London Borough of Harrow

Social Housing Allocation Scheme

LONDON BOROUGH OF HARROW

Version	Date Approved	Approval Body	Summary of Changes
1.0	19 February 2026	Cabinet	Original Housing Allocations Scheme approved and to be adopted from 2nd November 2026.
1.1	October 2026	Portfolio Holder for Housing and Director of Housing	Minor wording amendments following legal review. No substantive policy changes.

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London Borough of Harrow
Social Housing Allocation Scheme

Section 1:
Introduction to the Social Housing Allocation Policy

1.1: Introduction

This document is the revised Housing Allocation Scheme for the London Borough of Harrow (referred to in this document as the **Social Housing Allocation Policy**).

In Harrow, the demand for social housing is very much greater than the number of homes available. This Housing Allocation Policy describes how the council prioritises housing applicants to ensure those in greatest housing need, as described by the legal definition of Reasonable Preference, are given a head start to access available social housing.

The London Borough of Harrow's Housing Allocation Policy sets out in detail who will and who will not be assisted and how this is decided. It also sets out how to apply for social housing in Harrow.

The Housing Allocation Policy is designed to meet all legal requirements and to support and contribute towards the council's priorities:

- A Council that puts residents first.
- A Borough that is clean and safe.
- A Place where those in need are supported.

Social housing in Harrow will be allocated through matching applicants to available council and registered provider homes (formerly known as Housing Associations or Registered Social Landlords). The system will be supported by a housing options approach giving applicants realistic advice and promoting other housing options, such as low-cost home ownership options and private sector renting.

The policy will apply to both new applicants, (known as "home seekers"), and existing council housing and registered provider tenants who wish to transfer to another property, (known as "transfer applicants") and if they have a reasonable preference. The policy will cover important issues such as:

- Who is eligible to apply for housing
- The circumstances when an applicant will not be eligible to join the Housing Register or will not qualify to do so.
- The process of applying for housing, including 'bidding.'
- How housing needs are assessed.
- How properties are allocated to different household sizes and circumstances.
- How the council will consider exercising discretion.
- How offers of accommodation are made.

The policy will deal with how the council allocates Social rented housing to which it has nomination rights and properties let at Secure, Assured and "Affordable" rents.

1.2: Legal Context

The Housing Act 1996 ("the 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.harrow.gov.uk/housing-property/housing-allocations-scheme

Electronic copies of this policy can be provided on request. Requests for copies in alternative formats will be considered on an individual basis. This policy is available for inspection by any person at the council's principal office if they are unable to access the online version.

The Act (as amended), requires the council's allocation scheme to give reasonable preference to those:

1. Who are homeless as defined in Part VII of the Housing Act 1996 (whether or not the applicant is owed a statutory homeless duty) or is homeless and owed the s.189B(2) relief duty;

2. Who are owed a duty by any local housing authority under section190(2), 193(2), or 195(2) (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);

3. Occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.

4. Who need to move on medical or welfare grounds (including grounds relating to a disability);

5. Who need to move to a particular locality within the area where failure to meet that need would cause hardship (to themselves or others).

Note for group 5 above, Harrow does not normally give priority to applicants who live in Harrow and want to move to a particular area within the Borough, because Harrow is a small Borough with very good transport links.

The Government has committed to house all veterans in housing need and to ensure that those who have served their country receive appropriate priority for social housing.

In recognition of this the Council will give additional preference to applicants with urgent housing needs who fall within one or more of the paragraphs 1 to 5 above and who:

i. are serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service,
ii. formerly served in the regular forces,
iii. has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence 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, or
iv. are serving or 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.

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

- The Housing Act 1996, Part 6 as amended;
- The Housing Act 1996, Part 7 as amended;
- Allocation of Accommodation: Guidance for Local housing Authorities in England (2012, DCLG) "the Code";
- Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England (DCLG, December 2013) "Supplementary Code";
- Allocation of Housing (Procedure) Regulations 1997, SI 1997/483 Allocation of Housing (England) Regulations 2002, SI 2002/3264;
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 and all subsequent amendments;

- Allocation of Housing (Qualification Criteria for Armed Forces) (England) Regulations 2012, SI 2012/1869;
- The Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015;
- Allocation of Housing (Qualification Criteria for Victims of Domestic Abuse and Care Leavers) (England) Regulations 2025, SI 2025/706
- Children Act 2004, s.11;
- Armed Forces Act 2006, s.343AA;
- Equality Act 2010;
- Data Protection Act 2018;
- UK-GDPR (General Data Protection Regulation) 2021;
- Care Act 2014;
- Human Rights Act 1998;
- Domestic Abuse Act 2021;

In framing the Allocation Policy, regard has also been had to the council's:

- Homelessness and Rough Sleeping Strategy 2025-2030
- Tenancy Strategy 2021-2026
- Housing Strategy 2019-2024
- Relevant case law.

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

Any provision in this policy may be waived in exceptional circumstances at the discretion of the lead officer responsible for the Residents Services. The reasons why a provision has been waived will be documented.

An applicant can ask for discretion to be applied for exceptional circumstances in relation to how they have been treated under any part of this policy. The process for how the council will consider a claim that discretion should be applied for exceptional circumstances is detailed in section 2 of the policy.

This is the revised Housing Allocation Policy for the London Borough of Harrow and will take effect on or after 1st of September 2026 after approval from Cabinet. The assessment of need and qualifying criteria set out in the policy will be applied to all new and existing applicants from this date. It replaces the previous London Borough of Harrow Housing Allocation Policy.

Before this policy is introduced, applicants currently on the Housing Register will be required to re-register so that their details and housing needs are fully up to date. To support the administrative work involved in implementing the new scheme and to ensure the re-registration process can be completed efficiently,

the council may, if necessary, temporarily suspend the housing register for up to four weeks to allow for system migration.

1.3: Changes to the Policy

The policy will be reviewed and revised as required in response to:

- Any national policy or legislative changes
- Policy changes instigated by the council
- To reflect the requirements of any leading and relevant new case law.

Any significant changes to this policy will be approved by a meeting of the London Borough of Harrow's Cabinet. For minor changes to the policy, or changes to the procedures that administer it, decisions will be delegated to the Portfolio Holder responsible for Housing.

In accordance with s.166A(13) of the Act, before making a major change to the policy, a draft copy of the proposed amendments must be provided to every private registered provider of social housing and registered social landlord with which they have nominated arrangements and give them a reasonable period of time to comment on any proposed changes. The council will take all reasonable steps to ensure that those most likely to be affected by the changes will have access to support and advice.

1.4: Key objectives for the Policy

These are:

- To meet the legal requirements placed on the council to ensure reasonable preference is given to the groups set out at 1.2 above over those who do not. This is so social rented housing is let to those in greatest need.
- To make the best use of the social housing owned by the council and to other social housing to which it has nomination rights.
- To have a system for assessing applications and allocating homes that is transparent and easy to understand;
- To have a policy that treats all sectors of the community fairly.
- To offer choice to applicants wherever practicable.
- To meet the wider objectives of the council's housing strategy, homelessness strategy, tenancy strategy and tenancy policy.
- To promote sustainable and mixed communities.

1.5: The Council's statement of choice and how the policy complies with legal obligations

The council will use both a bidding scheme and direct offer system to allocate accommodation. However, in certain circumstances, such as homelessness duty, urgent medical need, young people leaving care, safeguarding concerns or management transfers, the council will make a direct offer of accommodation.

The council operates a Choice-Based Lettings System (Locata) to allocate the majority of properties, which allows eligible applicants to actively search and bid for preferred properties. This system will not be used to allocate all properties (see below for when the council may make a direct offer outside of the CBL system).

Applicants who are eligible to be considered for properties under the policy will be able to express a preference for an area, or areas, in which they would like to live and the type of property they would prefer. However, the council cannot guarantee that all preferences will be met due to the high demand and limited supply of social housing in the Borough of Harrow.

The council is committed to offering housing applicants, on the register, as much choice as possible. However, given the huge gap between supply and demand of social housing, the Council unfortunately must limit the degree of choice that can be offered to housing applicants. This is required in order to meet its responsibility to offer housing to applicants with the most urgent housing need.

Therefore, expressing a preference over where an applicant would prefer to live does not mean that preference will be met, or that an applicant will not be offered a direct offer of suitable accommodation outside of their preferred area.

An applicant will be asked at time of registration to state any area in which they believe they cannot live due to a fear of violence, harassment, or domestic abuse. The assessment of their application will then consider the facts and decide whether the applicant should restrict their areas.

Priority for council and registered provider properties being let as secure, flexible, or assured tenancies will be determined by housing band. Applicants in Band 1 will have greater priority than those in Bands 2, 3 and 4, and those in Band 2 will have greater priority than those in Bands 3. Within bands, priority will normally, but not always, be determined by the date the applicant is registered in that band.

In selecting properties to allocate, the council will consider the following factors:

- The number of bedrooms required (as measured against the criteria adopted in this policy);
- Any essential requirement concerning the type or location of housing;
- The housing band into which the applicant's case falls; and
- The date registered within that band (except for when a property may be allocated outside of band and date order (see section below for details).

The council will not normally take the following into account:

1. Non-essential preferences concerning the location or type of rehousing requested by the applicant, or

2. An applicant's preference concerning an allocation of a council property or a nomination to a private registered provider or housing association property.

1.6: Choice and the penalty for refusing 1 suitable offer in a 12-month period

Applicants who are made a direct offer or bid successfully but subsequently fail to attend a viewing appointment or refuse a suitable offer of accommodation without good cause, increase administration time and cost. More importantly, they are denying other applicants the opportunity to be shortlisted for properties.

Where an applicant has bid, they may withdraw their bid for a property without penalty at any stage of the bidding process up to the close of the bidding round. However, if an applicant is the successful bidder on a property but then fails to attend an appointment to view or views and then refuses the offer of a tenancy without good reason, this will count as a refusal of a reasonable offer.

Any applicant who refuses 1 suitable offer, without good reason, within a 12-month period will be disqualified from the housing register and not allowed to reapply for a period of 12 months They will then have to reapply to join the housing register and, if they qualify to re-join, their effective date for any band awarded will not be backdated to their original date before they were disqualified.

The council will determine whether an offer was reasonable for an applicant to accept using the reasonable offer criteria set out at Appendix 4.

Representations from an applicant that they had good reason to refuse the offer of a tenancy will be considered on a case-by-case basis. However, since full details of the property such as property type, size, floor level (if applicable),

street name and rent due are given for the property advertisement on the Locata website, we expect that the number of occasions we would consider a refusal to be reasonable to be very few.

Note, applicants over the age of 60 without an assessed housing need, who are not homeowners and who meet the other qualification rules set under this policy, will be entitled to one suitable offer of sheltered housing and if refused will have their application removed from the housing register.

1.7: Making Direct Offers outside of the CBL system and sometimes outside of the band and date order system

There will be circumstances when the need to make direct offers arise. These will be in cases where there is an urgent, strategic, operational, or financial need. In such circumstances a direct offer outside of the bidding system and at times outside of the normal banding and date order criteria will be made to an applicant. Specific examples include but are not limited to:

1. Where an applicant is homeless, in temporary accommodation and owed a s.189B (2) relief duty or s.193(2) Main duty under the Housing Act 1996 and the council wishes to make a direct offer to move an applicant out of temporary accommodation to manage any budgetary or legal requirements placed on the council;

2. Where it is considered that the multiple needs for an applicant in Band 1 are so exceptional to warrant immediate rehousing;

3. People that need to move due to a fire or flood, or severe storm damage to their home;

4. To allocate to sheltered housing vacancies where there is evidence that a scheme is less popular and harder to let;

5. Where there is an evidenced threat to life in the area in which an applicant currently lives for example, people who are at imminent risk of violence and are to be housed through a Witness Protection Programme;

6. Applicants who it has been agreed must be housed urgently as part of a multi-agency protocol such as a MAPPA, MARRAC case where it is agreed there is a need to manage where a person should be housed.

7. Where a vacant adapted property or a property designed to disability standards becomes available it may be offered to those households with a need for this property type regardless of their band or the date they were registered;

8. A social housing tenant living in a property suitable for an applicant with special or support needs, who is willing to transfer from that property.

9. Where an under occupier has highly specific requirements (e.g. they will only be tempted to move if a particular property is offered to them)

10. If the applicant has not been bidding for all suitable properties and a suitable property becomes available, then a direct offer can be made.

11. Applicants who have given up their secure or flexible council tenancy whilst they are in prison;

12. Following the outcome of a professional assessment it is decided that the best letting method for vulnerable applicants is a managed let in a particular suitable location is the best letting solution for that applicant;

13. Special allocation arrangements may also apply in respect of properties available for letting on new-build developments.

14. Where the previous tenant of a vacant property has engaged in anti-social behaviour, there may be a need to re-let the property in a manner that is sensitive to the circumstances, with due consideration given to the impact of the former tenant's conduct on the local community;

15. In circumstances where an applicant with medical need, large families, overcrowding or disrepair, but not limited to, is not bidding on properties and a direct allocation is identified as making best use of the council's housing stock

16. Where an applicant is in unsuitable accommodation and is not bidding.

17. A property is required as a direct allocation under the council's policy on the purchase of open market properties to assist vulnerable homeowners to move into more suitable accommodation.

18. The applicant is a statutory or discretionary successor to a tenancy and is under occupying the property.

19. In order to meet the contractual requirements of funding obtained for a specific purpose e.g. from the Great London Authority (GLA) or the Department of Levelling up Communities (DLUHC).

In all of these examples a Direct Offer may be made at any time.

There is no minimum bidding period required before an applicant can be considered for a Direct Offer. For example, an applicant owed a homeless duty and placed in temporary accommodation may continue to bid for properties. However, they may receive a Direct Offer at any time to help reduce the financial burden of temporary accommodation.

However, some applicants will not be allowed to bid under choice-based lettings at all. For example, public protection panel cases and applicants under the age of 18 (where the council has accepted a homelessness duty, or who are in the Leaving Care Quota). One direct offer, in line with this policy, will be made and, if it is unreasonably refused, the applicant will be disqualified.

The council will record the number of properties let through the bidding system and through direct offers. Additionally, any decision to allocate properties outside of the band and date order system will be recorded, with the reasons why an allocation has been made. The council will publish an annual lettings report setting out the number of allocations and detail the chosen method to all applicants the council have assisted.

Note: Applicants will be able to continue to bid for properties, but the council will also be intervening more often to match people to a suitable property and make a direct offer, with up to 50% of allocations being made by direct offer as a result of this policy change. Applicants in Bands 1 and 2 will be more likely to be made a direct offer as a result of this policy change.

Applicants can still continue to bid while the council considers making a direct offer. Such offers will be based on the applicant's individual circumstances and housing needs and there is no guarantee that a direct offer of social housing will ultimately be made.

However, going forward, the council will make greater use of direct offers to facilitate moving applicants in critical situations into suitable accommodation faster. The council will use its discretion to prioritise cases for direct offers, based on trends and ongoing demands on the Choice Lettings Based service.

1.8: Choice and offers made to any applicant owed a statutory homelessness duty under Part 7 of the Housing Act 1996

For applicants owed any statutory homelessness duty under Part 7 of the Housing Act 1996, the need to offer suitable housing is considered to be more important

than allowing an applicant to wait for an offer of accommodation in a location where they would prefer to live. Therefore, there is no minimum time set for when an applicant, owed a statutory homeless duty, will be allowed to bid for social housing before a direct offer can be considered.

An offer of accommodation for an applicant owed a statutory homeless duty could be either a private rented property, or a social rented property. Should the applicant refuse an offer which is considered both suitable for their needs and reasonable then, subject to the council's homelessness review procedure, the homelessness duty owed will be discharged and they will lose any priority status granted to them based on the homelessness duty owed.

In these circumstances the Council will then assess whether they have another housing need that means they should be awarded one of the bands 1 - 4. If they do not, they will be removed from the Housing Register.

A Statutory Homeless Duty is defined as:

- The prevention of homelessness duty under section 195(2).
- The 'relief of homelessness duty under section 189B(2).
- 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,
- The section 193(2) main Homelessness duty or section 193C(4) 'reduced' section 193 duty.

1.9: Data protection

The London Borough of Harrow will ensure personal information of all applicants (new, existing, and deleted) is:

- Stored lawfully.
- Processed in a fair and transparent manner.
- Collected for a specific, explicit and legitimate purpose.
- Kept up to date and held until it is no longer required; and
- Shared only with other organisations for legitimate processing.

The council's privacy notice, which sets out when and why it collects personal information about people who access its services, how it uses it, how it keeps it secure, and individuals' rights, can be found on its website:
https://www.harrow.gov.uk/privacy

The UK-GDPR and the Data Protection Act 2018 provide individuals with a right to request access to any of their personal data 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 the Council's website: https://www.harrow.gov.uk/council/subject-access-request

Applicants must state their name and provide proof of their identity, such as a copy of a passport, driving license, or recent utility bill. The council will not usually charge a fee to deal with a subject access request.

Once the council has received the information and proof of ID, it must provide the requested information within one month. There is a limited range of exemptions from the right of subject access.

1.10: Right to information

Anyone has the right to request access to recorded information held by the council under the Freedom of Information Act 2000 (FOIA).

Requests under the FOIA must be made in writing and details of how to request information can be found on the council's website:
https://www.harrow.gov.uk/council/freedom-information

Once a valid request has been reviewed the council must usually respond within 20 working days.

Requests made by individuals for their own personal data will be treated as "subject access requests" under the UK-GDPR and Data Protection Act 2018 (see section above for information).

1.11: Equality, accessibility, and monitoring

The London Borough of Harrow is committed to ensuring that the policy, and the implementation of all associated guidance and procedures, are non-discriminatory, taking into account the needs of groups protected by the Equality Act 2010, the Human Rights Act 1998, and for children, Section 11 of the Children Act.

To help the council identify the needs of applicants, the application form contains specific questions relating to vulnerability, ethnic origin, sexual orientation, disability, and other relevant criteria. The information obtained will be used to monitor the impact of the policy to enable a better understanding of people's housing needs and ensure no one is discriminated against as a result of the way this policy has been framed or during the administration of it.

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

The council will ensure this Policy complies with current equality legislation. It will be subject to a full Equality Impact Assessment (EIA) before it is adopted. The EIA will be regularly reviewed as information regarding the impact of the Policy is obtained. A copy can be requested directly from the council.

1.12: Complaints

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 section 1.10 below) and not through the Council's complaints process.

Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made under the Council's complaints policy. Information about how to make a complaint and how the Council will deal with it can be found at:
https://www.harrow.gov.uk/homepage/10348/complaints-and-compliments

Where a complaint relates to how an applicant has been dealt with under this policy an applicant has the right to continue with their complaint to the Local Government Ombudsman Service if they are unhappy with the response to their complaint.

The Local Government and Social Care Ombudsman is an independent service run by the Central Government to ensure that council's 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

1.13: When an applicant has a right to request a review

Under housing legislation an applicant has a legal right to request a review of any of the following decisions made by the council:

- Any decision that an applicant is ineligible, or not a qualifying person to join the Housing Register.
- A decision regarding which band an applicant has been awarded.
- The priority date granted for the band awarded.
- To remove an applicant from the Housing Register.
- Any decision about the facts of the case that has been used to assess their application including the decision the council has made regarding who can be included in the application.
- Where an applicant considers that a decision has been reached based on incorrect information.

1.14: How a request for a review will be dealt with

Applicants who are unhappy with a written decision as per the list above and made under the Allocation Policy, they can in the first instance contact the Housing Register team and explain why they think the decision is not correct or not reasonable. An initial informal review will then be undertaken by either the housing register officer who dealt with their case or an equivalent officer. The applicant will be notified whether the decision still stands and the reasons for this usually within two working days via a telephone call, text, email, or letter.

If an applicant wishes to take the matter further, they have the right to request a review, in writing (by email or letter), within 21 days from the date of the written decision not the informal review. This right is not conditional on seeking an informal review first. The Council may accept a review request outside of this 21 day time frame, if there is good reason to do so. In these cases, the applicant will then be invited to make a written submission stating the reasons for their request for a review. Formal reviews will be conducted by an officer senior to the decision maker and who was not involved in the original decision-making process. The applicant will be notified of the outcome of the review in writing, including the reasons for their decision. The council aims to notify the applicant within 56 days; however, this is a target timescale and may be longer depending on operational pressures.

There is no right to request a review of a review decision. However, if you remain dissatisfied, you have the options to apply for a Judicial Review.

1.15: Monitoring and reviewing the Allocations Policy

The Allocations Policy will be reviewed on a regular basis to ensure that it meets its stated objectives, complies with existing and proposed legislation and guidance, and does not operate in a manner that disadvantages, or discriminates against, any particular group.

The Allocations Policy will be monitored for any unintended consequences over the first twelve months of operation.

1.16: Contacting the Council

You can contact the London Borough of Harrow to ask about any aspect of this policy or your application by writing to:

Housing Needs team
London Borough of Harrow
Residents Services PO Box 1367
Harrow
HA3 3QT

Or by telephoning: 0208 424 1093 (Option 2)

Section 2:
The criteria for deciding who is eligible to be included on the Council Housing Register and the rules for when an applicant will not qualify to join the register.

2.1: The Eligibility Rules

Some groups of people cannot by law join the council's Housing Register regardless of their housing need or circumstances. These are people who:

- Come under a government rule which means they cannot lawfully access social housing as they are not eligible to do so, or
- Do not live habitually in the 'Common Travel Area' (UK, Channel Islands, the Isle of Man or the Republic of Ireland), or
- Do not have the right to live in the UK, or
- Fall under other categories of people who the Government may in the future decide are not eligible for housing assistance.

The key relevant regulations that apply to eligibility are:

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

Eligibility is primarily determined by immigration status; however, some British citizens may be affected. Appendix 1 sets out the groups of applicants eligible for housing under UK law.

Persons subject to immigration control who are nevertheless eligible under Regulation 3 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294 are set out in Appendix 2.

Persons who are exempt from the habitual residence test in accordance with Regulation 4(2) are set out in Appendix 3. The rules set out at Appendix 2 and 3 are complicated. Anyone who is impacted, or believes they may be impacted, can approach the council for advice, or can seek independent legal advice. The council will consider applicant's eligibility at the time of the initial application and again when considering making an application.

Applicants have the right to request a review of an eligibility decision as per paragraph 1.13 above.

2.2: The Qualification Rules adopted by the Council

Under Section 160ZA (7) of the Housing Act 1996 Part 6 a council is allowed to set criteria for classes of persons who are, or are not, qualifying persons. The rules adopted by the council mean that the following classes of people will normally not qualify to join the Housing Register unless the council accepts there are exceptional circumstances. These rules include the circumstances under which an applicant will not be allowed to qualify for the Housing Register and the circumstances under which an applicant can be removed from the register.

Note: references to applicant throughout this Allocation Scheme are to be taken to mean the applicant and any member of the applicant's household unless specifically stated.

As with eligibility, the council will consider whether an applicant qualifies for an allocation at the time of their initial application and again when considering to make an allocation.

2.3: Non-Qualification Rule 1: The need to demonstrate residency in the Harrow area

To qualify for the Housing Register, the applicant or their partner must have a residential connection within the terms of this Allocation Policy. This will normally mean that an applicant currently lives in the borough and has done so continuously for a minimum of five years.

Households placed into temporary accommodation outside of the borough by the council, as part of its statutory homelessness duties, will be considered as having a residential connection if they fulfil the five-year residency requirement. Time spent in temporary accommodation provided by Harrow, outside of the borough, will count towards this five-year period.

Once registered, an applicant must continue to meet the residential connection qualification rule. If the applicant no longer meets this rule, they will be removed from the Housing Register as they will no longer qualify for inclusion.

Individuals admitted or detained within the borough (such as in prison, custody, or hospital), will not establish a local connection, as this does not amount to residing in Harrow by choice.

Households applying for housing through this Allocation Policy that are still owed a homelessness duty by any other Local Housing Authority under the Housing Act 1996 Part 7. They will be regarded as non-qualifying persons regardless of whether they have been placed in the council's area or not. This is because other Local Authorities retain the responsibility for assisting that applicant.

Applicants in the following categories will not normally be considered as having a residential connection:

1. Those placed in the borough of Harrow in residential or supported housing by another council.

2. Those who do not meet the residential criteria, but who have family members in this borough, or who are employed in the borough.

3. For the purpose of determining a local connection for residence, the council will accept the following circumstances as demonstrating residence:

    a) Residency in a non-traditional dwelling, such as a mobile home that is placed on a residential site, or an official pitch.

    b) People who are forced to sleep rough in the Harrow area as long as they still meet the 5-year qualification period for residency.

Exceptions to the 5-year Residential Connection Rule 1

Victims of Domestic Abuse

An applicant who is or has been a victim of domestic abuse carried out by another person and who needs to move for reasons connected with that abuse, including from accommodation initially occupied on a temporary basis will be exempt from the 5-year residential connection.

When considering whether an applicant has experienced domestic abuse, the council will follow the statutory definition of domestic abuse set out in section 1 of the Domestic Abuse Act 2021.

The council will assess whether the need to move is connected to domestic abuse. If there is evidence that the applicant needs to move as a result of domestic abuse, the council must apply the exemption.

Care Leavers

The council will not disqualify the following applicants on the basis that they do not have a local connection:

1. eligible children as set out in paragraph 19B of Schedule 2 to the Children Act 1989. These are children who are:
   a) currently being looked-after.
   b) aged 16 or 17; and
   c) have been looked after by a local authority in England or Wales for a period of 13 weeks, or periods amounting in total to 13 weeks, since the age of 14, at least one day of which must have been since attaining age 16.

2. relevant children as set out by section 23A (2) of the Children Act 1989. These are children who are:
   a) no longer a looked-after-child.
   b) aged 16 or 17; and
   c) a former eligible child

3. former relevant children aged under 25 as set out by section 23C (1) of the Children Act 1989. These are children who are:
   a) aged 18 to 24; and
   b) either a former relevant child or a former eligible child.

The council may also consider exempting care leavers more broadly than those who fall within the scope of the Regulations (such as persons qualifying for advice and assistance) to recognise that a lack of family stability and their experiences whilst in or leaving care might mean that some care leavers may not have a tangible connection to an area. The council may also exempt care leavers from the residence criteria who qualify for advice and assistance in accordance with s.24(1A) of the Children Act 1989, namely:

An applicant:
a) who has reached the age of sixteen but not the age of twenty-one.
b) with respect to whom a special guardianship order is in force (or, if he has reached the age of eighteen, was in force when he reached that age); and
c) who was, immediately before the making of that order, looked after by a local authority.

Armed Forces

Certain members of the Armed Forces are not subject to any local connection requirements. These are applicants who are:

a. Currently serving or who have served in the Regular Armed Forces;

b. Bereaved spouses or civil partners of those serving in the Regular Forces where:
   i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and
   ii) the death was wholly or partly attributable to their service.

c. Serving or former members of the Reserve Armed Forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

Divorced or separated spouses or civil partners of Service personnel who are currently serving or going through resettlement, and who need to move out of accommodation provided by the Ministry of Defence will be exempt from the local connection criteria for a period of six months following the divorce or separation.

Right to Move

Applicants who satisfy the 'Right to Move' criteria. The Allocation of Housing (Qualification Criteria for Right to Move) Regulations 2015 state that local connection qualification rules must not be applied to existing social tenants who seek to move from another council in England, and has a need to move because the relevant person -

a) works in the district of the local housing authority, or
b) (i) has been offered work in the district of the local housing authority, and
   (ii) the authority is satisfied that the relevant person has a genuine intention of taking up the offer of work.

The definition does not include work, or an offer of work, which is short-term or marginal in nature, ancillary to work in another district, or voluntary work.

However, under this Allocation Policy, the London Borough of Harrow 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.

Very exceptional circumstances

Where the council agrees there are very exceptional circumstances requiring a move into the area, this will be decided on a case-by-case basis.

Examples where exceptional circumstances may be considered include:

1. An applicant owed the Main Housing Duty under Section 193 of the Housing Act 1996.

2. An applicant in a witness protection programme and the council has agreed that they must be moved to Harrow.

3. An applicant from a Gypsy or Traveller household where they may not fully meet the five-year continuous period of residence rule, due to travelling. The facts of each case will be considered on a case-by-case basis when deciding whether this exemption should be applied, and the applicant must have spent the majority of the last 5 years residing in Harrow.

4. Any applicant over the age of 60 who is willing to accept an offer of Sheltered property. Note, such applicants will not be considered for general needs properties or older persons housing that is not considered to be hard to let.

5. Where the Council agrees there is a very exceptional need for the applicant to live in the Borough in order to provide or receive essential support.

6. Where, at the date of application, the applicant is not currently resident in Harrow whilst:
   - Receiving medical or respite care; or
   - Serving a custodial sentence, or
   - Adhering to bail conditions, or
   - A student living in student accommodation and studying outside of Harrow
   - Living in supported housing outside of Harrow

Applicants who fulfil any of the exception criteria will not be required to prove a local connection in order to be accepted onto the housing register, although the other qualifying criteria set out in this policy will still apply.

Applicants have the right to request a review of the residency decision as per paragraph 1.13 above.

2.4: Non-qualification Rule 2: The requirement to have an assessed housing need as defined by the criteria set out in Bands 1 to 4

Applicants who do not meet the housing need criteria for an award of a Band 1 to 4 will not be admitted to the Housing Register. This is because the level of housing demand in the Borough means that any applicant who is not assessed as being in statutory housing need will almost certainly not be able to receive an offer of accommodation.

The justification for the council adopting this non qualification rule is that there is clear data evidence that applicants without a statutory housing need as defined by the criteria needed to qualify for Bands 1 to 4 have little or no prospect of being offered social housing, but may not pursue alternative housing options based on the 'false hope' that by being registered they may eventually obtain an offer.

There is an exception to this rule for applicants over the age of 60 who are not homeowners and do not have an assessed housing need as defined by Bands 1 to 4 but are willing to be considered for sheltered housing only. This exception will only be applied as long as an applicant is not disqualified under one of the other rules adopted under this policy.

This exception to the requirement to have a housing need is because the evidence is that a number of older applicants are able to receive an offer of older person housing or age restricted housing as there is greater availability for this type of housing. Note applicants who qualify under this exemption will only be considered for age restricted, hard to let sheltered or older persons properties and will not be considered for general needs properties. Furthermore, they will only be entitled to one suitable offer and if refused they will have their application removed from the Housing Register.

Applicants have the right to request a review of such a decision as per paragraph 1.13 above.

2.5: Non-Qualification Rule 3: Applicants who will be excluded from the Housing Register due to their unacceptable behaviour

The disqualification rule for unacceptable behaviour will apply where an applicant, or any member of their current or prospective household, has demonstrated serious unacceptable behaviour that, in the view of the council, makes them at the time of their application, or since their application, unsuitable to be a tenant. The assessment framework below refers to an applicant, but this is to be taken to mean any member of an applicant's household.

The rule of non-qualification will apply where the council is satisfied that an applicant (or a member of their current or prospective household) has demonstrated a serious failure to adhere to the terms of a current or previous social housing or private rented tenancy agreement. This is defined as:

1. Failing to maintain any previous social rented or private sector 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. 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.

2. 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, temporary accommodation 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).

3. Rent arrears for their last private rented tenancy in the circumstances where the council has obtained information that confirms on the balance of probabilities that a debt is owed. If a debt is owed it will be for the assessing officer to decide on the facts gathered, regarding the level of debt and the reasons for it, whether the applicant should be classified as a non-qualifying. Where it is established that a debt is owed the same rules will apply as per a social housing debt (see below).

4. 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.

Other examples of serious unacceptable behaviour include:

- Being subject to a court order (including an interim order) for breach of tenancy conditions.
- Conviction for illegal or immoral use of their current or former home.
- Causing nuisance and annoyance to neighbours or visitors.
- Committing criminal offences in or near the home and still posing a threat to neighbours or the community such as drug dealing.
- Being violent towards a partner or members of the family.
- Allowing the condition of the property to deteriorate.
- Paying money illegally to obtain a tenancy.
- Unlawfully subletting their tenancy.
- Applicants who have been convicted of housing or welfare benefit related fraud, where a conviction is unspent under the Rehabilitation Offenders Act 1974.
- 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.
- 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:

- 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.
- In normal circumstances the behaviour concerned should have occurred within the last two years. In cases of a more serious nature, for example, those involving criminal prosecution, a longer timescale may be appropriate.
- 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:

- The seriousness of the applicant’s behaviour.
- The duration of the behaviour and/or the number and frequency of incidents.
- The length of time that has elapsed since the behaviour took place.
- Any relevant vulnerability or support needs that may explain the behaviour.
- Whether there is meaningful engagement with support agencies.
- Critically, whether there has been a significant and sustained change in the applicant’s behaviour.
- 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.
- 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.
- Whether the member of the household responsible for the behaviour is still a member of the household.
- Whether the council can accept any assurances from the applicant as to future behaviour.
- 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; and
- The applicant’s current circumstances. For example, health needs, dependents, and any other relevant factors.

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

- 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.
- What they must do to resolve the problem.
- 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.

Note 1: 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.

Note 2: The unacceptable behaviour disqualification rule will also apply to applicants currently on the Housing Register. An applicant's eligibility to remain on the Housing Register will be kept under review and an applicant may be rendered ineligible should the council be satisfied that the rule relating to unacceptable behaviour should be applied to their case.

Applicants have the right to request a review of disqualification decision as per paragraph 1.13 above.

2.6: Non-qualification rule 4: Circumstances where an applicant has current or former social housing or private rented rent arrears, or another relevant recoverable housing related debt.

This section sets out the rules for when an applicant:

- Will not be allowed to qualify for the Housing Register because of former or current rent arrears or another housing related debt, or
- Will be allowed to qualify but will not be allowed to be considered for an offer until their rent arrears or housing-related debt has been resolved to the satisfaction of the council.

This section explains the rules relating to:

1. Current or former rent arrears or another housing related debt owed to the London Borough of Harrow, or rent arrears owed to another council or a Registered Provider Housing Association, and

2. Current or former rent arrears owed to a private sector landlord.

Current or former rent arrears or another housing related debt owed to the London Borough of Harrow, or rent arrears owed to another council or a Registered Provider Housing Association

Generally, applicants who have housing related debt will either:

1. Not qualify to join the housing register if the debt owed is over £1,500

2. Can qualify but not be entitled to be made an allocation of housing until the debt is resolved as per the rules set out below. If allowed to join the register they will be ineligible to be considered for an offer until the debt has been resolved but they will still be allocated a band and will accrue their time in the band whilst they take action to resolve the debt as per the rules set out in this section of the Policy.

Housing related debt includes but is not limited to:

- Any current or former tenant rent arrears or charges for use and occupation owed to the London Borough of Harrow or any local authority, registered provider or private sector landlord
- Unpaid sundry debts owing to any local authority, registered provider or private sector landlord, including rechargeable debts or court costs
- Any unpaid Right to Buy discounts from previously owned property
- Any tenancy deposit or rent in advance loans provided by the council that remain unpaid; or tenancy deposit guarantees that have been honored by the council and remain unpaid
- Unpaid rent that was lawfully due to be paid to any local authority or registered provider landlord or any private sector landlord, but such unpaid rent is now unrecoverable in law because of bankruptcy proceedings
- Outstanding re-chargeable repairs
- Current and former housing related service charge arrears
- Temporary accommodation charge arrears for a license or a non-secure tenancy where that temporary accommodation was provided by the council
- Any court costs incurred by a council associated with any of the above debts

Housing related debts apply to both the applicant and any partner included in their application. Partner is defined in Appendix 9: Glossary.

The purpose of this qualification rule is:

1. To ensure any relevant debt owed to the council, or another council or another social landlord is recovered and

2. To consider whether an applicant's current position creates a risk of future non-payment of rent.

The following framework will be used to guide officers when applying this qualification rule.

The council will consider:

- The reasons why the applicant accrued the housing related debt and whether there are exceptional circumstances that should be considered when applying the rule.
- Whether the debt has been caused by factors difficult for the applicant to control, for example a case where an applicant was genuinely unable to pay the full rent due to being impacted by the 'spare room subsidy's rule. This is also known as the "bedroom tax"
- Whether the applicant still owes that debt, and if they do, the extent of the arrears/debt as well as whether it is a recoverable debt, or a statute of barred debt.
- Whether the applicant has taken debt advice, acted on it, and entered an arrangement to clear the arrears/debt.
- If an arrangement has been made, the amount of arrears/debt paid off, any amount outstanding, and the regularity of payments made.

After considering the above framework the council will decide whether the applicant will not qualify for the housing register, or that they will be allowed to qualify, but not considered for an offer until the issue has been resolved to the satisfaction of the council. Debts of over £1,500 will mean that the applicant automatically does not qualify for the housing register until that debt has been reduced to under that amount, after which the rules set out below must be met before they will be considered for an offer of accommodation.

In cases of current tenant rent arrears under £1,500, the applicant must have made a repayment commitment to clear the debt and are making regular payments of an agreed sum which they have maintained for a period of at least 4 months, which will normally mean not having missed a single payment; and the arrears have reduced to a figure that is equal to or less than six weeks payable rent. At this stage the application will be re-assessed and allowed to be considered for an offer. However, the applicant will be expected to continue making regular payments of the agreed sum until the debt is cleared – if payments are missed then the application will again be suspended from being considered for an offer until the arrears are cleared or payments have been made satisfactorily for at least a further three months.
If arrears are still outstanding when an applicant is made an offer, they will be expected to sign an agreement to continue the agreed payments after they have moved.

For all other housing related debt under £1,500 that is not rent arrears, the applicant will be banded but be suspended from being considered for an offer until the debt is cleared in full. It will be the responsibility of the applicant to advise the lettings team when the debt is cleared in full and provide written evidence of this.

For applicants who are assessed as not qualifying for the housing register, there is no time limit regarding when a person can make a new application following disqualification under this rule. Where a new application is made, the council will assess whether the applicant has taken appropriate action to address the rent arrears/debt.

If disqualified, an applicant will be informed of the actions they need to take to resolve the debt in order to qualify.

Current or former rent arrears owed to a private sector landlord

The council normally only consider rent arrears from an applicant's last private rented tenancy in the circumstances where the council has obtained information that confirms on the balance of probabilities that a debt is owed. If there is a debt owed it will be for the assessing officer to decide on the facts gathered, the level of debt and the reasons for it, whether the applicant should be classified as a non-qualifying or should be allowed to qualify and if so whether they should be suspended from being considered for an offer 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 an applicant or their partner has held a private rented tenancy in the last 5 years the council will write to their last landlord or lettings agency to enquire as to the reasons why the tenancy was terminated and whether there were any rent arrears at the point the applicant left the property. Applicants should not be penalised in the circumstances where a landlord or lettings agency fails to reply within 6 weeks. A further reminder will be sent and an attempt to obtain information through telephoning the landlord or agent. If no reply has been obtained within 6 weeks the applicant will be allowed onto the register.

The council will only contact the landlord or agent for the last rented property. However, where it comes to the attention of the council that there were significant rent arrears relating to a previous private rented tenancy in the last 5 years that was not the applicant's last tenancy, a decision will be taken on the facts of the case whether to suspend the applicant from being considered for an offer until the debt is resolved.

2.7: Non-qualification rule 5: Sufficient financial resources

Regarding finances, single and joint applicants will not qualify to join the register if:

- Applicants have a total household income above the income thresholds for each bedroom size set out in the table below, or
- Have resources of over £30,000 from investments or savings.

The following household income eligibility limits are an absolute income cap; that is anyone earning above these limits (including notional income from capital assets but disregarding disability benefits) would be expected to move either to rent or buy independently.

Maximum joint household income to qualify for public rented housing

0/1 bed	£50,000
2 beds	£65,000
3 beds	£75,000
4 bed+	£90,000

These financial limits will be reviewed if required every two years in line with the financial market.

Dependent children or non-dependent adult children's income will also be considered as part of the household's total income assessment.

'Sufficient financial resources' includes any assets or investments even if they are not immediately available to the applicant.

In applying this qualification rule the council will disregard any lump sum received by a member of the armed forces when leaving the armed forces or received as compensation for an injury or disability on active service.

Although this rule will mean applicants assessed as having sufficient financial resources cannot join the housing register, it does not prevent them being considered for any low-cost part ownership, or full ownership schemes. On request, information can be given as to which housing associations or developers are currently operating such schemes in the Harrow area and how applications can be made.

2.8: Non qualification rule 6: They are the owner of residential property

Applicants who are current homeowners in the UK or abroad will not qualify to join the Housing Register. If another member of an applicant's household, who is included in their application, is a homeowner, the applicant will not qualify to join the housing register.

The council defines current homeowners as:

1. 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 (but not those purchased under the council's Low Start Shared Ownership Policy where only 5% equity is owned)

2. People who own or part-own a sited mobile home or houseboat.

3. 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

4. Someone who has gifted their residential property, or equity from their property to another person within the last ten years

5. Applicants who have been the owner of a residential property within the last 5 years will be required to provide proof of the proceeds from the sale and of the disposal of any proceeds. Where the council considers that the proceeds from any sale have been deliberately disposed of, an applicant can still be determined as not qualifying for the housing register.

Circumstances where an exemption may be considered for the non-qualification homeowner rule

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

1. Where 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.

2. 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.

3. 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.

2.9: Non qualification rule 7: Fraudulent applications including making false or misleading statements or withholding information

Under s.171 of the Housing Act 196 where a person approaches the council seeking an allocation of housing, it is an offence, punishable with a fine, for a person to make a false statement or to withhold information which is relevant to their claim.

Any applicant seeking to obtain accommodation by making a false or misleading statement, by withholding relevant information, or by failing to inform the council of any material change in circumstances may be prevented from qualifying for the housing register, or where they are already registered, may have their application cancelled. Prosecution will be considered where it appears to the council that a criminal offence has been committed. Proceedings for possession will be taken to recover any tenancy granted in consequence of a fraudulent application for housing. It will be for the housing assessing officer, in the first instance, to decide if any errors contained in an application were deliberately made or not. If the officer is satisfied that the errors were not deliberate, or that they have no impact on the application, then no action will be taken. However, the applicant may be warned about the need to provide accurate information and the consequences for not doing so.

Once an applicant is disqualified from joining the register or removed from the register on these grounds they will normally not be able to reapply for a period of 12 months. Decisions will be made based on the seriousness of the attempted fraud or false information given, including an assessment of why information was withheld.

2.10: Non qualification rule 8: Current Council and Housing Association tenants who apply within 2 years of the commencement of their current tenancy

Any applicant who is a council or housing association tenant will not normally be allowed to join the housing register for a period of 2 years (from the start date of their current tenancy), however in some circumstances exceptions may apply such as for example:

A change in their circumstances which would mean that they should be awarded a Band 1 to 4 under this policy such as the property is no longer suitable for tenants (or a member of their household) due to a disability or the property/location is severely impacting on their health and wellbeing.

2.11: Disqualification rule 9: Refusal of one suitable offer in a 12-month period

This is a disqualification rule that will be applied to applicants who are already included on the Housing Register.

Any applicant who refuses one suitable offer within a 12-month period will be disqualified from the housing register and not allowed to reapply for a period of 12 months (see the separate policy in section 1 that is relevant for applicants owed a statutory homeless duty who refuse one suitable offer). They will then have to reapply to join the housing register and, if they qualify to join, their effective date within any band awarded will not be backdated to their original band date before they were disqualified.

Applicants have the right to request a review of a disqualification decision as per paragraph 1.13 above.

2.12: Disqualification rule 10: Failure to Bid

This is a disqualification rule that will be applied to applicants who are already included on the housing register.

Any applicant who has failed to bid for more than twelve months will be removed from the housing register to reduce the administrative burden of maintaining the register. This is based on the assumption that an applicant who has not bid for accommodation in 12 months is unlikely to continue to be in housing need. Any applicant removed from the register can reapply if they have a housing need.

The council will monitor the bidding patterns to identify applicants who fail to bid and identify any applicants where their failure to bid could be the result of a vulnerability and not being able to understand the bidding system. In these circumstances, the rule will not be applied.

Applicants have the right to request a review of a disqualification decision as per paragraph 1.13 above.

2.13: How exceptional circumstances will be considered in respect to any of the qualification rules, or any other rule adopted under this policy

The London Borough of Harrow will retain the ability, in exceptional circumstances, to exercise its discretion when applying any of the qualification rules listed, or any other rule adopted under this policy.

Any person who is not a qualifying person by reason of the above criteria may be deemed to be a qualifying person, for exceptional circumstances, by the Senior Manager responsible for the applications and allocations team or the Head of Service for Housing or a level above this post. They may also choose to convene a relevant panel of Senior Officers to discuss the case, if so required.

Where a request for exceptional circumstances has been made as part of an application to join the housing register, the council may consider exercising its discretion on a case-by-case basis.

Otherwise, where the case for discretion has not been made out as part of the application and a decision made that the applicant does not meet a qualification rule, or any rule in the policy to be waived, the applicant will have the opportunity to request a review and make the case for why discretion should be applied. For example, where an applicant has requested a review of the decision that they do not qualify, or their banding, they may make the case for exceptional circumstances and explain why discretion should be applied to their case.

Where requested, the council will consider on a case-by-case basis whether the applicant's circumstances (or their household) are so exceptional that discretion should be applied.

The applicant will receive a written decision on their request for exceptional circumstances to be applied and, where that decision is that the case is not considered to be exceptional, reasons will be given.

Note the council cannot waive the eligibility rules for any applicant who is not allowed to access social housing under the immigration and 'persons from abroad' rules set by Central Government. In deciding whether an applicant's circumstances are exceptional the council will fully consider the Equality Act 2010 and Children Act 2004 where children are part of the applicant's household. Regarding the Equality Act, the council will specifically consider:

- Whether the person, or a member of their household, meets the definition for one or more of the nine protected characteristics listed in the Equality Act 2010
- If we agree that the applicant or a member of their household comes under the definition for a protected characteristic, the council will fully comply with Section 149 of 2010 Equality Act and ensure it has obtained all relevant information relating to the applicant's protected characteristic and will consider that if they were not able to qualify for the policy, whether this would have an exceptionally detrimental impact on the person with that protected characteristic: and
- Ensure any decision that the applicant's circumstances are not exceptional will be a decision that is a proportionate means of achieving the legitimate objectives for the Policy.

Applicants have the right to request a review of a qualification decision as per paragraph 1.13 above.

Section 3:
Applying to join the Housing Register

3.1: Background information on the housing market in Harrow

Harrow is a very popular place to live. There are many different types of homes in the borough, from homes to buy on the open market, through low-cost home ownership schemes run by housing associations, to private, council-owned and housing association-owned rented housing. The last two types, referred to in this policy as "public rented housing", make up only around 10% of Harrow's property market, making it one of the smallest public rented sectors of any London borough.

Each year we expect to re-house around 250 households into public rented housing. Half of the vacancies are studio and 1- bedroom flats, normally suitable only for single people and childless couples. Half of these small units are reserved for older people. Yet at any one time we have over 2,000 households who have registered their interest in taking such a tenancy, and over 850 new households applying to register each year.

Most people who apply for housing with Harrow will never be offered a public sector tenancy, however long they wait. When the prospect of re-housing is unrealistic, we advise people to seriously consider other options, especially private renting and/ or moving away from West London.

3.2: How to apply to join the Housing Register

Anyone over the age of 16 years can apply to join the Housing Register.

Applications will be rejected if:

- They are ineligible to be considered by law; or
- they come within one of the 'non qualification' categories set out in the policy; or
- they do not have a statutory housing need known as a reasonable preference.

A person can apply to join the Housing Register if their current address is their only home, or sole residence, and they are not already registered through someone else's housing application.

If an applicant is under 18 years of age, they will not normally be offered a property. If in exceptional circumstances if a person who is 16 or 17 is granted a tenancy, this will normally be held in trust until they reach the age of 18. This means that

another suitable person (such as a parent, legal guardian, social worker, or relative) will normally be responsible for the tenancy.

The policy treats transfer applicants (existing social tenants) and home seekers equally. The Localism Act 2011 allows the council to allocate properties to council tenants outside the allocation scheme. London Borough of Harrow, however, prefers to keep most lettings within the scheme to promote transparency, clarity and equality. Appendix 8 lists cases that do not qualify as "lettings" and hence do not need to be covered by this allocation policy.

Application for housing with the London Borough of Harrow is made using an on-line application form on the Locata website, at www.locata.org.uk/harrow. The Locata system makes an initial automatic assessment of priority on the basis of the answers the applicant gives to the questions about their needs and current housing circumstances. Some types of application (e.g. where the lowest band applies) are automatically validated (i.e. made active) on the Locata system. Where necessary, officers in the housing assessment team check and confirm the assessment and validate the application. Those applying must give their consent for the information they provide to be shared with other relevant agencies as necessary to carry out an accurate assessment of their case and to ensure that any housing allocation is appropriate.

Applications will be considered from people due to being discharged within 1 month from hospital or prison.

We provide housing advice online, on the housing options pages of Locata at www.locata.org.uk/harrow by e-mail at locatahelp@harrow.gov.uk by telephone, and in person, by appointment only at Harrow Civic Centre. Go to www.harrow.gov.uk to find up to date details about advice lines, appointments and our advice service

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

3.3: Verifying the application

All applications are subject to verification checks, and these may be applied:

- At the point of initial application
- Following any change of circumstance notified to the council by the applicant
- Following any routine validation audits
- Following a review of the application (every 6 months for home seekers and every 12 months for transfer applicants and sheltered housing applicants)
- At the point of an offer of accommodation
- At the point of letting.

Note: on allocation of accommodation, verification checks into the applicant's current circumstances are likely to be carried out again by the council or registered provider that owns the property. This is to ensure the allocation is being made in accordance with the applicant's current housing circumstances and needs at the time of a prospective offer. Therefore, a failure to notify the council of a change in circumstances may lead to an offer of housing being withdrawn and the application suspended whilst changes that were not notified to the council are assessed.

All incomplete applications will be cancelled after a period of 28 days measured from the date further information has been requested from the applicant. If cancelled, this does not prevent the applicant making a subsequent application at a later date, although in such cases the applicant's effective date of registration would not be backdated to the date of the earlier application.

The council will make enquiries it considers necessary to verify and assess an application for housing. This may involve contacting previous landlords, health or medical advisors, police etc. Applications will be processed within a reasonable period (relative to the particulars facts given in the application) after all documentation has been received.

If accepted onto the Housing Register the applicant will be informed of:

- The band they have been placed in (this determines priority)
- The date of application (this is used to determine priority within the band allocated)
- The size and type of properties for which they can bid
- Their application reference number (applicants will need this to bid)
- How to seek a review against their banding if they think it is wrong.

If an application to join the housing register is refused the applicant will be informed in writing and will have a right to review the decision made.

3.4: Persons entitled to be considered as part of the application

Sole applications or joint applications may be accepted. Joint applicants will be accepted in the following circumstances:

1. The council will accept joint housing register applications from couples where both are aged 16 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.

2. Where there are joint tenants seeking a transfer who qualify for being included on the Housing Register because of a statutory housing need.

Persons entitled to assistance must be members of the applicant's immediate family who normally reside with the applicant in the UK. Any other person or persons will only be considered as part of the household if the council is satisfied that it is reasonable for that person to reside with the applicant. This will exclude lodgers or anyone sub-letting from the applicant.

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

People who usually live with the applicant but are temporarily absent due to circumstances beyond their control (for example, they are in prison on a short-term sentence, or in the care of the local authority, 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.

Specifically, a person's housing application can include the following household members:

- Spouses or civil partners where the applicant lives with and/or intends to live with their spouse or civil partner.
- Partners where the applicant is currently cohabiting with a member of the same or opposite sex.
- Children who reside with and are dependent upon the applicant. Children are defined as under 18 for these purposes.
- Permanent, full-time, live-in carers residing with the applicant at the date of application will be considered as part of the household if written confirmation of the applicant's need for a permanent, full-time, live-in carer is received from the relevant Social Services department.

At the discretion of the council, any other household member such as an adult child may be included if:

- They have been part of the applicant's household for a period of at least 12 months prior to the application to the council; and
- They reside with the applicant as part of their household and
- There is evidence to demonstrate that this is not a short term or temporary arrangement; and
- There are medical grounds for including them and can provide professional evidence in support.

Note 1: Adult children and other relatives - because of the severe shortage of larger properties applicants may wish to consider whether adult children living or other relatives (where they have been allowed to be considered part of the application)

could move into private rented accommodation, or other accommodation with relatives or friends, given the prospect of being offered a larger property may be unlikely.

Note 2: In respect of a carer who will be included on the application only where it can be demonstrated that:

- A live-in carer is essential on a 24 hour, daily and continuing basis, and
- A live-in carer has been identified and has moved in with the household or is ready to do so when accommodation is made available, and
- A live -in carer in the housing assessment team (in consultation with the council's medical adviser and or social care services as appropriate) agrees that a live in carer is essential.

The council will not generally consider the following as permanent members of a household, and they will not be included when assessing what size and/or type of property the applicant can be allocated:

- Non-dependant adult children who have joined the household, unless the evidence is that they cannot live independently and there are no other options available for those family members
- Non-relatives
- Non-resident carers
- Lodgers
- Live-in help
- Children for whom the applicant or their partner has staying arrangements but who are not permanent members of the household.
- Family members who do not currently reside in the UK
- Where the applicant or any household member has already made, or is part of, a separate housing application they cannot be included on any new application.

However, for transfer tenants' people who the council agree are part of the household at the start of the tenancy and are still in occupation can be included on the application as can children born since the start of tenancy and any children re-joining their family since the tenancy started.

The council may choose to carry out a visit to the applicant's current residence if their priority is sufficient for an allocation of housing under this policy. Visits conducted may include an inspection of the accommodation and facilities and are usually arranged by appointment.

Joint tenancies are normally granted by the council or a Registered Provider where applicants have a long-term commitment, for example, married, or unmarried couples, or civil partners. This decision is for the council or the relevant Private

Registered Provider offering accommodation, who will decide whether to allow a joint tenancy depending on the circumstances.

Households with access to children/shared residency order or Child Arrangement Orders

As part of the assessment process the council will record whether an applicant claims to have children that live with them part of the week and whether or not this arrangement is set by the court or not.

Where residence of dependent children under 18 has been agreed between the parents, by consent or by a Court Order, and the council is being asked to include them as part of an applicant's household, the council will verify their permanent and/or principal home by applying the test set out in Section 189(1)(b) of Part 7 of the Housing Act 1996 to decide whether any child both lives with and is dependent on the applicant.

Examples of the facts that the council will consider when applying for this test are:

- Which parent/guardian receives benefits, such as child benefit/child tax credits.
- Which parent/guardian arranges and pays for any childcare arrangements.
- The home address and next of kin which the child/ren's school and GP have registered for them and by checking the identity of the parents/guardian shown on the birth certificate(s), and if necessary, carrying out a home visit.

If an applicant can show that their child/ren has their permanent and/or principal home with them and are therefore dependent upon them, they can be included as part of the applicant's household.

Following this assessment there will be a small number of cases where it is agreed that children live with the applicant on a 'shared arrangement' even though they do not exclusively live with the applicant.

In these cases, even though the child/children can be included as part of the application there will be a number of factors that will be considered when deciding what size accommodation can be offered. These factors include:

- The ability of the applicant to afford the rent with or without help from benefits.
- The availability and popularity of family housing in any area that an applicant expresses a preference to live in. For example, a partner housing association may be willing to be more flexible where a vacancy relates to a flat than a house as long as the rent is assessed as being affordable.

3.5: Applications from elected Council members, Registered Provider Board members, London Borough of Harrow Housing Service staff or relations

To ensure the council is seen to be treating all applicants fairly, any application for housing from members of the council or employees of the council must be disclosed.

If an applicant has a connection with the council (as defined below) they will be treated no differently than any other applicant. However, before any offer of accommodation is made this must be authorised by a senior manager of the Housing Service or the Chief Executive of the council in the case of offers to council members or Registered Provider Board members. For this purpose, an applicant with a connection includes the following circumstances plus the level of authorisation required:

- Any applicant who is a current elected member of the council, or a former elected member of the council – (CEO)
- Any applicant who is a current member of staff of the Housing Service (SHM)
- Any applicant who is a former member of staff of the Housing Service within the past 5 years - (SHM)
- 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 - partners and people living together are treated in the same was as if they were married. (SHM)

Canvassing is not allowed in any circumstances by, or on behalf of, a Councillor or member of staff.

3.6: Checks into any court cases or unspent criminal convictions

All applicants and members of their prospective household will be requested to disclose any pending court cases or unspent criminal convictions.

The council may use any information disclosed (or any other information obtained during the assessment or following registration) to ascertain whether the applicant should be disqualified from joining, or from remaining on the Housing Register, after applying the serious unacceptable behaviour rule.

Spent convictions are not required to be disclosed and will not be taken into account in assessing a person's eligibility to join the Housing Register. The assessment will

consider whether there is evidence of any current serious unacceptable behaviour regardless of whether a person has been convicted in the past for that behaviour.

If the council decides that, on the information obtained during the assessment process, there is a pressing need for a Disclosure and Barring Service (DBS) check, or further information from the Probation Service, relevant inquires will be made.

Information gained will not automatically exclude an applicant from the Housing Register. Information received may also be used to make informed decisions about the suitability of any property that may be offered.

All assessments will be carried out in accordance with data protection and information sharing policies and other legal requirements.

3.7: Assessing Applications

To assess an applicant's housing need and their place on the Housing Register the Policy has adopted a 'needs based' banding system detailed with in section 5.

Any band awarded reflects an applicant's housing need with the higher the band awarded reflecting the greater level of housing need.

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

- The information given is correct and that they will notify the council of any change in their circumstances.
- Enquiries will be made concerning their eligibility for housing and level of priority.
- Information will be provided to other partner organisations that are part of the Policy.

Once an applicant provides information, the council will process that information under Article 6 GDPR. The processing is necessary under the 'Public Task' purpose and is necessary for the council to perform a task in the public interest or for its official functions, in this case to meet its legal responsibility to assess housing applications, and we are satisfied that the task or function has a clear basis in law.

It is the responsibility of the applicant to provide all the information requested to assess their circumstances, and to provide any supporting information or documents that are requested. Incomplete applications will not be made active until such time as the council is satisfied that it has in its possession of all the information it requires to complete its assessment.

The council may request information or a reference from an applicant's current or previous social or private rented landlord.

Where a social or private landlord does not reply to a reminder will be sent, and if still not forthcoming any other information or records available will be checked to try to determine whether there have been any concerns over the way an applicant may have conducted their tenancy. An applicant should not be disadvantaged if, despite every effort, it is not possible to obtain a reference from their current or previous landlord.

3.8: The requirement to inform the council of any change of circumstances

Applicants are required to inform the council in writing of any material change in their circumstances that may affect their priority for housing.

Examples of a change in circumstances include but are not limited to:

- A change of address or contact details, for either themselves or members of their household
- A change in their medical condition or disability (either existing or newly acquired)
- Additional family members or other people they wish to add to their application (It will be for the council to decide whether they will allow additional people to join the application)
- Any family member or any other person on the application who has left their household; and/or
- Any significant changes in income, savings, or assets, that may require a reassessment under the income and savings qualification rule.

Applications may be temporarily suspended while the council assesses the information provided by the applicant and completes further enquiries that may be necessary.

Where following a change in an applicant's circumstances this results in a change to the applicant's application or banding, they will be informed in writing.

Changes to circumstances must be notified to the Council online through Locata by the completion of a "change of circumstances" form. If a person is unable to do this, they will need to contact the lettings team directly for further advice and assistance.

3.9: Cancelling applications

An application will be cancelled from the Housing Register in the following circumstances:

- At the request of an applicant.
- Where an applicant does not respond to an application review, within the specified time set out in any correspondence sent to them.
- Where the council or Private Registered Provider has housed the applicant.
- When a tenant completes a mutual exchange.
- Where the applicant moves and does not provide a contact address.
- Where the applicant has died.
- Where, at the housing application or any reassessment, an applicant has not supplied information requested within 28 days.
- Where an applicant already registered becomes ineligible or is disqualified under the rules adopted for this policy.
- Where the applicant buys a property either through the Right to Buy or Right to Acquire or through the open market or inherits a property.

Any applicant whose application has been cancelled has the right to ask for a review of that decision.

3.10: Reviewing an application

Members must renew their application every year. Failure to do so will result in de-registration. This is to ensure the application information is kept up to date and in order to efficiently manage the administration of the register

Three months before the registration anniversary a member receives an on- screen prompt on the Locata website – it requires them to confirm the details of their registration are up to date.

One month before the registration anniversary, if the member has not logged on to bid or check their personal housing options they receive an e-mail, text or letter (according to the preference they have expressed in their application) giving them 28 days to respond.

One month after the registration anniversary an e-mail, text or letter (according to the preference they have expressed in their application) is sent informing them that their application has been cancelled. In the Locata back-office system the application is “hibernated”. If the member logs on within 3 months the application is automatically re-activated, but longer than this and a new application is required.

3.11: Deliberate worsening of circumstances

Social housing in Harrow is an extremely scarce resource in demand from a very large number of applicants, the majority of who will never receive an offer of accommodation from the council. The council has a responsibility to make the best use of its housing stock by ensuring that allocations of houses are made only to those who are in genuine housing need and who, despite having made every effort to help themselves improve their housing situation, continue to have a housing need.

For this reason, where there is evidence that an applicant has deliberately made their housing situation worse in order to gain a higher banding, the assessment of their needs will be based on the circumstances before the change in their situation brought about by their actions to deliberately worsen their circumstances.

Examples of deliberately worsening circumstances include:

- Applicants who have allowed family members or others to move into their property, who previously had suitable accommodation or the financial means to secure their own accommodation, and this has resulted in the property being overcrowded unless the addition to the household is considered to be unavoidable such as an older relative requiring full time care.
- Homeowners who have transferred their property to another family member within the last five years from the date they make their application to the Housing Register.
- Applicants who have given up affordable and suitable private rented accommodation that they are able to maintain to move in with other relatives or friends, creating a situation of overcrowding.
- Requesting or colluding with a landlord or family member to issue them with a notice to leave their accommodation.

These are examples only. There may be other circumstances in which the council decides that an applicant has deliberately worsened their circumstances.

Section 4:
General Rules and Conditions

4.1: West London Locata Central Lettings Agency

The central lettings agency, Locata Housing Services (LHS) Ltd, is a company set up by West London local authorities and housing associations, including the London Borough of Harrow. In addition to running the West London scheme, LHS works with many housing authorities up and down the country. It provides the computer program that enables Harrow and the other partners to advertise property vacancies, register and verify our housing applicants and match properties to the people who have expressed an interest in them. It also provides our on-line housing information service, the targeted housing options website at www.locata.org.uk/harrow.

The partner boroughs and housing associations which advertise properties in the West London scheme as of October 2025 are:

London Borough of Brent
London Borough of Ealing
London Borough of Harrow
London Borough of Hillingdon
A2 Dominion
Catalyst Housing
Hillside Housing Trust
Inquilab Housing Association
Network Homes
Notting Hill Genesis (formerly Genesis and Notting Hill Housing)
Octavia Housing
Paradigm Housing
Shepherds Bush Housing Association
Westway Housing Association

Most of the housing associations with properties in the London Borough of Harrow are Locata partners.

These associations advertise and allocate their properties directly using the Locata system. While the housing allocations team tries to ensure that these adverts are in line with the London Borough of Harrow (LBH) standards and that LBHs lettings policies are followed, it is not always possible to achieve compliance. Some housing associations have their own allocation policies which differ from LBHs.

4.2: When an application may be suspended

An application can be suspended for various reasons as set out in this policy. Where an applicant is suspended the applicant remains on the Housing Register and continues to accumulate waiting time within their band. They cannot however express an interest (bid) or receive any offer of accommodation. An application can be suspended for various reasons including:

- Waiting for verification information
- Investigation of incomplete or inconsistent details on the application
- Awaiting proof of change of circumstances
- Applicants in supported accommodation who are not assessed as ready for move on
- Some applicants with rent arrears (see section 2.1.6 non-qualification/ suspension rule for current or former rent arrears for details of when an applicant will be allowed to qualify but suspended from bidding)
- Applicants considered not to have mental capacity

4.3: Suspension if the applicant is not capable of entering into a contract

Where an applicant who has qualified to join the Housing Register is assessed as lacking the mental capacity to understand the contractual responsibilities of a tenancy they will be suspended from being considered for any offer of accommodation. The council cannot enter into a contractual agreement with applicants who are unable to understand the contract. Mental capacity can change and if the applicant, following their suspension, is subsequently assessed as possession sufficient mental capacity the suspension can be lifted.

Alternatively, if it is deemed an applicant does not have the capacity to understand a tenancy agreement the council will consider whether to make an offer in the circumstances where the applicant's interests are vested in a Power of Attorney who has been appointed by the court of protection.

4.4: Assessing whether a band should be awarded for any impact of an applicant's current housing on a medical condition or disability

Priority banding may be given if applicants with a local connection to the area suffering ill-health, which is aggravated by their housing conditions, and which would be helped by a move elsewhere.

When assessing whether to award Band 1 or 2 or no priority, the council 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 the assessing officer should then decide if there is a direct link between the identified medical problem and the applicant's current housing accommodation/situation, i.e., on the facts obtained (from the applicant and any medical information or reports submitted including any advice from an independent medical advisor or occupational therapist) does the assessing officer accept that the applicant's current housing accommodation and circumstances are making their medical condition or disability substantially worse, or will make it worse?

3. In practical terms, the officer will consider the adverse effect this has on the applicant's ability to manage day-to-day tasks in their current home. The applicant's current housing accommodation/circumstances may be impacting on their medical condition or disability but not to the extent that an award of Band 1 or 2 priority should be granted under the criteria adopted for the Policy. There are examples listed in Appendix 5 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, the assessing officer needs 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 the officer is satisfied that the impact on the identified medical condition/ disability would be removed or significantly improved, they would then decide whether to award Band 1 or 2 depending on the severity of the impact. The assessing officer will make their final decision based on all medical evidence available to them.

As an example, circumstances may be:

Physical Health:

- Crisis or volatile situation, requiring re-housing in the very near future in order to avoid serious repercussions on health.
- Serious physical dysfunction or deterioration.

Mental illness/learning disability:

- High risk or actual breakdown.
- To live in ordinary housing is essential to avoid loss of life.
- Serious mental ill health or deterioration (including severe PTSD caused by serving in the Armed Forces)

Environment:

- Life threatening situation developing if not re-housed away from existing home/ neighbourhood.
- Dangerous or unsafe physical environment

4.5: When medical priority will not normally be awarded

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

- Where the applicant has a health issue, however severe, that is not impacted by the accommodation occupied.
- Health problems that are not affected by housing or cannot be improved by moving.
- Where a move would only make a marginal improvement to the applicant's condition.
- Medical impacts caused by housing defects that are likely to be rectified in a reasonable time frame.
- Where another reasonable course of action is available to the applicant to resolve their difficulties.
- Time-related medical problems (e.g., pregnancy-related problems or a broken leg).
- Disrepair problems not impacting significantly on the applicant's medical condition. (Note: under the Policy an applicant may receive priority separately for living in unfit or unsatisfactory housing depending on the assessment made of their circumstances and impact).
- Overcrowding not impacting significantly on the applicant's medical condition. (Note: under the Policy an applicant may receive priority separately for being overcrowded).
- If the situation can be resolved by equipment or minor adaptations which can be implemented in a reasonable period of time.

Medical assessments are not just related to banding. The council will also consider recommendations for future housing, for example regarding the floor level a household may need and whether an extra bedroom is required due to a child having autism or another medical condition. Guidelines for assessing extra bedroom

requests for ADHD, Asperger's, sensory processing difficulties, and other mental or physical health problems are set out in Appendix 5.

An applicant or member of their household who considers themselves to have a disability will only be given housing priority banding (based on the disability), if the property is assessed as no longer suitable for their needs.

4.6: Mobility classification and need for an adapted property

Where an applicant, or one of the households, has mobility difficulties they are asked to state which of the following classifications best fits their circumstances:

1. They use a wheelchair all the time, both indoors and outdoors.

2. They cannot manage steps or stairs and do not rely on a wheelchair indoors, although they may use one some of the time.

3. Independent but can only manage one or two steps.

Irrespective of the band assessment, if the applicant self-assesses as mobility group 1 or 2, or if they say they have a substantial and permanent physical disability which may place them in mobility group 1 or 2, the Housing Assessment team will make a referral to the Occupational Therapy team, for a report on their housing needs.

Considering the recommendations of the report the housing options officer will place the member in one of the following mobility groups:

1. Wheelchair user indoors and outdoors.

2. People who cannot manage steps or stairs and may use a wheelchair some of the time. If the applicant does not need any of the major facilities or adaptations implied by mobility groups 1 and 2, but they can manage only one or two steps, or if there is a medical report that states that someone in the household needs to be on the ground floor or in lift accessible accommodation, the options officer will place the member in the following mobility group:-

3. Independent but can only manage one or two steps.

The council has access to very few fully wheelchair adapted properties, although we make efforts to ensure that there is a good proportion of such properties in most of the housing association new build schemes in the borough. Fully and partially adapted and purpose-built properties are advertised with the mobility symbol 1 or

2, and lists of bidders are prioritised to make sure that those waiting for this type of home get first consideration.

General needs property vacancies and people who need adapted or ground floor accommodation.

Much of the council's stock of housing does not lend itself to economically feasible adaptation for wheelchair users. Because of the scarcity of suitable homes, and the urgency of the housing need of many people with physical disabilities, but we do try to ensure, where a property is suitable for adaptation and a customer with mobility difficulties is interested in it, that we commission the necessary adaptations, in partnership with our colleagues in the occupational therapy service. For this reason, we try to ensure that our property adverts are as informative as possible so that customers with mobility difficulties can bid for suitable properties and do not waste their bids on unsuitable ones.

Ground floor and lift accessible properties: We also earmark much of the small stock of ground floor and lift accessible properties for people in mobility group 3 and advertise them accordingly as 3. Conversely, where an applicant has been classified as mobility group 3, we do not shortlist them for unsuitable properties, such as houses with stairs, unless the best solution for them would be to install a stairlift. This would usually only apply to larger properties such as 3- and 4-bedroom houses, because of the shortage of 3- and 4-bedroom ground floor and lift accessible apartments in Harrow. We would be very unlikely to agree to install a stairlift in a 2-bedroom house, when there is a reasonable availability of 2-bedroom ground floor flats to bid for.

4.7: Sheltered housing

This type of accommodation is for members aged sixty or over (although age limits for schemes can vary) who are able to live independently and manage alone, but who will benefit from the added security of an on-call warden, and an alarm cord system should it be necessary to seek help in an emergency. This includes people who can manage alone with the aid of a social services care package. Members with a disability may be considered for sheltered housing from 55 years.

Sheltered tenant transfers: Members who are already living in a sheltered scheme may apply to transfer to another but will only get priority for this if there is a need (as opposed to a preference) for the transfer.

Housing association specialist schemes: Within this category there are a few sheltered schemes in Harrow that are owned by housing associations, and which cater for customers with specific cultural needs, such as ASRA accommodation for Asian elders.

4.8: Extra Care Housing

London Borough of Harrow has 2 extra care schemes, and other schemes are planned. The schemes are staffed by residential social care staff working on a rotational basis to provide cover 24 hours per day.

Care Panel: These schemes are not normally advertised through choice-based lettings. Access to both schemes is by nomination via the Adult Services weekly care panel, which includes representatives from Adult Social Care, Housing and the Care and Support providers at the schemes. People aged 55+ are eligible.

4.9: Who will make decisions

Most decisions will be made by the assessing officer or the manager for the Application and Lettings service where a decision clearly comes within the policy rules. However, there will be a small number of decisions where a case will be referred to the responsible Head of Services due to the complexity of the decision to be made.

They may make the decision themselves or in the event of a complex or exceptional circumstances they may choose to convene a panel of Senior Officers and relevant professional stakeholders, if so required, to decide.

4.10: Statutory successions

Tenancies created prior to 1 April 2012

When a secure or flexible council tenant dies, the Housing Act 1985, allows certain household members to succeed that tenancy. This is known as a statutory succession. There are two types of people who may be entitled to succeed:

a. The tenant's spouse or civil partner, who was occupying the dwelling house as his or her only or principal home at the time of the tenant's death; and

b. Another member of the tenant's family (as defined at s.113 Housing Act 1985

and including for these purposes a person living with the tenant as his or her husband or wife or civil partner) who was occupying the dwelling house as his or her only or principal home at the time of the tenant's death and had resided with the tenant throughout the period of 12 months ending with the tenant's death.

There is no right of succession if the deceased tenant was a successor. The right of succession is to the tenancy, not the property.

Tenancies created from 1 April 2012

The Localism Act 2011 introduced changes to the law on succession rights. For tenancies created from 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. There is no right to succeed if the deceased tenant was a successor.

4.11: Discretionary successions

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, the Council 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 tenant's death. 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 the council's succession policy. This is known as a discretionary succession.

In deciding whether to award a discretionary succession the council will take into account:

- The applicant's relationship to the former tenant(s)
- The age of the applicant and any disability, medical or social factors
- The length of time they have lived with the departed/ deceased tenant
- Their ability to finance accommodation in the private sector
- Whether the person would have priority need if they applied as homeless
- Whether the person meets the current "positive residence test" (see below)
- Any other relevant considerations

The final decision is taken by the Senior Professional Manager for the council's Resident First. In every case where the council has 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 is suited to their needs under the terms of this allocations Policy. They will still be allowed to bid under the CBL Policy, but a direct offer is more likely to be made and can be made at any time. The chance to bid for a property will be limited because of the legal rules that require the council to serve a notice requiring them to move six months of the tenant's death but before 12 months in order for the notice to be considered valid.

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.

4.12: Reciprocal requests

London Borough of Harrow only agrees to reciprocal requests when it is satisfied that the person is in urgent need, that they need to move to Harrow, and that the reciprocal property being offered will be beneficial to Harrow residents with high priority to move. The team leader responsible for housing allocations and nominations decides whether to grant a request for a reciprocal move.

4.13: Special requests

London Borough of Harrow participates in various schemes that assist welfare agencies and others to manage housing difficulties experienced by their clients. There is a National Witness Mobility scheme.

When we accept people from outside the borough under these protocols and schemes it is always on the understanding that Harrow residents in similar circumstances will be eligible to benefit from the schemes, and it is always a very small minority of lettings. Decisions to accept such cases are made by team managers in the Housing Needs Team.

4.14: Local Lettings Policies

The council may from time to time implement a Local Lettings Plan (LLP) which will set out how properties will be allocated in exceptional circumstances to meet area specific issues, for a specific block or estate. This will ensure that there is a planned

approach to the letting of high density/high rise schemes to ensure sustainable mixed and balanced communities. Note all new developments will be subject to a local lettings plan.

The council may also agree with partner housing associations a local lettings policy aimed at promoting sustainable estates, good tenancy management, and meeting the needs of a local area.

For council scheme LLPs, these will be authorised by the Strategic Director for Housing and Regeneration following consultation with the Portfolio Holder for Housing under a delegated authority.

For a LLPs agreed with partner housing associations these must be approved by the service manager for the housing needs service in conjunction with any relevant housing association. LLPs should be reviewed by the service manager for housing provision in conjunction with the partner housing associations on a regular basis (at least every two years).

In order to ensure that Service personnel and their families are given appropriate priority, Armed Forces applicants may be considered for allocation under the local lettings scheme. This may include any serving or former members of the Armed Forces, provided that they have a housing need and are not otherwise disqualified under the Qualification rules detailed at 5 below.

See Appendix 7 for full details of how local lettings policies will be agreed and applied.

4.15: Quota targets for certain groups and categories of need including those owed a statutory homeless duty by the Council

There are two main groups of people who apply for housing in Harrow:

An overwhelming 85% of applicants are people who do not currently have a public sector tenancy, referred to as “Homeseekers” (see Appendix 9: Glossary for definition).

The second group, referred to as “transfer applicants” (see Appendix 9: Glossary for definition), who decide to apply to the council rather than their own landlord for a move. Both kinds of transfer applicant together make up only 15% of registered Locata members.

In addition, there is a very small number of applicants who do not fit into either group, including those from outside Harrow who are offered tenancies under an inter-borough mobility scheme or a reciprocal arrangement with the police or a social care service agency.

Targets are set for the proportion of homes to be allocated to the two main groups, and regular monitoring takes place to ensure the targets are achieved, which is done, if necessary, by earmarking properties in the adverts for one group or the other. Targets are approved annually following consultation with the Portfolio Holder for Housing and may be changed within the year in question depending on housing pressures.

In order to reduce the financial impact on the council for homeless households occupying temporary accommodation, and to ensure that the council is able to meet its legal duty to provide suitable temporary accommodation at all times, the council will target a proportion of properties (a quota) for direct allocation to applicants owed a homeless duty.

4.16: Assessing overcrowding and the bedroom size that can be allocated

For the purpose of assessing a person's housing need for overcrowding and for the purpose of deciding the bedroom size to be allocated to a household for rehousing the following criteria will be used:

1 bedroom will be allowed for:

- One bedroom for applicant and partner/spouse (if any)
- One bedroom for any additional adult couple
- One bedroom for any two additional people of the same sex and are siblings (regardless of age). However, where there are medical needs, the council may consider exercising its discretion and allow an additional bedroom;
- One bedroom for any two additional people of the opposite sex under age 10
- One bedroom for any additional person (over the age of 1)

How the council will apply the above criteria:

1. All foster children will be included in the measurement of overcrowding (also applies when no foster children live there as long as the room isn't empty for more than 10 weeks).

2. Where applicants are being shortlisted for a 3 bedroom, 4-bedroom property (or larger property) and there are more than one household who have bid from the same band, any household with 3 or more children under 16 will be shortlisted before a family where there are children over the age of 16, or where there are adult children over 18, unless a child over 16 or adult child has an assessed disability which is impacted by their current housing. 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 a 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. Each adult child in the Armed Forces or each reservist would be allowed their own bedroom where the evidence is they have no other accommodation when 'home' on leave.

4. Children are not considered as part of the household of the applicant if the children have a main permanent residence elsewhere.

5. Families headed by a single parent will be treated in the same way as a family headed by a couple.

6. Two people living together will be treated as a couple regardless of their marital status or sexual orientation.

7. Couples should have always have their own bedrooms and not share with children.

8. Couples can be treated as needing two bedrooms only if there is an exceptional medical need and the council's medical assessment agrees with this need.

9. A child up to the age of 1 will be disregarded when measuring overcrowding but counted for the purposes of the size of accommodation an applicant would be entitled to.

10. When assessing the level of overcrowding where an applicant or a member their household who is part of the application are sleeping in a room that is not a bedroom they will not be counted as having a bedroom.

11. For measuring overcrowding and the size of the home that can be allocated the council will include members of the Armed Forces who continue to live with their family but are away on operational duty and Students who are away on a temporary basis i.e. at university or college).

12. Non-dependent children will only be considered as a member of the household if they have been living with the applicant as their permanent full-time residence for a period of over 12 months. This may be waived for non-dependents who give or receive care from the applicant.

13. Other non-dependents who are not children of the applicant and have lived with the applicants for more than 12 months will be considered on a case-by-case basis.

14. Commercial lodgers are never considered as non-dependents. (In this context commercial lodgers are non-family members who are receiving board and/or lodgings in return for payment, or payment in kind).

15. Any property with 2 reception rooms will have one counted as a bedroom

16. Applicants may be permitted to bid for properties with one fewer bedroom than their assessed bedroom need.

17. 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 Appendix36 for more details as to how a claim for an extra bedroom will be assessed).

18. Carers who provide regular overnight care may be granted a bedroom again 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 number of bedrooms needed by an applicant depends upon the size of their family. 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	Bedsit/single person home with single bedroom
A couple without children	1 bedroom
Two adults of the same sex and generation, for example flat sharers, or two brothers	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	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 1 or over and the other who is aged 10 or over	3 bedrooms
A couple with three children	2 or 3 bedrooms, depending on the age of the children
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)	3 or 4 bedrooms depending on the age of the children
A couple with more than four children	4 bedrooms

Further points to be noted:

1. Unborn babies are not considered when determining the number of bedrooms needed.

2. Multiple births, e.g., twins under the age of 1 are considered when determining the number of bedrooms needed.

3. Single people without children may be offered a studio.

4. Single bedrooms will be used for one person not sharing (for example a single parent).

5. Double bedrooms will be used for two people sharing (for example two children sharing).

6. Siblings of the same sex are expected to share a bedroom regardless of age.

7. A couple or single parent expecting a baby is entitled to one double bedroom.

8. Council or Registered Provider tenants trading down from properties with three or more bedrooms will be allowed, if they wish, to be considered for properties with one bedroom more than they need.

9. An applicant should note that for Registered Provider properties the Housing Association may have adopted a different criterion for determining the number of bedrooms a household requires.

10. 2 bedroom or 3-bedroom or 4-bedroom need families who are willing can choose to be considered for smaller council owned properties that are up to one bedroom size less than their assessed need as long as this does not mean that they will be statutorily overcrowded. For 2-bedroom properties this is limited to families with one child under the age of 5 who have a two-bedroom need but opt to be considered for a one-bedroom property. 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.

Section 5:
How an applicant's housing needs and circumstances are assessed

5.0: The Banding system that has been adopted by the Council

The demand for Social Housing exceeds supply in Harrow and therefore this policy prioritises the housing of applicants assessed as being in the greatest need. Once registered many applicants will still unfortunately, not have sufficient housing need to be offered a property.

The banding system set out in this section will normally be used to decide when to make an offer of accommodation and to whom.

The council has chosen to adopt a simple and transparent system creating 4 queues' where people will normally be ranked by date order in each queue as long as they qualify to join the housing register. The housing bands are summarised below, and full details are then set out.

An applicant has the right to receive a written decision regarding their banding stating the facts of their case which is likely to be or has been, taken into account in considering whether to allocate housing accommodation to them and request a review of this decision.

Band 1 – Exceptional and immediate need to move:
This band consists of 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 – 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 60 without a statutory housing need but are willing to consider accepting a tenancy for low demand sheltered housing in Harrow.

Band 4 – Lower priority statutory housing need to move:
This band consists of applicants with a reasonable preference but have not resided in Harrow for 5 years or more or are homeless households that will retain their priority for 2 to 5 years when rehoused in private rental and a Section 193 duty is discharged.

The date a Band will be allocated

The Band start date is the date the assessment of the applicant's Housing Register application has been completed and not the date the application was received. If following being banded, an applicant's housing need and/or circumstances change and a reassessment result in the applicant being placed in a higher band then in these circumstances, they will not retain the date they were awarded the lower band as the new higher band reflects a higher level of housing need. Therefore, their date for the higher band will be the date they were awarded that band for that higher assessed housing need.

The Service Manager responsible for housing assessment has a residual discretion to backdate the priority date of an applicant where it can be shown either:

- That there was a delay (not the fault of the applicant) in the obtaining or receiving of the relevant supporting information, or
- That the decision on an application or request for re-banding following a change of circumstances took an unreasonable length of time and, had it been made in a timely manner, the priority date would have been earlier.

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

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

5.1: The banding system and the adopted housing need criteria to qualify for each of the 4 Bands.

The following section provides details for how the policy defines and assesses housing need for an award of a band is described below. Where there are further details, beyond the details set out below for how the housing need criteria will be assessed, these are set out in appendices. For example, the detail for how the council will assess applications where it is claimed there is a housing need based on the impact of an applicant's current housing on a medical condition including physical or mental health, or a disability is detailed in Appendix 5.
It is important to note that applicants will be placed in the appropriate band following an assessment that their housing need meets the threshold for that band. An applicant who qualifies under more than one of the housing need criteria will be awarded the highest priority they are entitled to under the criteria. They will not be awarded a higher band just because they meet more than one housing need criteria. For example, an applicant who meets 2 housing need criteria for Band 2 will still only be awarded band 2 and not Band 1.

5.2: Details for an award of 1 to 4 Housing Band

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.

BAND 1	Exceptional and immediate need to move: These cases have been awarded reasonable preference plus additional preference
Category of Housing Need	**Summary Guide of Criteria**
Emergency medical or disability	The following Band 1 examples are intended to guide the applicant on the threshold set for a Band 1 award. See Appendix 5 for more details on when a Band 1 award may be granted. 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. • Where an applicant's condition is expected to be terminal within a period of twelve months and rehousing is required to provide a basis for the provision of suitable care. • The condition is life threatening, and the applicant's existing accommodation is a major contributory factor. • The applicant's health is so severely affected by the accommodation that it is likely to become life threatening. • The applicant has severe mobility issues, is housebound and is unable to leave their accommodation save with assistance that will result in high risk to themselves or their carer and have an assessed need to move to accommodation that meets their needs. • The applicant is a wheelchair user who is unable to use their wheelchair within their current accommodation and has an assessed need to move to wheelchair suitable accommodation • 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 usually 6 months. • Where overcrowding in the property leaves the applicant at risk of life-threatening infection.

BAND 1	Exceptional and immediate need to move: These cases have been awarded reasonable preference plus additional preference
Category of Housing Need	**Summary Guide of Criteria**
Exceptional Circumstances Welfare and Social Hardship	The council recognises that there may be exceptional circumstances where the only way an exceptional housing need can be resolved is through a Band 1 award. In the interests of fairness to all these applicants these circumstances are kept to a minimum. Examples of exceptional welfare and social hardship circumstances include, but are not limited to: • A severe threat to life • 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 Scheme or other similar schemes 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. • A care leaver assessed as ready to move to independent settled housing with a profound disability or assessed as having a significant vulnerability over and above the fact that they have been in care, who is assessed as needing to be housed urgently to significantly improve the impact their current circumstances are having on their disability or vulnerability • Other exceptional circumstances as authorised by the Lead Manager for the Applications and Lettings function or equivalent. For any Registered Provider 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.

BAND 1	Exceptional and immediate need to move: These cases have been awarded reasonable preference plus additional preference
Category of Housing Need	**Summary Guide of Criteria**
Armed Forces: Statutory award of additional preference cases	Applicants with urgent housing need (reasonable preference as defined in this policy) and have access to no other accommodation who: • Currently serving or who have served in the Regular Armed Forces; • Serving or former members of the Regular Armed Forces are suffering from serious injury, illness, mental ill health, or disability which is attributable wholly or partly to their service • Bereaved spouses or civil partners of those serving in the Regular Forces where: (i) the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their Service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service. or • Is serving or has served in the Reserve Armed Forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service For this purpose, "the regular forces" and "the reserve forces" have the meanings given by section 374 of the Armed Forces Act 2006.
Freeing up a council home that has been already significantly adapted and there is a need for that home	At the council's discretion where there is an unmet need for the property occupied. Where a tenant is willing to transfer to a suitable non adapted property, has reasonable preference and is releasing a property with significant adaptations
Statutory Overcrowded	Council, Private Registered Provider, or Private Sector tenants who are statutorily overcrowded where that overcrowding has not come about through deliberately worsening their circumstances and has a reasonable preference.
Acute Overcrowding	Where a household is 3 bedrooms short of the overcrowding standard adopted by the council under this policy

BAND 1	Exceptional and immediate need to move: These cases have been awarded reasonable preference plus additional preference
Category of Housing Need	**Summary Guide of Criteria**
Private Sector Properties, those living in insanitary or unfit conditions where the conditions pose an ongoing and serious threat to health.	Private sector tenants and residents of dwellings where the Council's Private Sector Housing Team has determined the property poses a Category 1 hazard under the Housing Health and Safety Rating System and a) the hazard is being dealt with by a prohibition order or emergency remedial action notice or equivalent and b) 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 an exceptionally serious 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. A private sector property either owned or rented where a statutory notice has been issued by the environmental health department that an unfit property is to be demolished under the Housing Act 2004. Note: this category will not include Registered Provider tenancies because there is a legal requirement on social landlords to urgently remedy defects that pose a risk to their tenants.
Under-Occupation	Where a secure or flexible council tenant will release a home with two or more bedrooms by moving to a property with fewer bedrooms than they currently have and has a reasonable preference. Registered Provider tenants who will release a home with two or more bedrooms are eligible if their landlord agrees that the vacated property can be used for a nomination by the council.
Exceptionally urgent management transfers from a London Borough of Harrow property	Where a council tenant has to move either temporarily or permanently whilst major works are undertaken or where their home is due to be demolished. Exceptional circumstances because of significant and insurmountable problems associated with the tenant's occupation of the home and imminent personal risk to the tenant or a member of their household if they remain there (e.g. because of harassment). These transfers will be to properties of the same size and type (i.e. management transfers are always "like for like" – i.e. same number of bedrooms and flat to flat or house to house)
Foster carers referred by the council's Children's Service or providers of supported lodgings	Foster carers or providers of supported lodging approved by the council whose housing prevents them from being able to start, or continue, to provide foster care.

BAND 1	Exceptional and immediate need to move: These cases have been awarded reasonable preference plus additional preference
Category of Housing Need	**Summary Guide of Criteria**
Council interest transfers - Permanent decants - Service tenants - Ex tenant discharged from an institution	• Decanting needed from a property imminently required because of lease expiry or for essential works and the tenant will not be returning (e.g. development schemes). • Ex-service tenants (e.g. caretakers and sheltered wardens) where the Council has a contractual obligation to re-house. • Where a commitment has been made in order to get a tenant to relinquish their public housing tenancy on entering an institution such as a prison or nursing home. The priority will normally only be given for studio and 1-bedroom properties.
Young people leaving care move-on quota	• Approved for move-on by Social Care Services as part of their annual fixed quota of studio and 1-bedroom properties
Supported housing move-on quota	Approved for move-on by the Supporting People Move-On panel (comprising representatives of council accredited supported schemes) as part of their annual fixed quota of studio and 1- bedroom properties. Note the assessment criteria will normally require the following before Band 1 will be awarded: • An applicant 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.
Older people approved for sheltered accommodation only	Applicants (usually 60 years+, but exceptionally 55 years+) who are assessed as likely to benefit (e.g. by retaining their independence for longer) from sheltered or other specialist older people's accommodation where there is an urgent need to move. Note: Sheltered housing will be let through direct offers and not through the bidding system
Move-on from residential care	Where agreement has been reached to provide public rented housing on the recommendation of a Social Care Service or equivalent that the person is able to live independently, and the housing service agree with the recommendation.

Most (but not all) applicants in Band 1 will be allowed to bid but regardless a direct offer may be made at any time due to the immediacy of their need to be rehoused.

BAND 2	Need to move – Reasonable Preference assessed as having an urgent housing need
Category of Housing Need	**Summary Guide of Criteria**
Homeless households owed a relief duty under Section 189B(2)	All applicants owed the relief duty under Section 189B(2), and the interim accommodation duty. On the ending of the relief duty, either the applicant is no longer homeless (and no longer in housing need so no longer on the allocation scheme), or it has been decided that they have become homeless intentionally, so be re-assessed.
Overcrowded by 2 bedrooms	Where a household is two bedrooms short of the adopted overcrowding standard set out in Section 4 of this policy
Applicants living in unsatisfactory housing lacking basic facilities.	Applicants without access at all to any of the following facilities.: • a bathroom or kitchen • an inside toilet • hot or cold-water supplies, electricity, gas or adequate heating. Note: Applicants who have access to shared facilities re cooking, bathroom, and toilet will not qualify under these criteria. This banding award does not include applicants sleeping rough or with no fixed abode. They will be dealt with under the homelessness criteria in this banding Scheme. Any decision to award Band 2 for this category will take into account the reasons why the applicant does not have access to these facilities and whether this is a temporary or long-term situation.
Severe medical or disability grounds	• 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. See Appendix 5 for examples of when a Band 2 award may be granted.

BAND 2	Need to move – Reasonable Preference assessed as having an urgent housing need
Category of Housing Need	**Summary Guide of Criteria**
Hardship or welfare need to move for care or support	• Those who need to move to give or receive care that is substantial and ongoing. • Those who need to access Social Services facilities and are unable to travel across the borough. • Those who need to take up (or continue) employment education or a training opportunity that is not available elsewhere and who do not live within reasonable commuting distance.
Housing needs due to age	Older or disabled applicants seeking designated retirement, Extra Care, or Sheltered Plus housing.
Ready to move on from Council accredited supported care schemes	• An applicant 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.
London Borough of Harrow tenant who has been assessed as needing to move to an adapted property	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. 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.
Statutory & Discretionary Succession required to move	The applicant is a statutory or discretionary successor to a tenancy, has reasonable preference and is required to move to a smaller property.
Older people approved for sheltered accommodation	Applicants (usually 60 years+, but exceptionally 55 years+) who are assessed as likely to benefit (e.g. by retaining their independence for longer) from sheltered or other specialist older people's accommodation where there is a need to move but that need is not assessed as meeting the criteria for a Band 1 award.
Existing London Borough of Harrow tenants who will release a high demand property	Tenants who will: • move into a smaller property releasing a high demand property • occupy a house and wish to move to a general needs flat

BAND 3	a. Reasonable Preference but with a lower housing need Contribution b. 'Right to move applicants' c. Older persons without an assessed housing need
Category of Housing Need	**Summary Guide of Criteria**
Homeless households owed a main homeless duty under s.193(2) by the London Borough of Harrow.	Applicants who are owed a main homeless duty under Section 193(2) (or for any applicant still owed a Section 195(2) duty prior to the introduction of the Homelessness Reduction Act in 2018) and are in suitable temporary accommodation. This means households that have been assessed as being owed the main homeless duty for being unintentionally homeless and in priority need.
Homelessness	• Applicants owed the s.190(2) duty who have priority need and have become homeless intentionally. • Applicants owed the Section 193C(4) Main duty where the Prevention or Relief duty was ended by the Council due to their deliberate non-cooperation (this provision will not apply to applications received after the implementation of the Renters Rights Act 2025). • Applicants owed a Section 189B(2) Relief duty by the Council and not considered likely to be in priority need and not in interim accommodation under s.188. • Applicants owed a Section 195(2) Prevention of homelessness duty. • Applicants owed a Section 195(2) Prevention of homelessness duty by the Council and not considered likely to be in priority need. • Applicants who are homeless and not owed a homeless duty under Part 7 of the Housing Act 1996.
Insecurity that risks homelessness Note: For this group under the policy, after 6 months in Band 3 an applicant will be moved up to Band 2 with their effective date being the date they were put into Band 2.	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: 1. 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 2. 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 3. The family member with the interest in the home has agreed to allow the applicant to remain for at least a year.

BAND 3	a. Reasonable Preference but with a lower housing need Contribution b. 'Right to move applicants' c. Older persons without an assessed housing need
Category of Housing Need	**Summary Guide of Criteria**
'Right to move applicants'	Existing social tenants of accommodation in England whom the council have assessed as qualifying under the Government's Right to Move regulations. Allocation to applicants who qualify for this award is limited to a maximum of 1% of all lettings.
Older persons without an assessed housing need	Applicants over 60 who have been assessed for older person's housing only. Single applicant or couples aged 60 or over and with no other priority that would grant them an award of Band 1 or Band 2, and the applicant is willing to accept older person's housing only and has been assessed as suitable for that type of housing by the council

BAND 4	Need to move – Reasonable Preference assessed as not having an urgent housing need
Category of Housing Need	**Summary Guide of Criteria**
Homeless households when rehoused in private rental	Homeless household retain priority need for 2 to 5 years max when rehoused into private rental and Section 193 duty is discharged
Household that has a reasonable preference but not for 5 years residency	Only applies to household that have been assesses with a reasonable preference but do not yet meet the 5-year residency criteria.

Applicants have the right to request a review of the banding and priority date decision as per paragraph 1.13 above.

5.3: Advertising Properties

The council operates a choice-based lettings (CBL) policy called Locata for available council-owned properties and nominations to available properties owned by registered provider landlords. Available homes are advertised weekly on the Locata website and applicants are invited to bid to become the new tenant of the home.

Members of Locata can express an interest ("bid") for up to three properties at any one time. The properties are normally let to bidders first by band then in waiting time order, but the council does also make direct offers, and these can occasionally be made outside of Band and date order (see section x for when a direct offer may be made). Bids may be placed by housing staff on members' behalf, either at the member's request or in order to facilitate the making of a direct offer to a person in urgent need of re-housing.

Members who make more than the allowed number of bids will have the additional ones disregarded, so it is important to bid for no more than 3 homes; one of the ineligible bids might be the one that would have given the best chance of a property viewing. Adverts will clearly indicate any restrictions on bidding (e.g., where properties have been adapted and/or are specifically for people with disabilities) and will detail any particular criteria that apply (e.g., any affordability criteria).

5.4: The bidding and selection process

Properties are advertised as and when a notice is received and therefore will be uploaded at any time between a Monday and Friday to the Locata website. Each listed property will have a closing date within which the customers will need to register their bid.

Harrow Locata members may bid for properties advertised in the following sections of Locata:

- London Borough of Harrow
- Cross-borough
- Any of the individual housing association pages

All properties advertised will be advertised for a minimum of 5 days including weekends and bank holidays. An applicant may express an interest through bidding on any advertised property that meets their needs.

- Bids will only be registered if the applicant is on the housing register
- Applicants will not be contacted individually if their bid is unsuccessful, however the results of the bids will be advertised on a regular basis.
- Applicants can express an interest on a maximum of 3 properties in any single bidding cycle.
- Bids can be withdrawn at any time prior to the closing date.
- When the applicant wishes to bid for more than one property they will be prompted to capture their preference in numerical order,
- Bids will be accepted from nominated representatives of the applicant. To make a bid on behalf of an applicant the representative will be required to give the Housing Application Reference 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 lettings criteria as stated in the property advert
  b. Date order from Bands 1 to 4. 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.
- Applicants are encouraged to check their Locata housing portal to ensure the bids they have placed are recorded and the order of priority reflects their preferences.

5.5: Offers of accommodation

There will be circumstances in which there are urgent strategic, operational, or financial reasons to:

1. Shortlist applicants outside the normal band or date order system, or
2. Make a direct offer outside of the bidding system and at times outside of the normal band and date order criteria (see section 1.7 for further details for when the council may choose to make a direct offer outside of the bidding (CBL) system and sometimes outside of the band and date order system.

Where points 1 and 2 above is not applied the council will make an offer of accommodation by selecting an applicant from a shortlist of successful applicants bidding for that property based on the band awarded and date within that band.

All applicants who will be new tenants of the council (including those housed outside choice-based lettings, such as via an external mutual exchange) must attend a pre- tenancy interview before being offered the tenancy of a council home. Council tenants transferring will not normally be required to attend.

We will also carry out verification checks on applicants who will be new tenants of the council. These checks are to ensure that all the information we hold relating to an application is up to date. Verification checks may be carried out as part of the pre-tenancy interview process, or we may carry out a home visit prior to an appointment to view. Following the pre-tenancy interview, tenancy training will be offered to applicants where it is considered appropriate.

We will contact the successful applicant at their last notified address, email address or telephone number and arrange a pre-tenancy interview and verification check.
If the successful applicant does not respond to this contact within two working days or fails to attend an appointment for a pre-tenancy interview and verification check, their application will be disregarded, and the next shortlisted applicant will be contacted.

Following a successful bid and verification checks, the successful applicant will be invited to view the property alongside up to five other shortlisted applicants. At the viewing, applicants will be asked whether they wish to accept the property. If they confirm acceptance, they will be advised that a lettings officer will contact them to progress the offer. If an applicant declines the property, they will be required to provide their reasons in writing to the lettings team.
If an applicant requests additional time to make a decision, they must notify the lettings team of their decision by 9.30am on the next working day.
If the applicant refuses the offer of a tenancy or fails to contact the lettings team with their decision by 9.30am on the next working day, the next shortlisted applicant will be offer of the tenancy of the property, and so on until an offer is accepted.

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

The council 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 the applicant is not in that group
- Under the terms of this allocations scheme, the applicant does not meet the criteria for the property bid for
- The applicant failed to respond within two working days to a request to arrange for verification check
- The applicant fails to attend an arranged viewing
- The applicant is a tenant of the council or a registered provider and following their successful bid they are found to have committed anti-social behaviour or to have rent arrears, or their current property is found not to meet the leaving standard, or they have committed any other breach of tenancy conditions
- Following their successful bid, an applicant is found to not qualify for the housing register
- Since joining the policy an applicant has become ineligible.
- on verification of the applicants' details, the priority band has been incorrectly awarded due to the information received by the applicant or due to mistakes in the assessment of the application itself.
- The applicants' circumstances have changed since the priority band was awarded and the applicant is no longer entitled to the same level of priority.
- The council or the housing association landlord for the property being advertised has evidenced housing management reason not to offer the property to the person selected.

As part of the pre-offer verification checks applicants will be expected to provide evidence of their identify and the identity of anyone to be rehoused with them, as well as their current address before any tenancy can be agreed.

Wherever practical applicants will be visited prior to making an offer of accommodation. The purpose of the visit is twofold:

- Firstly, to check household details
- Secondly, to check requirements have not changed.

If the visiting officer discovers the details are incorrect, no offer of accommodation may be made.

Applicants will only be offered one property at a time. Once an offer has been made to the applicant they will not be able to bid or be considered for other offers of accommodation until the current offer is refused.

As part of the offer, we will provide details of the property and make arrangements to view it as quickly as possible. Applicants are expected to decide whether to accept or refuse the offer at the viewing and will also be offered the opportunity to sign for the tenancy at the viewing. If applicants do not inform the council of their decision immediately or within 24 hours of the viewing the offer may be withdrawn and the property allocated to the next suitable bidder.

If an applicant does not reply to an invitation in writing, by letter or email or text, to view a property within 2 working days the offer will be deemed to have been refused, and the property will be offered to the next applicant on the shortlist who qualifies for that offer. This will then count as one of the applicant's 1 reasonable offers unless a satisfactory explanation for the applicant's failure to respond is accepted by the council.

Where the offer is to an applicant owed a statutory homeless duty, a property will not be re-offered until the council have been informed of the applicant's refusal or failure to attend the appointment to view and have made a decision whether or not to enforce the offer to end the homeless duty owed.

A suitable and reasonable offer of accommodation is defined in Appendix 4 of the policy.

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 not suitable for the households 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 applicants who are top of any shortlist, and these will be recorded by the council, or a partner housing association where the property advertised is owned by them.

5.6: Acceptance of an offer made under CBL or through a Direct Offer

If an applicant accepts an offer of a council tenancy and the property is ready for letting, they will be invited to sign for the tenancy and complete all necessary paperwork, which may include a financial assessment.

Where the offer is of a joint tenancy, then both parties to the tenancy must attend the letting appointment to sign the paperwork. If only one-party attends, the letting will not proceed, and the offer of a tenancy will be withdrawn.

If an applicant is a tenant of the Council or a Local Registered Provider, they must give up vacant possession of their existing property and the keys must be returned to the council's customer service centre or to the registered provider, by an agreed date. If keys are returned late, the tenant will be charged rent on both properties.

When the tenancy agreement has been signed, the tenant's housing register application will be cancelled. A new housing register application must be completed if the tenant wishes to be considered for re-housing in the future.

5.7: Feedback on let properties

All properties let under this policy are listed on the Locata website. The personal feedback section for each Locata member shows each property they placed bids for, the number of bidders and the band and registration date of the successful bidder. There is also feedback on all properties let through Locata in the Freesheet Archive of the website (www.locata.org.uk). The feedback enables members to gauge the scarcity and popularity of different areas and property types; to be able to judge how long they might have to wait to be re-housed, and thus to exercise informed choice.

Section 6:

Appendices

APPENDIX 1:
Eligibility

The Council may allocate housing only to applicants who are eligible under UK law. Eligibility is determined primarily by immigration status but may also affect British citizens. There are two categories of ineligible people.

The first category of people who are ineligible for an allocation are persons subject to immigration control unless they fall within one of the classes prescribed at Regulation 3 Allocation of Housing and Homelessness (Eligibility) (England) Regulations SI 2006/1294, as amended. We set out the classes of persons subject to immigration control who are eligible for an allocation at Appendix 2. Those classes can change if the Regulations are amended and reference should always be made to the up-to-date text of Regulation 3. The most common classes of persons who are subject to immigration control who are eligible under Regulation 3 are refugees (Class A) and people who are habitually resident and whose leave to enter or remain does not contain any No Recourse to Public Funds condition (Class C). EEA nationals who have settled status will normally fall within Class C.

The second category of people who are ineligible are people who are not habitually resident in the Common Travel Area (England, Wales, Scotland, Northern Ireland, Republic of Ireland, Isle of Man and the Channel Islands). This will apply to British nationals and also to some EEA nationals and their family members. There are some exemptions to the habitual residence requirement, set out at Regulation 4(2) Allocation of Housing and Homelessness (Eligibility) (England). We reproduce the categories of people who are exempt from the habitual residence requirement at Appendix 3. Those categories can change if the Regulations are amended and reference should always be made to the up-to-date text of Regulation 4(2).

UK law also requires that the Council cannot allocate housing to a person whose only right to reside in the UK arises under European Union law based on their status as a jobseeker, or an initial three months' right of residence or a derivative right of residence based on being the principal carer for a British citizen. Where a national of an EEA member state, or a family member of a national of an EEA member state, has pre-settled status, that is not sufficient for the applicant to be eligible. The applicant must also have a qualifying right of residence 38 (which is not that of job-seeker, initial three months' right of residence or a derivative right of residence as a principal carer for a British citizen).

Anyone can approach the Council for advice or seek independent legal advice.

The Council will consider an applicant's eligibility at the time of the initial application and again when considering making an allocation. If the Council decides that an applicant is not eligible, it will notify the applicant in writing, giving reasons for its decision and informing the applicant that he or she has the right to request a review of that decision.

The Council is not allowed to allocate housing to an ineligible person by granting them a joint tenancy with another, eligible, person. Where there are two applicants, and one is eligible and the other ineligible, the Council will grant a sole tenancy to the eligible applicant.

These rules do not apply to a person who is already a tenant of the Council or of any other council or private registered provider, if the tenancy was granted as a result of an allocation.

APPENDIX 2:
Persons subject to immigration control who are eligible for an allocation of housing accommodation

Reg 3 Persons subject to immigration control who are eligible for an allocation of housing accommodation

The following classes of persons subject to immigration control are persons who are eligible for an allocation of housing accommodation under Part 6 of the 1996 Act

a. Class A a person who is recorded by the Secretary of State as a refugee within the definition in Article 1 of the Refugee Convention and who has leave to enter or remain in the United Kingdom;

b. Class B a person
   i. who has exceptional leave to enter or remain in the United Kingdom granted outside the provisions of the Immigration Rules; and
   ii. who is not subject to a condition requiring him to maintain and accommodate himself, and any person who is dependent on him, without recourse to public funds;

c. Class C a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and whose leave to enter or remain in the United Kingdom is not subject to any limitation or condition, other than a person
   i. who has been given leave to enter or remain in the United Kingdom upon an undertaking given by his sponsor;
   ii. who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which his sponsor gave the undertaking in respect of him, whichever date is the later; and
   iii. whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive;

d. Class D a person who has humanitarian protection granted under the Immigration Rules

f. Class F – a person—
   i. who has limited leave to enter or remain in the United Kingdom on family or private life grounds under Article 8 of the Human Rights Convention that is granted under paragraph 276BE(1), paragraph 276DG or Appendix FM of the Immigration Rules; and

ii. who is not subject to a condition requiring the person to maintain and accommodate himself, and any person dependent upon him, without recourse to public funds;

g. Class G – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has been transferred to the United Kingdom under section 67 of the Immigration Act 2016 and has limited leave to remain under paragraph 352ZH of the Immigration Rules (h) Class H – a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and has Calais leave to remain under paragraph 352J of the Immigration Rules

i. Class I – a person (P) who has limited leave to enter or remain in the United Kingdom by virtue of Appendix EU of the Immigration Rules in circumstances where
   i. P is a family member of a relevant person of Northern Ireland ("RP") in accordance with those rules; and
   ii. P would have been considered eligible under regulation 4(2)(d) if RP were a person specified in regulation 4(2)(a) to (c)

j. Class J a person who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland and who has limited leave to remain in the United Kingdom as a stateless person under paragraph 405 of the Immigration Rules

k. Class K – a person (P
   i. who has limited leave to enter or remain in the United Kingdom by virtue of Appendix Hong Kong British National (Overseas) of the Immigration Rules;
   ii. whose leave to enter or remain is not subject to a condition requiring P to maintain and accommodate P, and any person dependent upon P, without recourse to public funds; and
   iii. who is habitually resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland

l. Class L a person
   i. who is granted leave to enter or remain in the United Kingdom in accordance with the Immigration Rules, where such leave is granted by virtue of

      (aa) the Afghan Relocations and Assistance Policy; or

      (bb) the previous scheme for locally employed staff in Afghanistan (sometimes referred to as the ex-gratia scheme); or

ii. with leave to enter or remain in the United Kingdom not coming within sub-paragraph (i), who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021, but excluding a person (P)

(aa) who is subject to a condition requiring P to maintain and accommodate themself, and any person who is dependent on P, without recourse to public funds; or

(bb) who has been given leave to enter or remain in the United Kingdom upon an undertaking given by P's sponsor and has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is the later, and whose sponsor or, where there is more than one sponsor, at least one of whose sponsors, is still alive

m. Class M a person in the United Kingdom who
   i. was residing in Ukraine immediately before 1st January 2022;
   ii. left Ukraine in connection with the Russian invasion which took place on 24th February 2022; and
   iii. (iii) has been granted leave in accordance with immigration rules made under section 3(2) of the Immigration Act 1971,

   but excluding a person (P) who is subject to a condition requiring P to maintain and accommodate themselves, and any person who is dependent on P, without recourse to public funds

n. Class N a person in the United Kingdom who has limited leave to remain granted in accordance with Appendix Ukraine Scheme of the Immigration Rules pursuant to an application made by that person from within the United Kingdom, but excluding a person (P) who is subject to a condition requiring P to maintain and accommodate themself, and any person who is dependent on P, without recourse to public funds

o. Class O a person who has limited leave to remain granted in accordance with Appendix Temporary Permission to Stay for Victims of Human Trafficking or Slavery of the Immigration Rules

p. Class P a person who
   i. was residing in Sudan before 15th April 2023;
   ii. left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan;

iii. has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules;
iv. is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themself, and any person who is dependent on that person, without recourse to public funds; and
v. is not a person ("P")

(aa) who has been given leave upon an undertaking given by P's sponsor;

(bb) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is later; and

(cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive

q. Class Q a person
i. was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023;
ii. left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack;
iii. has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules;
iv. is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themself, and any person who is dependent on that person, without recourse to public funds; and
v. is not a person ("P")

(aa) who has been given leave upon an undertaking given by P's sponsor;

(bb) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is later; and

(cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive

r. Class R a person

(p) who has indefinite leave to enter the United Kingdom by virtue of Appendix Victim of Domestic Abuse of the Immigration Rules in circumstances where P is a victim of transnational marriage abandonment;

s. Class S a person who has limited leave to enter or limited leave to remain in the United Kingdom and who, after making a change of conditions application, has had their no recourse to public funds condition lifted by the Home Office in accordance with section 3(1)(c) (ii) of the Immigration Act 1971, and is not a person within Class F or Class K in this regulation

t. Class T a person who
   i. was residing in a country or territory and left that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory,
   ii. has leave to enter or remain in the United Kingdom given in accordance with the Immigration Rules,
   iii. is not a person whose leave is subject to a condition requiring that person to maintain and accommodate themself, and any person who is dependent on that person, without recourse to public funds,
   iv. is not a person ("P")

   (aa) who has been given leave upon an undertaking given by P's sponsor,

   (bb) who has been resident in the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland for less than five years beginning on the date of entry or the date on which P's sponsor gave the undertaking in respect of P, whichever date is later, and

   (cc) whose sponsor, or where there is more than one sponsor, at least one of whose sponsors, is still alive, and

   v. made an application for housing accommodation under Part 6 of the 1996 Act within the period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.

APPENDIX 3:
Reg. 4 Other persons from abroad who are ineligible for an allocation of housing accommodation

4. Other persons from abroad who are ineligible for an allocation of housing accommodation

1. A person who is not subject to immigration control is to be treated as a person from abroad who is ineligible for an allocation of housing accommodation under Part 6 of the 1996 Act if

   a. subject to paragraph (2) he is not habitually resident in the United Kingdom, the Channel Islands, the Isle of Man, or the Republic of Ireland;

   b. his only right to reside in the United Kingdom—

      i. is derived from his status as a jobseeker or the family member of a jobseeker; or
      ii. is an initial right to reside for a period not exceeding three months under regulation 13 of the EEA Regulations; or
      iii. is a derivative right to reside to which he is entitled under regulation 16(1)] of the EEA Regulations, but only in a case where the right exists under that regulation because the applicant satisfies the criteria in [regulation 16(5)] of those Regulations; or

   c. This only right to reside in the Channel Islands, the Isle of Man or the Republic of Ireland is a right equivalent to one of those mentioned in sub-paragraph (b)(i), (ii) or (iii).

(1A) For the purposes of determining whether the only right to reside that a person has is of the kind mentioned in paragraph (1)(b) or (c), a right to reside by virtue of having been granted

   a. limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3(2) of that Act; or

   b. leave to enter the United Kingdom by virtue of an entry clearance that was granted under Appendix EU (Family Permit) to the immigration rules made under section 3(2) of that Act is to be disregarded.

2. The following are not to be treated as persons from abroad who are ineligible for an allocation of housing accommodation pursuant to paragraph (1)(a)

(a) worker;

(b) a self-employed person;

(d) a person who is the family member of a person specified in sub-paragraphs (a) to (c);

(e) a person with a right to reside permanently in the United Kingdom by virtue of regulation 15(1)(c), (d) or (e) of the EEA Regulations;

(g) a person who is in the United Kingdom as a result of his deportation, expulsion or other removal by compulsion of law from another country to the United Kingdom

(j) a frontier worker;

(k) a person who:

i. is a family member of a person specified in sub-paragraph (j); and
ii. has a right to reside by virtue of having been granted limited leave to enter or remain in the United Kingdom under the Immigration Act 1971 by virtue of Appendix EU to the immigration rules made under section 3 of that Act

(l) - a person who left Afghanistan in connection with the collapse of the Afghan government that took place on 15th August 2021 [;]

(m) - a person who was residing in Ukraine immediately before 1st January 2022 and who left Ukraine in connection with the Russian invasion which took place on 24th February 2022

(n) - a person who was residing in Sudan before 15th April 2023 and left Sudan in connection with the violence which rapidly escalated on 15th April 2023 in Khartoum and across Sudan

(o) - a person who was residing in Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan Heights or Lebanon immediately before 7th October 2023 and who left Israel, the West Bank, the Gaza Strip, East Jerusalem, the Golan

Heights or Lebanon in connection with the Hamas terrorist attack in Israel on 7th October 2023 or the violence which rapidly escalated in the region following the attack

(p) - a person who

i. was residing in a country or territory and left that country or territory when His Majesty's Government provided public information to advise British nationals to leave that country or territory or arranged an evacuation of British nationals from that country or territory, and

ii. made an application for housing accommodation under Part 6 of the 1996 Act within the period of 6 months beginning with the date on which His Majesty's Government first provided public information to advise British nationals to leave that country or territory, or the first day of an evacuation operation by His Majesty's Government of British nationals from that country or territory, whichever is later.

APPENDIX 4:
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 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 the following criteria are met and there no other reasons why the offer might be unreasonable for the applicant:

- It is in an area that the council considers to be suitable for the applicant and their household. This could include accommodation located outside of the Harrow 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:

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

- If a suitable property is located outside of the borough's boundary, then the Council must 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:

- Offers of wheelchair standard housing to households which do not have wheelchair users.
- 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.
- Offers of sheltered 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.

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 Registered Provider. Therefore, any refusal for example by an applicant of a property because it is a 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 Registered Provider tenancy terms and conditions, which means that permission must be sought and agreed prior to signing the tenancy agreement for the property. For Registered Providers, it is expected that they may not unreasonably refuse consent (this is on the assumption that, by the introduction of the draft policy on 1st September 2026, s.11 RRA 2025 is in force in relation to tenancies granted by Registered Providers) Therefore, any refusal on the basis that permission has not been granted to keep a pet will not be considered reasonable.

APPENDIX 5:
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. 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."

1. 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.

2. 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.

3. Applicants who have a progressive, chronic or life-threatening medical condition and urgently need to move to accommodation with significant disabled adaptations, such as accommodation suitable for a wheelchair user.

4. A serious illness, where an applicant is receiving palliative care and urgently requires rehousing to facilitate the on-going provision of that care.

5. 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.

6. Due to limited mobility a person is unable to access essential parts of the property e.g., bathroom/toilet and no adaptation is possible.

7. 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.

8. 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 decide when BAND 2 should be awarded on Medical or Disability grounds

1. A life-threatening condition which is seriously affected by the current housing and where re-housing would make that condition significantly easier to manage.

2. A life limiting condition and their current accommodation is affecting their ability to retain independence or enable adequate care.

3. 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.

4. 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.

5. Where their current property leaves a person at risk of infection, e.g., where an applicant is suffering from late-stage or advanced AIDs.

6. 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.

7. People living in a mobile home, caravan or converted vehicle which, due to medical conditions, the vehicle cannot meet their essential needs.

8. Where remaining in the current accommodation poses a significant risk of serious and permanent injury and/or permanent severe disability.

9. Someone with a medical or disability who's housing has rendered them housebound.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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 the adaptations are unlikely to be completed in a reasonable period of time.

16. Applicants who have significant mobility issues and would benefit from a move to ground floor or level access accommodation.

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

18. Children with severe conditions such as autism, or cerebral palsy or ADHD where their long-term needs cannot be met without long term settled accommodation.

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

20. 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. 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)

Guidelines for assessing extra bedroom requests for ADHD, Aspergers sensory processing difficulties and other mental or physical health problems.

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 judgment is not binding on local housing authorities 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, Asperger's, 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 effected 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 the facts set out below:

1. 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 chats, 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.

2. 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.

3. 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.

4. A DLA award letter stating high care and low mobility.

5. 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 sever, as a result of having to share).

6. Careers award letter stating care award is due to care needing to be given day and night.

Examples unlikely to qualify include:

1. Circumstances, for example, where the claimant is one of a couple who is unable to share a bedroom.

2. 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.

3. Where family members provide overnight care and support only at weekends or for part of the year.

4. People with mental health issues who say they want an extra room for a friend or relative who provides support.

5. 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.

6. People who are in receipt of formal overnight care (provided by NHS continuing care nurses, visiting agency carers, etc)

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 Harrow 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 Harrow area because the tenant works in the Harrow 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 to do so.

Definition of Work

- Work should be a permanent contract or one with a minimum 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 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 any local lettings policies 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.

- Age restrictions.
- Prioritising Armed Forces applicants and applicants who are key workers, as defined by the Council.
- Restrictions on lettings to vulnerable households where there are already a concentration of supported tenants/residents in a street or block.
- Lettings to childless households where there are high concentrations of children and young people living on a specific estate, street or block.
- Disregarding household type or property matching rules to allow, for example, under-occupation to reduce child density or to account for future family growth.
- Ensuring that there is a balance of working and non-working households allocated to a policy.
- Consider the viability for an LLP to offer new 1 bed or studios accommodation to adult children of overcrowded households.

New developments will normally have local lettings policies (usually only applies to first lettings) 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.

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:

1. That there is a clear definition of the objective to be achieved by that particular local lettings policy.

2. That there is a clear evidence base to back up the need for a local lettings policy.

3. That any potential equality impact has been considered.

4. How long the local lettings policy is intended to operate
.
5. 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

APPENDIX 8:
Lettings legally not defined as a letting and therefore not covered by the allocation scheme

1. An offer of accommodation to a tenant of the London Borough of Harrow who does not meet any of the grounds for priority in this scheme (such lettings will be very infrequent and justification for any such lettings will be noted on the tenancy file).

2. Statutory succession and assignment of a tenancy to the successor on the tenant's death (the procedure for making a non-statutory succession decision is described in the council's succession policy).

3. Assignment of a tenancy by way of mutual exchange including circumstances where tenants surrender and receive a re-grant of a tenancy, in order to affect a mutual exchange.

4. Transfer of a tenancy by Court Order under family law provisions or under the Civil Partnership Act 2004.

5. Council initiated transfers (e.g. decanting to alternative accommodation to allow for major works to take place). Permanent (but not temporary) decants are normally done through the allocations scheme, but do not have to be if it is in the council's interest, especially in cases where the applicant refuses to co-operate in making an application to move.

6. Re-housing is required because the council is displacing a person from their accommodation or needs to re-house them pursuant to the Land Compensation Act 1973.

7. A person being granted a family intervention tenancy.

8. Provision of non-secure temporary accommodation in discharge of any homelessness duty or power.

9. Lettings made by housing associations outside their nomination agreements with the council.

10. Allocations to individuals subject to the Multi Agency Public Protection (MAPP) arrangements (although we will usually assess according to the priorities set out in the scheme and make the person a direct offer, as per section 23 of the allocations scheme).

11. Offers of tied accommodation to council employees.

12. Urgent management transfer cases (although we will allow such cases to exercise choice wherever practical before making them a direct offer, as per section 23 of the allocations scheme).

13. Contractual duty to re-house council employees in tied accommodation (although we will allow such cases to exercise choice wherever practical before making them a direct offer, as per section 23 of the allocations scheme).

APPENDIX 9:
Glossary

Throughout this Housing Allocation Policy document, it is inevitable that words or phrases are used that are readily understood by some readers, but which are new to other readers, and their meaning is not immediately apparent. The meaning of some words/phrases used in this document is given below:

Term Used	Definition
Acceptable Behaviour Agreement	Voluntary written agreement signed by an individual committing anti-social behaviour. In signing the agreement, the individual is agreeing to abide by the terms specified and to work with any support services identified
Administration orders	A legally binding administrative arrangement that allows a person to pay only what they can afford towards their credit debts. This is an order by a County Court.
Affordable rent	Affordable rents are set at 80% of the market rent in the private sector.
Allocation	For the purposes of Part 6 of the Housing Act 1996, a housing authority allocates accommodation when it: • Selects a person to be a secure or introductory tenant of accommodation held by that authority. • Nominates a person to be a secure or introductory tenant of accommodation held by another housing authority. • Nominates a person to be an assured tenant of accommodation held by a Private Registered Provider.
Anti-Social Behaviour (ASB)	Harrow Council adopts the definitions of anti-social behaviour set out in the Anti-social Behaviour, Crime and Policing Act 2014 https://www.legislation.gov.uk/ukpga/2014/12/contents/enacted/data.htm Part 1 of the Act defines ASB as: • Any act that causes, or is likely to cause, nuisance or annoyance to a person in respect of their dwelling. and • Any act that causes, or is likely to cause, alarm, harassment or distress to a person not in respect of their dwelling. We also make use of the Community Protection Notice under Part 4 of the Act, which includes this definition: • Conduct of an individual that is having a detrimental effect (that is persistent or continuing) on the quality of life of those in the locality and that conduct is unreasonable. Formal legal action against ASB is taken using civil injunctions, Community Protection Notices (CPN) or Criminal Behaviour Orders (CBOs). These legal measures replace Anti-Social Behaviour Orders (ASBOs), which were repealed in 2014.

Term Used	Definition
Assured shorthold tenancy (AST)	The most common tenancy for people who rent from a private landlord or letting agent. Assured Shorthold tenancies give the tenant the right to occupy a property for a fixed period, provided that they keep to the terms of their tenancy agreement. At the end of the fixed period of time (often six months), the landlord or the tenant has the right to terminate the tenancy but it can be renewed for another fixed period of time if both parties agree
Assured tenancy	An Assured tenancy is a type of tenancy that some private tenants and most housing association tenants have. A landlord can only end an assured tenancy if they have a legal reason or ground for possession for example, rent arrears or anti-social behaviour.
Bankruptcy orders	A legal status that usually lasts for a year and can be a way to clear debts a person can't pay. When a person is bankrupt, their non-essential assets (property and what you own) and excess income are used to pay off creditors (those the person owes money to). At the end of the bankruptcy period, most debts are cancelled.
Bedroom entitlement	The number of bedrooms that a household can be considered for. This is done in accordance with the bedroom standard (see overcrowding, defined below).
Breach of tenancy conditions (BOTC)	All tenants sign a 'tenancy agreement', agreeing to uphold the 'conditions of tenancy' as stated in the agreement. A breach of tenancy conditions refers to when those conditions have not been upheld by the tenant(s). Common breaches of tenancy conditions include: • Non-payment of rent • Incidences of ASB/hate crime/domestic abuse, • Non-occupation or sub-letting of the property, • Failure to keep the property in good condition/ failure to report necessary repairs.
Care leaver	A young person aged between 16 and 25 who is or has been looked after for a total of 13 weeks or more after their fourteenth birthday and who continue to be looked after at 16 or 17 years of age.
Carer	Anyone who looks after a family member or friend who needs help because of illness, frailty, disability, a mental health problem or some other care need and cannot manage without this additional support. Carers can be adults or young people and the support they provide is unpaid.
Composite need	When an applicant has more than one housing need that effectively makes their situation worse than someone else in the same band. Factors currently taken into consideration include over-crowding, where someone's health is made worse by their accommodation, domestic violence and/or harassment

Term Used	Definition
Debt Relief Orders (DROs)	A form of personal insolvency. It is a way for people in debt to have their debts written off. The total qualifying debts must be below £30,000 and the person must have little to no assets and a low income.
Deliberate	1. An act is deliberate if it is something which the person who does it intends to do. It need not be culpable or planned (Males LJ at [41] R (Flores) v Southwark LBC26) and 2. An act is only deliberate if the applicant intended to do it, in the sense that they had a real choice between two or more viable options and voluntarily elected to do the act (Lang J at [89] R (Roman) v Southwark LBC27).
Demoted tenancy	An alternative to possession proceedings for social housing landlords where a tenant is causing nuisance through antisocial behaviour or using the property for an unlawful purpose. The tenant does not lose their home and can regain their original tenancy and security of tenure after 12 to 18 months.
Direct offer	A way of allocating social housing whereby the council actively approaches someone on the waiting list with an offer of housing which is considered suitable for their needs according to the information provided on their application form.
Effective date	The date an application was assessed into one of the housing allocation scheme bands.
Equalities Impact Assessment (EqIA)	An evidence-based assessment designed to help organisations ensure that their policies, practices, events and decision-making processes are fair and do not present barriers to participation or disadvantage any protected groups from participation.
Fixed term tenancy	Fixed term tenancies are offered for a fixed period of time, and the tenancy ends on the last day of that period or term. The partner landlords will decide their own typical length to offer a tenancy.
Flexible tenancy	A flexible tenancy is a fixed term secure tenancy with most of the same rights as a secure tenancy but last for a fixed period. A flexible tenancy will usually last 5 years, following an introductory tenancy of 12 months.
Foster carer	Someone who looks after a child or young person in their home, as agreed by Harrow Council Children and Young People's Services, who cannot live with their parents.
General needs housing	Housing which is not aimed at specific populations (such as older people) and where there is no additional support provided to tenants beyond normal housing management and repairs services.

Term Used	Definition
Genuine and effective employment	For employment to be considered 'genuine and effective' supporting evidence indicating regular employment is required, such as a contract of employment. Even if there is no contract, there must be evidence of an employer and regular hours and payment. Family or friendly arrangements with no contract or regular hours may be considered 'marginal and ancillary' (see definition below) rather than 'genuine and effective' employment. A range of factors are considered when deciding whether employment is 'genuine and effective' or 'marginal and ancillary'. These include: • The period of employment • The number of hours worked • The level of earnings • Whether the work is regular or erratic
Hardship	Hardship includes situations where an applicant needs to move to a different locality to give or receive care, or to access specialised medical treatment or take up a particular employment, education or training opportunity that is not available elsewhere and not within reasonable commuting distance. As defined in the Allocation of accommodation guidance for local authorities (2012)
Borough of Harrow boundary	If you are liable for Council tax in Harrow, then you will be classed as living in the Borough of Harrow's Boundary. Applicants can check whether or not they live within the Harrow's boundary by going to the Council tax website and entering their postcode.
His Majesty's Government (HMG)	HMG is an abbreviation used when a king is ruling the UK government.
Housing, Health and Safety Rating System (HHSRS)	The HHSRS assesses 29 housing hazards (i.e. crowding and space, mould, excess heat or cold etc) and the effect that each may have on the health and safety of current or future occupants of the property. The HHSRS provides a way that hazards can be assessed and identifies the best way(s) they can be dealt with. If a hazard is a serious and immediate risk to a person's health and safety, this is known as a Category 1 hazard. If a hazard is less serious or less urgent, this is known as a Category 2 hazard
Home Seeker	A Home Seeker is a social housing applicant who is not currently living in social housing (may be living in private rented accommodation, with family or friends, in temporary housing, or moving on from supported housing).
Housing Need	Refers to qualifying 'housing needs' which are categories given to applicants who are more in need of housing than others. The categories include: • Overcrowding • Health affected by current housing • Harassment • Hardship • Unsanitary or unsatisfactory housing Applicants with more than one qualifying housing needs will receive higher priority when their application is assessed.

Term Used	Definition
Independent Domestic Violence Advocate (IDVA)	A specialist professional who works with a victim of domestic abuse to develop a trusting relationship. They can help a victim with everything they need to feel safe and rebuild their life and represent their voice at a MARAC (defined below), help them navigate the criminal justice process and work with the different agencies to provide support.
Introductory tenancy	A 12-month probationary tenancy given by Locata choice-based lettings and is known as a trial period. An introductory tenancy will become secure so long as there are no serious breaches of tenancy
Marginal employment	Marginal (or 'marginal and ancillary') employment broadly means that the work involves so little time and money as to be largely irrelevant to the lifestyle of the person. For example, a student who gets a job working behind a student union bar for two hours a week is primarily a student, their work is 'marginal and ancillary' to their actual role as a student. Voluntary work for no payment or material reward would similarly not qualify as 'genuine and effective' employment (see definition of 'genuine and effective' employment above).
Medical and welfare grounds	Medical grounds refer to the medical circumstances of a household that is directly affected by current housing conditions and where a move to more suitable accommodation would improve the medical condition. Welfare grounds can encompass a wide range of needs. For example: • Providing accommodation from which a care leaver can build a stable independent life. • Providing accommodation to help someone recover from the effects of violence or threats of violence, or physical, emotional or sexual abuse. • Assisting foster carers, or those approved to adopt who need to move to a larger home to accommodate a looked after child or a child who was previously looked after by a local authority.
Ministry of Housing, Communities and Local Government (MHCLG)	The MHCLG is a ministerial department of the government responsible for policies on housing, local government and communities primarily in England.
Multi Agency Public Protection Arrangements (MAPPA)	The Criminal Justice Act 2003 led to the establishment of Multi-Agency Public Protection Arrangements (MAPPA) in each criminal justice area of England and Wales. MAPPA is designed to protect the public, including previous victims of crime, from serious harm by sexual and violent offenders. They require the local criminal justice agencies and other bodies dealing with offenders to work together in partnership in dealing with these offenders.
Multi Agency Risk Assessment Conference (MARAC)	A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advocates (IDVAs) and other specialists from the statutory and voluntary sectors. The primary focus of the MARAC is to safeguard the adult victim.

Term Used	Definition
Noise Abatement Notice	Council's must investigate complaints about issues that could be a 'statutory nuisance' (a nuisance covered by the Environmental Protection Act 1990) If noise levels from a premises are considered 'prejudicial to health or a nuisance' Council's will serve a noise abatement notice.
Notice of Possession Proceedings (NOPP)	A legal notice given to a tenant that says the landlord is seeking possession of an introductory tenancy. A Notice of Possession Proceedings must be served upon the tenant before the expiry of the introductory tenancy period and an application made to court to hear the case
Notice Seeking Possession (NSP)	A legal notice given to a tenant that says the landlord intends to take back the occupancy of the property because the tenancy conditions have not been adhered to. This is warning of the intention to refer to court to seek eviction.
Original date of application	Where two or more bidders have the same effective date of application within a band, the council will give priority to the applicant with the earliest original date of application
Overcrowding	Section 4.8 of the Allocation of accommodation: guidance for local authorities (2012) states that the bedroom standard is an appropriate measure of overcrowding for allocation purposes and recommends that all housing authorities should adopt this as a minimum. The bedroom standard allocates a separate bedroom to each: • Married or cohabiting couple • Adult aged 21 years or more • Pair of adolescents aged 10-20 years of the same sex • pair of children aged under 10 years regardless of sex
Partner	Partner" means a person's: (a) spouse; or (b) civil partner; or (c) unmarried partner, where the couple have been in a relationship similar to marriage or civil partnership
Relevant Person for the purposes of Right to Move	Relevant person is defined as (a) a secure or introductory tenant, or an assured tenant of housing accommodation held by a registered provider of social housing or a registered social landlord; (b) has reasonable preference under s.166A(3)(e)(2), and (c) has a need to move under regulation 5 (1)
Registered Providers (RP)	Registered social landlords/housing associations registered with the Regulator of Social Housing
Residence order	A residence order establishes where a child will live, and a contact order sets out who the children should spend time with.

Term Used	Definition
Responsible authority	This is the Local Authority that last looked after the child or young person.
Secure tenancy	A secure tenancy will be awarded at the end of a 12-month probationary tenancy so long as there have been no breaches of tenancy
Serious illness or disability	Cases that have been assessed, by the council's medical advisors, as having acutely serious overt health problems with unequivocal need for change of accommodation to alter the course of daily functioning e.g. a wheelchair user who lives in a top floor flat with no lift or who has extreme mental health issues living in a neighbourhood which is overtly contributing to destruction of independent living
Serious unacceptable behaviour	Any breach of tenancy conditions including ASB and non-payment of rent where legal action has been taken by the Police or any council department or any landlord.
Social rent	Social rent is based on a formula set by government. It is usually less than an affordable rent.
Special guardianship	Special Guardianship an order made by the Family Court that places a child or young person to live with someone other than their parent(s) on a long-term basis. The person(s) with whom a child is placed will become the child's Special Guardian.
Suitable offer	A suitable offer is defined in detail in Appendix 3 of this document.
Supported housing	Accommodation provided with additional tenancy support for individuals with specific needs.
Temporary accommodation (TA)	Under Homelessness legislation, if a person or family becomes homeless and urgently needs a home, the council may provide temporary accommodation while helping them find a more sustainable long-term housing solution
Transfer Applicant	A Transfer Applicant is an existing council tenant or an existing tenant of a registered provider of social housing (housing association) applying to move from their current social housing property.
Under-occupation charge	Often called 'the bedroom tax', cuts someone's universal credit housing element or housing benefit if they are: • of working age • classed as having a spare bedroom • a council or Housing Association tenant
Under occupying	A household under occupies accommodation when they are occupying accommodation that is larger than their maximum room entitlement.

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LONDON BOROUGH OF
HARROW