

Allocations Policy

Date written: November 2015

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Purpose: To set out Bernicia's approach to the allocation and letting of property.

Scope: To ensure that new or vacant homes are let in a consistent, fair and transparent way that matches available housing to need and makes the best use of stock.

Definitions: None.

Associated documents:

Starter Tenancy Policy
Local Lettings Policies
Local Authority Lettings Policies
Lettings Procedure
Equal Opportunities Policy
Complaints Procedure
Probity Policy

Date for review: November 2023

Responsibility: Head of Housing

Policy

1 Introduction

- 1.1 The aim of this policy is to provide guidance to staff and customers about our approach to housing allocations.
- 1.2 The policy covers access arrangements for housing and how we subsequently deal with applications.

2 Policy statements

- 2.1 The objectives of this policy are to:
 - Make the best use of stock.
 - Ensure that rent loss from vacant properties is minimised by reletting them as quickly as possible.
 - To comply with the Regulator for Social Housing regulatory requirements contained within the Tenancy Standard.
 - Contribute to the maintenance and development of safe, balanced and sustainable communities.
 - Maximise access, customer care, user focus and choice for housing applicants.
 - Contribute to the strategic aims of local authorities and discharge Bernicia's obligations to assist local authorities in their statutory functions.
 - Improve the image of Bernicia's homes and change existing market perceptions of social housing.
 - Contribute to the reduction of the number of voids occurring and the length of time properties are empty.
- 2.2 Bernicia will work closely with its local authority partners to deliver an allocations and lettings service in a way that is most appropriate for and is understood by its customers.
- 2.3 Bernicia will work with its partners to maximise choice for housing applicants and will participate in Choice Based Letting Schemes where there is a sound business case to do so.

- 2.4 Where a property is advertised via Choice Based Lettings, Bernicia will work within the individual allocation and letting policy of the relevant scheme but will reserve the right to, where appropriate, assess an applicant's suitability for an offer of accommodation against the ineligibility criteria set out in Appendix 1.
- 2.5 Bernicia will also operate a direct waiting list for new applicants and internal transfers and will allocate properties as detailed in this policy and in line with the ineligibility criteria set out in Appendix 1.
- 2.6 Eligibility for Housing**
- 2.6.1 Any person aged eighteen or over may apply or be nominated for accommodation. In certain circumstances, with the approval of the Head of Housing, Retirement Housing Manager or the Assistant Director, Care & Support, persons aged between sixteen and eighteen years of age may be accepted onto the waiting list.
- 2.6.2 All applicants will receive equal treatment regardless of any personal characteristics including gender, age, ethnicity, disability, sexuality, gender reassignment or religion.
- 2.6.3 Applications from Board members, staff or their close relatives will be dealt with in accordance with the Probity Policy. Close relatives are defined as spouse, civil partner or a persons living together as husband and wife or parent, child, brother or sister.
- 2.6.4 A transfer from another Bernicia property will not be permitted where the applicant has outstanding rent arrears from their current tenancy unless the transfer is taking place due to the financial impact of the current accommodation.
- 2.6.5 It is also a condition of transfer that on leaving the existing property it should be in a satisfactory decorative condition which would allow immediate re-let and without any outstanding repairs (rechargeable or responsive).
- 2.6.6 As part of the eligibility assessment for housing, a reference will be requested from existing or previous landlords where an applicant has a relevant housing history.
- 2.6.7 Applicants who are subject to immigration control; unless they have refugee status, or exceptional leave to remain, or have been in the UK more than five years and their former sponsor is no longer living or anyone who does not normally live in the European common travel area or European Union nationals required to leave the UK by the government will be classed as ineligible to join the waiting list.

- 2.6.8 Bernicia does not operate “blanket vetting” of housing applications. Each application will be considered on its own merits. Where an applicant has declared criminal convictions or a gap in their housing history, a safer estates check may be undertaken in accordance with the Safer Estates Agreement as exists between the Police and Bernicia. A safer estates check may also be undertaken where a local or special lettings plan is in place for a designated scheme (see 2.11 below).
- 2.6.9 Applicants with a proven history of unacceptable behaviour may be classed as ineligible to join the waiting list or ineligible for an offer of accommodation. Appendix 1 gives further details about ineligible persons. No blanket policy will apply for exclusions, each application will be considered on its merits and, where required, a risk assessment undertaken, see Appendix 2.
- 2.6.10 In the case of accommodation specially designed or designated as older persons, applications will only be accepted from applicants who have reached the qualifying age criteria for the individual scheme. In respect of joint applications, one applicant must have reached the qualifying age for the scheme. Older persons’ accommodation in this context refers to sheltered housing, bungalows and category 1 flats with a community alarm and visiting warden service as part of the tenancy and all bungalows and flats without a community alarm and visiting warden service provided they were built as designated older person’s accommodation (category 1 accommodation) and continue to be managed as such.
- 2.6.11 Accommodation for older people will not be offered where the Retirement Housing Manager is of the opinion that the needs of the applicant cannot be met at the scheme. This may be due to the level of infirmity and level of care that needs to be provided but cannot reasonably be undertaken (by consultation with relevant services and agencies) or the need for and extent of adaptations is such that adaptation is not feasible or there is no guarantee that funding will be given and/or there is no guarantee that works will be within a reasonable timescale that will put Bernicia at a financial loss.
- 2.6.12 Where a person lacks the mental capacity to sign a tenancy agreement an offer of accommodation can still be made, however, this is subject to an application to the Court of Protection being made for authority for a third party to sign the tenancy agreement on the applicants behalf. The application must be submitted to the Court and evidence provided of the submission prior to the tenancy commencing. On receipt of this evidence, the tenancy can be started and the agreement can be retrospectively signed once the Court Order has been issued.
- 2.6.13 Any approved Local Letting Policy will override the main policy.

- 2.6.14 Existing tenants applying for rehousing must have held their existing Bernicia tenancy for a minimum period of twelve months.
- 2.6.15 The Head of Housing or the Retirement Housing Manager has delegated authority to waive the eligibility criteria where not doing so would have a significant detrimental impact on the applicant.

2.7 Priority Banding Categories

- 2.7.1 Bernicia uses a priority banding system (A to E) whilst at the same time taking into consideration affordability to ensure that any tenancy will be sustainable.
- 2.7.2 A number of categories of housing need will be recognised. Each housing need will be assessed using a banding system designed to reflect the urgency of the situation and the impact of each factor on the applicant. Investigations will be undertaken to establish and verify the circumstances of an individual applicant.
- 2.7.3 Bernicia understands that as the needs of our existing customers may change over time resulting in the need to move to another of our properties. In view of this, preference (Band A to C) is given to transferring tenants in housing need.
- 2.7.4 All other applicants and transferring tenants with no significant housing need will be assessed against Band D or Band E only.
- 2.7.5 Due to high demand, direct applications for individually identified schemes may be restricted in order to reduce unrealistic expectations from applicants where the likelihood of an offer of accommodation being limited.
- 2.7.6 Where an applicant meets the criteria of 'multiple' circumstances, they will be awarded the highest band according to the circumstance identified as being of greatest concern.
- 2.7.7 Approval of the award of Band A or B priority is required from either the Head of Housing, Retirement Housing Manager or the Assistant Director, Care & Support as appropriate.
- 2.7.8 Where the award of Band A or B priority has been made in recognition of a specific housing need, but where the applicant would not normally qualify to be rehoused (i.e rent arrears or property condition), the authorising manager may, to reflect demand and the need for sensitive lettings, limit the areas that the tenant will be eligible to move to and they will receive only one reasonable offer of accommodation.

2.7.9 Applicants with Band A or Band B priority will be considered for rehousing ahead of any local authority nominations agreement, unless a specified new build scheme (see 2.10.2). All other band priorities will be considered after local authority nominations.

2.7.10 **BAND A (*Bernicia Tenants Only*)**

- Serious harassment.
- Serious violence/threat of violence.
- Threat of intimidation or harassment to witnesses who agree to attend court to give evidence in ASB enforcement cases.
- Domestic abuse*.

**Applications from those suffering domestic abuse will include those subject to actual or threatened abuse or cruelty from a person who is associated with the applicant's household.*

- Urgent social reasons**.
- Severe medical need for rehousing**.

***The Head of Housing, Retirement Housing Manager or the Assistant Director, Care & Support has delegated authority to consent to the award of urgent social or medical reasons. These cases would be where an applicant's circumstances are such that they need urgent housing, and no alternative housing solution is readily available.*

- Property clearance and moving to allow essential major works, clearance, redevelopment or temporary decant.
- Move on from specialist or supported housing.
- Successor required to move to alternative accommodation.

2.7.11 **BAND B (*Bernicia Tenants Only*)**

- Under-occupation (resulting in a financial impact).
- Significant medical need for rehousing
- Statutory Overcrowding*.

**Priority is awarded where the number of people occupying the applicant's current accommodation exceeds the available bed spaces in accordance with the criteria set out below as defined by Statutory Overcrowding.*

- The following can occupy a single bedroom:
 - Any single person aged 16 years or over.
- The following can occupy a double bedroom:
 - People living together as a couple.
 - Any single parent.

- Any two children of the same sex under the age of 16.
- Any two children of opposite sex under the age of 10.

2.7.12 BAND C (***Bernicia Tenants Only***)

- Under-occupation (where the applicant wishes to move into smaller property and can free up 2 bedrooms)..
- Joint tenancies being assigned into a sole name where rehousing may be a more appropriate alternative (eg relationship breakdown).
- Applicants wish to move closer to place of work.
- Providing or receiving family support*

**Priority will be awarded to applicants who need to move closer to family in order to provide or receive support. Support in this respect is defined as meeting a need for assistance with daily living tasks such as long term nursing care or whereby daily family support is required in order to sustain a tenancy.*

2.7.13 BAND D (***All Applicants***)

- Qualifying transfer applicants with no recognised need in general needs accommodation wishing to move to designated care and support accommodation.
- Applicants leaving the Armed Forces and former Service personnel where the application is made within 5 years of discharge and bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner.
- Applicants whose circumstances are defined in a) to d) below in the spirit of 'reasonable preference' as defined by the Housing Act 1996:
 - a) people who are homeless;
 - b) people occupying insanitary or overcrowded* housing or otherwise living in unsatisfactory housing conditions;
 - c) people who need to move on medical or welfare grounds (including any grounds relating to a disability or domestic abuse); and
 - d) people who need to move to a particular locality where failure to meet that need would cause hardship (to themselves or to others).

**For the purposes of the policy, overcrowding is defined as a minimum of one bedroom short based on allowing for one bedroom each to:*

- A person aged 16 or over.
- A couple of either sex.
- A pair of same sex children under 16.
- A pair of opposite sex children under 10.
- Any additional child.
- A non-resident carer providing 24/7 care.

2.7.14 BAND E (***All Applicants***)

- Transfer applicants with no recognised housing need wishing to move to similar property type (general needs to general needs or care and support to care and support).
- All other applicants whose circumstances are not defined in 2.7.10 a) to d).

2.8 **Determining Priority Between Applicants**

2.8.1 Generally, when bands are the same between applicants, priority will be given to the applicant who registered first. This, however, is at the discretion of the Head of Housing, Retirement Housing Manager or the Assistant Director (Care & Support).

2.9 **Difficult to Let Accommodation**

2.9.1 To ensure that difficult to let accommodation remains occupied or to prevent accommodation becoming difficult to let, the association will:

- Relax age limits on elderly persons' accommodation.
- Allocate family housing to couples without children*.
- Allocate flats with more than one bedroom to couples or single people*.

**In cases of under occupation the regulations on the entitlement to Housing Benefit/Universal Credit Housing Costs will be fully explained.*

The Head of Housing or Retirement Housing Manager will determine those estates or schemes which are defined as difficult to let and may authorise additional categories to those listed above.

2.10 **Local Authority Nominations**

2.10.1 Bernicia will offer to take at least 50% of new tenants as nominees of local authorities. In certain circumstances a higher percentage may be negotiated or a lower figure if the local authority is unable to nominate. This agreed nomination figure is net of internal transfers. In accepting nominations it is important that the local authority is aware of Bernicia's ineligibility criteria and do not nominate individuals who would be ineligible for an offer of accommodation.

2.10.2 For certain new build schemes, a 100% local authority nomination agreement may apply. If this is the case this will be clearly identified ahead of the property allocation process.

2.11 Sustainable Communities and Local Lettings Plans

2.11.1 Bernicia is committed to the concept of sustainability and this is reflected within its organisational culture. A sustainable community is ideally one that represents a broad spectrum of ages and needs. It should not be heavily representative of any specific need or group. A sustainable tenancy is one that has the likelihood of continuing with or without support where identified.

2.11.2 The Director, Housing Services can implement local or special lettings plans for designated schemes to achieve a sustainable community. These plans and agreements may not only be used for new schemes but for existing areas to enable neighbourhood centred initiatives to manage special circumstances such as crime, drugs or anti-social behaviour. Each designated scheme will be reviewed on a six monthly basis to ensure the local or special lettings plan remains valid.

2.12 Affordability Assessment

2.12.1 In order to ensure that a tenancy will be sustainable, Bernicia may undertake an affordability assessment before formally offering a tenancy to an applicant. Should it be deemed that the applicant will not have sufficient resources to maintain a tenancy, they will be removed from the shortlist for the property to be allocated and advised accordingly. The affordability check will follow a procedure developed by the Director, Housing Services and will include a mechanism to capture refusals on grounds of affordability which, prior to refusal, will be signed off by the Head of Housing or Retirement Housing Manager.

2.13 Type of Tenancies

2.13.1 Bernicia will offer starter tenancies except where:

- The tenant is already an assured or secure tenant.
- The property to be let or relet is a supported or extra care accommodation.

2.13.2 A starter tenancy is an Assured Shorthold Tenancy that offers limited security of tenure for a period of 12 months. If the tenancy is conducted satisfactorily, the tenancy will automatically convert to an Assured (Non Shorthold) Tenancy.

2.13.3 Tenants who are less than eighteen years of age at the date of sign up and who do not have an adult or agency to hold the tenancy on trust,

will be given an Equitable Tenancy, which is an agreement to grant a tenancy when they reach the age of eighteen.

2.13.4 In the case of supported accommodation, different occupancy agreements will be offered depending on the way in which accommodation is occupied. This will include assured non shorthold, assured shortholds and licenses.

2.13.5 For further information refer to Bernicia's Tenancy Policy and Starter Tenancy Policy.

2.14 Time Allowed During the Property Matching Process

2.14.1 Applicants will be allowed one working day to respond to messages left (text; voicemail; e-mail) in connection to contact during the property matching process. If after the designated time no contact has been received it will be deemed that the applicant is no longer interested in that particular property and their application will be passed over.

2.15 Time Allowed for Accepting an Offer

2.15.1 Applicants will be allowed up to one working day after viewing a property to make a decision about accepting the offer. If there are justified reasons, for example due to vulnerability or support needs, Bernicia may decide to allow a longer decision time. If after the designated time, no decision has been reached, the offer will be withdrawn and the property will be deemed to have been refused.

2.16 Refusal of Offers

2.16.1 Applicants who have refused two reasonable offers of accommodation via Bernicia's waiting list within a twelve month period, may have their application cancelled following appropriate contact and notification.

2.17 Review of the Waiting List

2.17.1 Bernicia will undertake a rolling annual review of waiting list applications in order to ensure the list remains as up-to-date as possible. Applicants will be contacted to check whether they wish to remain on the list or if there have been any changes in their circumstances which may result in the application being reassessed or reconsidered. Applicants, who do not reply within 28 days, will be notified that their application will be cancelled after a further 14 days unless, within that time, they confirm their intention to remain on the waiting list.

2.18 Change of Circumstances

2.18.1 Where an applicant reports a change of circumstances, whether via annual application review or a change of address, the application will be reviewed and rebanded in accordance with the banding policy.

2.19 Information Sharing

2.19.1 All applicants at the point of application are asked to sign a S171 declaration within the terms of the Housing Act 1996. This declaration warns that it is an offence to knowingly withhold or provide false information. In addition applicants are made aware that information can be shared with other housing providers or relevant agencies. This can include an information sharing protocol with the Police. In some circumstances for a new development, all eligible applicants will be screened for current or previous criminal activity before an offer is made. Where specific permissions are required to make enquiries with individual support workers, applicants are required to sign a declaration giving their permission.

2.19.2 All applications are subject to the General Data Protection Regulation (GDPR) 2018. Applicant information is required for the purposes of assisting with the application and will be held on computer for the lifespan of the application and will not be held longer than necessary thereafter. If an applicant does not accept an offer of the tenancy, Bernicia will hold the data for a period of 6 months before disposal.

2.20 Giving False Information or Deliberately Withholding Information

2.20.1 It is an offence for anyone applying for housing to:

- Knowingly or recklessly give false information relating to:
 - Their application for housing.
 - Subsequent review information.
 - Other updating mechanisms eg change of circumstances.
 - Knowingly withhold information which has been reasonably requested.

2.20.2 Appropriate action may be taken against any applicant who knowingly provides false information or as a result of a false statement provided by a person acting at the tenant's instigation. This could include prosecution and/or taking action to recover possession of the property allocated.

2.21 Appeals Procedure

2.21.1 Applicants may make an appeal/request a review of a decision on ineligibility or assessment of the applicants' needs. They should include any additional information they have in support of their appeal.

This will then be considered by a member of staff not involved in the decision or assessment and who is senior to that person.

- 2.21.2 The outcome of the appeal/review will be concluded within 28 calendar days and confirmed to the applicant in writing, unless a mutually agreed alternative timescale is negotiated.
- 2.21.3 If the applicant disputes this decision, there is a second right of appeal/review to the Director, Housing Services. This must be made within 5 working days of the initial outcome and will include the reasons for the appeal.
- 2.21.4 The Director, Housing Services will give a written response based on a review of the initial appeal decision within 14 calendar days. The decision of the Director, Housing Services will be final. The appeal procedure does not interfere with an individual's right to make a claim to the Housing Ombudsman.
- 2.21.5 In the event the appeal involves an offer of property, the property will remain available for letting until the outcome of any appeal is determined.

3 Responsibility for implementation

- 3.1 It is the responsibility of the Head of Housing and Retirement Housing Manager to ensure that this policy is carried out fairly and effectively with the support of Service Coordinators and Housing Officers.

4 Actioning the policy

- 4.1 This policy will be actioned in response to direct applications for rehousing.

5 Monitoring the policy

- 5.1 All lettings will be recorded via CORE and monitored via Business Assurance and internal audit. Performance information will be recorded and reported on a monthly and quarterly basis.

6 Resources

- 6.1 There are no resource implications as a consequence of this policy as all actions will be delivered by existing resources.

7 Equality and Diversity

7.1 An equality and diversity impact assessment has been undertaken on this policy. In carrying out our services, we are committed to:

- Treating all customers and employees positively regardless of any personal characteristics including gender, age, ethnicity, disability, sexuality, gender reassignment or religion.
- Taking seriously all complaints and investigating and responding accordingly.
- Using plain language and providing information in other languages, large print, audio and Braille on request.

Uncontrolled if printed – This may not be the latest version of the policy

All policies must be printed from Connect only – please make sure it is the latest version.

Eligibility Criteria

An assessment of eligibility will be made at the point of application and prior to any offer of accommodation and may be made at any time during the lifetime of the application when circumstances arise that might prompt a re-assessment (examples include but are not limited to the 6 monthly review of an application, on receipt of new information or when a change of circumstances occur).

This is not a blanket exclusion policy and each case will be considered on its own merits. Discretion may be applied to individual circumstances. Examples where discretion could apply include, but are not limited to:

- Applicants who have been accepted by the Local Authority as being priority homeless.
- Where rent arrears have accrued because of reasons outside the applicants influence or control. For example a pending benefits claim.
- Those affected by Welfare Reform.
- Where an applicant has shown a sustained commitment to addressing outstanding rent arrears.
- Where an applicant has demonstrated improved behaviours over a sustained period of time.
- Where an applicant has a significant support package in place aimed at reducing risk.
- Applicants in urgent housing need.

Conversely, it should not be assumed that discretion **will** be applied to those meeting any of the criteria outlined above.

Ref	Definition	Type	Waiting List	Offer	Remedial Action
1	Housing debts (which include rent arrears, rechargeable repairs and water rates) are: <ul style="list-style-type: none"> • More than £500 or <ul style="list-style-type: none"> • They have been accrued over a period of time that is more than 5 weeks or <ul style="list-style-type: none"> • Are such that they would be sufficient to obtain a possession order or eviction. 	Former Debt	Ineligible	Ineligible	Applicants may reapply to join the Waiting List when the Housing debt has been reduced to acceptable levels although they may remain ineligible for an offer until the debt is cleared in full. Existing applications will be closed.
2	Housing debts (which include rent arrears, rechargeable repairs and water rates) are: <ul style="list-style-type: none"> • More than £500 or <ul style="list-style-type: none"> • They have been accrued over a period of time that is more than 5 weeks. or <ul style="list-style-type: none"> • Are such that they would be sufficient to obtain a possession order or eviction. 	Current Debt	Eligible.	Ineligible	The application will not be reviewed or restricted to allow the applicant every opportunity to clear their rent account. However, refusals or offers withdrawn because of current debt may be considered as an unreasonable refusal.

Ref	Definition	Type	Waiting List	Offer	Remedial Action
3	<ul style="list-style-type: none"> Non-compliance with a suspended possession order. 	Current Debt/ASB	Ineligible. Existing applications will be suspended.	Ineligible	Applicant may reapply 6 months after the end of the order and must be able to demonstrate improved behaviours.
4	<ul style="list-style-type: none"> The applicant, or a member of their household, has caused wilful, intentional or deliberate damage to a currently rented or previously rented property and the value is less than £500. 	Tenancy	Ineligible	Ineligible	Applicant may reapply when the debt is paid or, with the agreement of the landlord, when the damage has been made good.
5	<ul style="list-style-type: none"> An ASBO or injunction is in force on applicant or member of their household or Applicant is a demoted tenant as a result of ASB. 	ASB	Ineligible	Ineligible	Applicant may reapply to join the Waiting List 12 months after completion of the order and must be able to demonstrate improved behaviours.
6	<ul style="list-style-type: none"> Eviction or absolute possession order has been obtained for ASB. Previous eviction, possession order, conviction, ASBO or injunction for racial harassment, harassment due to sexual orientation, age, physical or mental disability or other hate crime or severe harassment or domestic violence. 	ASB	Ineligible	Ineligible	Applicant may reapply to join the Waiting List 24 months after the eviction and must be able to demonstrate improved behaviours.
7	<ul style="list-style-type: none"> Violence or threats of violence toward neighbours, staff or a person carrying out duties related to the tenancy, the property or the neighbourhood e.g. Housing Officers, Public Protection Officers, Police Officers, Social Workers, health or care workers or agents or contractors. 	ASB	Ineligible	Ineligible	Applicant may reapply to join the Waiting List 12 months after the incident occurred, the date of conviction or the sentence end date, whichever is most recent. In assessing the re-application, the seriousness of the offence, the length and nature of the sentence and evidence of amended behaviour will be considered.
8	<ul style="list-style-type: none"> Criminal proceedings are pending against an applicant, or member of their household. 	ASB	Eligible but application will be suspended pending the outcome.	Ineligible pending the outcome.	Eligibility will be reassessed once the outcome of proceedings are verified.

Ref	Definition	Type	Waiting List	Offer	Remedial Action
9	<ul style="list-style-type: none"> Legal action is being taken, or is threatened, against a tenancy e.g. NOSP, NOPP, NTQ, Noise abatement order served. 	ASB	Ineligible	Ineligible.	Applicant will remain ineligible until such time as the order or threat of action has expired or there is evidence of improved behaviour over a period of at least 6 months.
10	<ul style="list-style-type: none"> The applicant's current home is in an unacceptable condition to the extent that it could not be let immediately to a new tenant. This includes decoration, cleanliness and the external appearance of the property. 	Tenancy	Eligible but with reduced priority.	Ineligible.	Applicant may apply to have reduced priority reviewed on receipt of confirmation from the landlord that the property has been returned to a lettable state. They will become eligible for an offer at that time.
11	<ul style="list-style-type: none"> Applicants with criminal convictions or a history of anti-social behaviour who have been assessed as high risk (see Appendix 2). 	ASB	Ineligible	Ineligible	Applicant may reapply to join the Waiting List after 3 years of the risk assessment.
12	<ul style="list-style-type: none"> Applicants with criminal convictions or a history of anti-social behaviour who have been assessed as medium risk (see Appendix 2). 	ASB	Ineligible	Ineligible	Applicant may reapply to join the Waiting List after 2 years of the risk assessment.
13	<ul style="list-style-type: none"> Applicants with criminal convictions or a history of anti-social behaviour who have been assessed as low risk (see Appendix 2). 	ASB	Eligible but with reduced priority.	Ineligible	Applicants may apply to have their priority reassessed 12 months after the risk assessment. If the outcome is that there is no longer a risk they will be eligible for an offer and be awarded an unrestricted priority if appropriate.

Where multiple reasons of unacceptable behaviour are evidenced which, when assessed in isolation may not lead to a determination of ineligibility or priority reduction but taken together suggest serious unacceptable behaviour, Officers can consider ineligibility or reduced priority.

In some cases an applicant may be eligible for the Waiting List but not for an offer. This is to allow the applicant every opportunity to demonstrate improved behaviour or resolve the reason for ineligibility during the period between applying and being made an offer.

It should be noted that eligible for an offer does not mean eligible for an offer of a specific property. On occasions we may refuse the offer of a specific property if they believe that there are risks associated. Examples include but are not limited to; a property in the area from which an applicant has previously been evicted or where the tenant or neighbours would be at risk of harm.

Risk Assessment Criteria

There will be no “blanket vetting” of housing applications. Each application will be considered on its own merits and, where required, a risk assessment undertaken. Risk assessments will usually be undertaken on all applicants who have declared criminal convictions or those applicants for whom a safer estates check has been requested (see below).

The risk assessments may include a safer estates check which will be undertaken in accordance with the Safer Estates Agreement as exists between the Police, Councils and Registered Social Landlords operating in local authority areas. This provides the mechanism of information exchange through nominated contacts to ensure confidentiality and consistency of application of the agreement.

A risk assessment or safer estates check may be undertaken at any time.

The Risk Assessment Process

Each case will be assessed as being high, medium or low risk. Factors determining the overall risk are:

1. The nature of the offence and sentence passed.
2. Any protective factors that are in place.
3. Frequency of offending and recent behaviour.

Each factor will be considered in order to arrive at an overall risk assessment. Each factor will be considered on its own merits however the frequency of offending, how recently the offence occurred and how long improved behaviour has been sustained will probably bear the most significant influence the final assessment.

1. The Nature of the Offence

In categorising these crimes, specific consideration has been given to impact in the context of a social housing environment.

High Risk Offences

High risk offences are those that are serious enough in their nature that they intended to cause death or injury (physical or psychological) which is life threatening and/or traumatic and from which recovery is expected to be difficult, incomplete or impossible.

Examples include but are not limited to:

- Offences against the person such as making threats to kill, GBH, malicious wounding, assault with intent to resist arrest, ABH
- Firearms offences (including possession of firearm with intent to cause fear of violence)

- Robbery
- Aggravated burglary
- Burglary with intent to inflict grievous bodily harm on a person, or do unlawful damage to a building or anything in it.
- Arson (reckless or with intent)
- Violent Disorder and Affray
- Harassment (by putting people in fear of violence)
- Racially or religiously aggravated assaults or any other hate crime
- Any sexual offence
- Serious public order offences such as rioting and violent disorder.
- Drug offences such as production, supply or possession of illegal substances.

Medium Risk Offences

Medium risk offences are those that were likely to cause harm (either physical or psychological) which is traumatic for the victim or those involved or those that may have had a significant impact on the immediate or wider community.

Examples of medium risk offences include but are not limited to:

- Aggravated vehicle-taking
- Taking a motor vehicle without consent
- Handling stolen goods
- Going equipped for stealing
- Obtaining property or money by deception
- Making off without payment.
- Affray
- Intentional harassment, alarm or distress
- Harassment, alarm or distress
- Nuisance
- Public nuisance.
- Cheating the public revenue.
- Fraud and deception
- Drug offences such as production, supply or possession of illegal substances.

Low Risk Offences

Low risk offences are those that have less impact on the immediate or wider community and could be termed as low level offending.

Examples of low level offences include but are not limited to:

- Some public order offences
- Some theft offences such as shoplifting
- Some criminal damage offences.
- Drug offences such as possession of illegal substances.

To assist in assessing the seriousness of the offence, consideration will be given to the nature of the sentence awarded for the relevant offence. A custodial sentence, for example, may indicate a higher risk than a community order or a fine.

2. Protective Factors

Protective factors are conditions or attributes that, when present, mitigate or eliminate risk. Examples include but are not limited to licence conditions, formal support packages, stable employment and family or cohort influences.

High Risk

There are no protective factors in place to mitigate risk.

Medium Risk

There are some protective factors to mitigate the risk. The applicant has demonstrated a willingness to comply with risk management strategies and/or comply with treatment and has some capacity to self-risk manage.

Low Risk

The balance of protective factors now substantially outweighs any risk factors. There are no current indicators of risk of serious harm.

3. Frequency of Offending and Recent Behaviour

In assessing risk consideration will be given to recent behaviour and to the frequency of offending. For example, low level offending over a long period of time with numerous incidents and convictions recorded may result in an overall medium risk.

High Risk

There is no recent evidence of changed behaviour or there has been no opportunity to test changed behaviour in an unregulated environment.

Police, Probation or Youth Offending have recently categorised the offender as very high or high risk or other agencies such as Children's or Adult Services have identified the applicant as very high or high to their client group.

The applicant would require long-term or ongoing risk management and intervention to sustain a tenancy.

Medium Risk

There is some evidence of changed behaviour although this has not been sustained over long periods of time or without regulation or presence of protective factors.

The applicant may require some intervention to sustain a tenancy.

Low Risk

The applicant has demonstrated changed behaviour over a sustained period of time, usually not less than 12 months.