Council.

2) Property type

It will not be considered to be a reasonable refusal due to a dislike of the property type. Therefore, an applicant cannot reasonably refuse an offer because for example, it is in a tower block, it does not have a garden or a particular heating system, it is on a wrong floor, or does not have a lift. If the applicant states medical grounds for refusing the property, these should already have been disclosed and considered as part of the assessment of their application, unless new information is submitted that is accepted by the Council.

Where specialist accommodation is offered to a household inappropriately, this is considered to be a reasonable refusal. This may be for example:

- a) Offers of wheelchair standard housing to households which do not have wheelchair users
- b) Offers made to disabled applicants which are unsuitable for their needs, for example where they are unable to open a door entry system because the doors are too heavy
- c) Offers of specialist accommodation for older people housing where the applicant is not of the appropriate age

3) Property condition

Where a property is refused on grounds of repair/decoration, this will be considered an unreasonable refusal unless the voids team decides to withdraw the property from letting for further works to be carried out.

4) Area of choice

An offer will still be considered reasonable even if it is not within an applicant's area of choice if you are owed a homelessness duty or been given Band 1 priority or you have bid for that property.

5) Racial harassment

Where an applicant from an ethnic minority household refuses the property prior to viewing because the previous tenant was rehoused as a result of racial harassment, or there is a known problem of racial harassment in the vicinity of the property, the refusal is considered reasonable.

6) Choice of landlord

An applicant cannot choose whether they are rehoused by a specific Private Registered Provider. Therefore, any refusal for example by an applicant of a property because it is a Private Registered Provider property with no 'Right to Buy', or 'Right to Acquire', or the rent is higher than another social landlord will not be considered to be reasonable (unless in the example of the rent level the assessment is that the offer is unaffordable for the applicant in question).

7) Pets

One of the conditions of the tenancy agreement is that a tenant must obtain the written consent of the landlord before keeping domestic pets.

Any intention to keep a pet must comply with the Council or Private Registered Provider tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. Therefore, any refusal on the basis that permission has not been granted to keep a pet is not reasonable.

APPENDIX 4: EXAMPLES OF WHEN AN APPLICANT MAY BE AWARDED PRIORITY BAND 1 OR 2 ON THE BASIS OF A MEDICAL OR DISABILITY NEED

Examples of circumstances to help the assessing officer to decide when Band 1 (Emergency) may be awarded on medical or disability grounds

The following examples are intended to guide the assessing officer on the threshold set for a Band 1 award. They can also serve to help an applicant understand the threshold for a priority award to be granted. A Band 1 award is for *“Applicants who are **suffering sudden or severe progressive life-threatening** medical conditions and **need an immediate move** (e.g., to facilitate hospital discharge) because their current home is unsuitable (as it does not meet their medical needs and/or cannot be adapted) and **poses an immediate and serious danger** to the individual.”*

- a) Where an applicant’s condition is expected to be terminal within a period of 12 months and rehousing is required to provide a basis for the provision of suitable care
- b) The condition is life threatening, and the applicant’s existing accommodation is a major contributory factor
- c) The applicant has severe mobility issues, is housebound and is unable to leave their accommodation except with assistance that will result in high risk to themselves or their carer. They have an assessed need to move to accommodation that meets their needs
- d) The applicant is not ambulant and a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to suitable accommodation
- e) The applicant’s accommodation is directly contributing to the deterioration of the applicant’s health such as severe chest condition requiring intermittent hospitalisation as a result of chronic dampness in the accommodation and the condition of the property cannot be resolved within a reasonable period of time – usually six months
- f) Where overcrowding in the property leaves the applicant at risk of life-threatening infection
- g) Applicants who have a progressive, chronic or life-threatening medical condition and cannot be discharged from hospital because they do not have any accommodation, or their accommodation is unsuitable for example, because they cannot access toilet and/or bathing facilities in the property. This will include cases that cannot be discharged from hospital because their home is, and will remain, permanently entirely unsuitable or entirely inaccessible to live in

- h) Where the assessing officer accepts that the evidence from a relevant health professional indicates that there is a significant risk of serious and permanent injury and/or permanent disability
- i) Applicants who have a progressive, chronic or life-threatening medical condition as diagnosed by a healthcare professional and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user
- j) A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care
- k) The applicant's health is so severely affected by the accommodation that it is likely to become life threatening, e.g., applicant has severe mental health problems that are significantly exacerbated by their accommodation and that opinion is fully evidenced by the applicant's consultant or mental health services
- l) Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible
- m) A member of the household is elderly or disabled or has a progressive illness and is likely to require admission to hospital or residential/nursing care in the immediate future and re-housing would enable the person to remain at home
- n) Where the applicant is prevented from having access to kidney dialysis, respiratory, or other similar essential equipment. This will normally apply where these circumstances are likely to prevent someone from remaining in their home for all or most of the time. Such a condition would be likely to be ongoing, rather than a temporary condition

Examples of circumstances to help the assessing officer to decide when Band 2 should be awarded on medical or disability grounds

- a) A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage
- b) A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care

- c) A new and life-changing condition that severely impairs their mobility, meaning they are unable to carry out day-to-day activities, or have difficulty accessing facilities inside and outside of their accommodation and require housing into suitable accommodation
- d) An applicant or member of his/her household usually has a chronic condition; examples might include a respiratory condition, severe asthma or emphysema – and that the condition is being made worse by the current accommodation
- e) Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs
- f) People who have a severe mental health or learning disability which significantly affects their ability to lead a normal life, and which puts them at risk of admission to hospital or residential care. Evidence would normally need to be provided from a specialist consultant psychiatrist or a certified paediatric nurse that their current accommodation is having a significant detrimental impact on the mental health of any member of the household
- g) People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs
- h) Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability
- i) Someone with a medical or disability who's housing has rendered them housebound
- j) Where a move would avoid the need for another service (e.g., Social Services) from having to provide a significant level of support. This might include for example residential care, overnight care provision, or other support with similar resource implications
- k) Where someone suffers with epilepsy or other conditions that cause frequent and unpredictable falls and all medical interventions to prevent them have been investigated. This will involve an assessment of the layout of their current accommodation, for example the

number and nature of steps, stairs or other hazards that may increase the risk of serious injury

- l) The applicant or household member requires significant disabled adaptations to meet their needs and this is not possible in their current accommodation or would not be cost effective

- m) Armed forces personnel who need to move to suitable adapted accommodation because of a serious injury, medical condition or disability that he or she has sustained as a result of service

- n) Veterans who have actively served in the armed forces and are suffering from severe post-traumatic stress disorder or serious illness directly related to service in the forces

- o) An occupational therapist has identified that the current accommodation is partially suitable but:
 - the applicant or member of his/her household needs a major adaptation, such as a level access shower; or
 - the applicant or member of his/her household has significant difficulty managing stairs or difficulty accessing the property owing to stairs or slopes leading to doorways and the occupational therapist recommends a lift, ramped access or ground floor living; and

- p) Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation

- q) Applicants who have significant mobility issues and would benefit from a move to accommodation that has level access showering facilities

- r) Children with severe conditions and a formal diagnosis such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation

- s) A person with a severe disability requiring some adaptations to their property that cannot be provided for in their current accommodation

- t) Where an applicant can access their home but struggles to access normal day-to-day facilities within it (e.g., bath/shower/toilet) without experiencing significant difficulty, pain or other discomfort, confirmed

with evidence from a healthcare professional. This would include cases where an adaptation is possible but cannot be undertaken in a reasonable period of time. (Note: any priority would be removed if an adaptation is completed, or work started)

APPENDIX 5: HOW WE WILL ASSESS EXTRA BEDROOM REQUESTS FOR ADHD, AUTISTIC SPECTRUM, SENSORY PROCESSING DIFFICULTIES, OTHER MENTAL OR PHYSICAL HEALTH PROBLEMS AND A REQUEST FOR A LIVE IN CARER

Following a successful Court challenge the Government has issued new guidance in relation to the social size criteria which allows Housing Benefit to be paid on an extra room for children who are unable to share because of their severe disabilities.

The judgement is not binding on Councils in respect of their Allocation Policy, however, when an applicant says that their children are unable to share a bedroom it will be for the Council to satisfy itself that this is the case.

In making an assessment for an extra bedroom for ADHD, Autism, sensory processing difficulties, and other mental or physical health problems the Council will consider the following framework to help guide the assessing officer:

- The nature and severity of the disability
- The nature and frequency of any care required during the night; and
- The extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom

In all cases this will come down to a matter of judgement on facts of each individual case.

A claim should normally be supported by medical evidence and many children will be in receipt of Disability Living Allowance (DLA) care component at the middle or highest rate for their medical condition.

Requested evidence will include, but may not be limited to, the following:

- Medical evidence detailing the nature of the disability, how this is affected by the home environment and the impact on other members of the household
- Other supporting information from care and support agencies involved with the child and family (this should be specific information relating to the request for re-housing rather than a general letter of support and is likely to be from specialist rather than universal services); and,
- Proof of DLA entitlement

The circumstances where a possible award of an extra bedroom may be made include a consideration of all of the facts set out below:

- a) Supporting letters for example from school SENCO stating that they also use a calm room at school and why, a letter specifying aggressive behaviour and frequency, behaviour flow charts, list of aggressive behaviours displayed at school, also stating the danger of child sharing alone with another child, their sensory issues, their inability to cope with small changes and reaction as a result
- b) Where there is professionally assessed evidence of a child or young person up to the age of 25 in the household who has a severe or profound learning difficulty, with a presentation of behavioural or emotional difficulties who exhibits sexually exploratory behaviour or other inappropriate behaviour of a serious nature and has a limited understanding around the impact of this on others. This may need to be certified by a consultant psychiatrist
- c) The applicant or a member of their household (adult or child), need major medical equipment for the long term, such as home dialysis, equipment for percutaneous external gastrostomy feeding, long term large assistive equipment or and/or bulky medical supplies which need to be used and stored on a permanent basis
- d) A DLA award letter stating high care and low mobility
- e) An assessment of need which supports the claim for an additional bedroom based on a severe impact where that assessment has been undertaken by the appropriate health or care professionals. The assessment would need to evidence that sharing with another family member who has care needs or behavioural problems that severely affect that family members ability to sleep, which in turn is having a very significant negative impact on their employment (to the extent that they may lose their permanent employment), or on their mental health (to the extent that they have been assessed with a severe mental health condition, or their current condition has become more severe, as a result of having to share)
- f) Carers award letter stating care award is due to care needing to be given day and night

Examples unlikely to qualify include:

- a) Circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom
- b) Where children share and the claim is that by having to share this is impacting on their ability to study and complete homework but there is evidence that they are able to study elsewhere in the home or at relatives or using library services
- c) Where family members provide overnight care and support only at weekends or for part of the year

- d) People with mental health issues who say they want an extra room for a friend or relative who provides support
- e) A claim based solely on the wish that the applicant requires an additional room so that a child can cut themselves off from the world, which they claim is essential to their mental wellbeing
- f) People who are in receipt of formal overnight care (provided by NHS continuing care nurses, visiting agency carers, etc)

Requests for an extra bedroom for a live in Carer

We will consider requests for an extra bedroom where someone in your household requires and has been approved for a 24 hour live-in carer (which does not extend to a waking care presence), and no one in your household is able to provide this.

We will need clear evidence that there is an exceptional need for the person to live with you. With regards to a person who needs to live with you in order to receive care or support, this evidence must ordinarily be provided by their treating specialist services.

With regards to a carer who needs to live with you, this evidence must be an assessment completed under the Care Act 2014 by an authority that assesses, approves and provides or funds a live-in carer, such as Adult Social Care, mental health services or NHS continuing healthcare.

The inclusion of such a person on your Housing Register application will be subject to assessment and agreement by ourselves and not just based on the recommendation of a health advisor or specialist.

APPENDIX 6: RIGHT TO MOVE QUALIFYING CRITERIA

Right to Move – Statutory guidance on social housing allocations for local housing authorities in England.

An existing social housing tenant (living outside of the Wigan area) will not be disqualified on the grounds of no residential connection if they have reasonable preference under s166(3)(e) because of a need to move to the Wigan area because the tenant works in the Wigan area or needs to move to take up an offer of work.

Whether or not the applicant meets the above criteria isn't solely determined by the need to move for work, but that it would cause them hardship if they were able unable to do so.

Definition of Work

- Work should be a permanent contract or one with a minimum term of 12 months.
- Work should be of 16 or more hours a week (unless it can be demonstrated that the earnings are substantial).
- Work should not be voluntary.
- Work can include apprenticeships.
- The relevant district should be the main place of work.
- In the case of self-employed tenants, work should be regular as opposed to intermittent.

Distance, time and travel costs

When determining hardship, the time taken to travel to work and the cost of the travel should be taken into account. The Council considers the following criteria may suggest hardship:

- Travel time to get to work is in excess of two hours each way (personal or public transport depending on circumstances).
- Travel costs are more than £30 per day or 25% of net income from the employment or there is no transport available at all.

Other factors

These factors are all considered on a case-by-case basis as to whether hardship would be faced by the applicant if they could not move:

- Would failure to move mean the applicant would lose an opportunity to gain a better job/promotion, an apprenticeship, increase hours/pay or move from unemployment to employment.
- If the nature of work likely to be available closer to the applicant's home.
- Personal factors including care responsibilities and medical conditions affected by the tenant not being able to move closer to work.
- Any other situation where hardship would be demonstrable if the tenant could not move.

Discretion

Every application will be dealt with on a case-by-case basis allowing all circumstances and variables to be considered.

Proof of Work

A combination of the following can be used as to prove that work or a job offer is genuine:

- Contract of employment (particularly if stating main place of work).
- Wage slips showing hours worked (particularly if zero hours contract) but they are unlikely to evidence the location of work.
- A letter offering employment (it is likely that the employer will be contacted to confirm acceptance).
- A letter from an employer to prove the work and location.

Right to Move Quota

No more than 1% of all lettings will be prioritised for Right to Move applicants based on the total of the previous year's lettings by the Council.

APPENDIX 7: HOW A LOCAL LETTINGS POLICY WILL BE APPLIED AND REVIEWED

Local lettings initiatives may be applied to meet the particular needs of a local ward or area or to address sustainability and community issues to ensure that the housing Allocation Policy is able to contribute to building sustainable communities.

They will be tailored to fit local situations in well-defined communities (such as a particular block of flats, an individual street, or new housing development, or may be applied to a parish or a village in a rural area). Each Local Lettings Policy will be based on a detailed analysis of relevant information gathered from a variety of sources and may include, for example, evidence from internal departments, partner Housing Associations, local Councillors, and the community itself. (Evidence may include information such as tenant profiling, the incidence of anti-social behaviour, and stock turnover in a particular block, street or area, a neighbourhood plan or the need to provide housing for local people in rural villages and parishes).

The following are examples of Local Lettings Policies that may be deployed under this policy. The list is for illustrative purposes and is not exhaustive.

- a) Age restrictions.
- b) .
- c) Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- d) Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.

- e) Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- f) Allowing, for example a 60 year old plus applicant to occupy 2 bedroom older person housing if there are sound management reasons and the person can afford the higher rent
- g) Ensuring that there is a balance of working and non-working households allocated to a Policy.

New developments may have Local Lettings Policies and will be in place for 5 years following the handover of the scheme, any subsequent lets during the time will be allocated to the criteria set in the local lettings policy. Regardless of whether the new development is subject to a Section 106 agreement or affordable housing statement. Where a new development is subject to a Section 106 planning agreement the criteria set will be followed.

In order to ensure a reasonable mix of household sizes and types, and families with children of different ages, a Local Lettings Policy will normally be used for new developments larger than four properties. This may set restrictions on the number of lettings, which can be made to families with young children, for example, or the number of families who are not working.

How will a Local Lettings Policy be assessed and agreed?

The Council will decide when a Local Lettings Policy may be appropriate and why.

There must be a clear evidence base for adopting a local lettings policy. The following framework will be used by the Council to decide whether a Local Lettings Policy is appropriate:

- a) That there is a clear definition of the objective to be achieved by that particular Local Lettings Policy.
- b) That there is a clear evidence base to back up the need for a Local Lettings Policy.
- c) That any potential equality impact has been considered.
- d) How long the Local Lettings Policy is intended to operate.
- e) When the Local Lettings Policy should be reviewed.

A written record of each policy adopted or rejected should be kept.

It is the intention that Local Lettings Policies will be fluid with new policies being added as are required and existing policies being deleted once the objective for that policy has been met.

Any property advert will state whether there are any local lettings restrictions or criteria.