

Capacity and applying for housing on North Yorkshire Home Choice

Introduction

This guide explains how mental capacity affects the ability to apply for housing through North Yorkshire Home Choice. It covers who can apply, how capacity is assessed, and what happens if someone lacks capacity.

What is capacity?

Capacity means a person's ability to understand information and make decisions for themselves. It can vary depending on the situation. For example, someone might be able to decide what to eat but not where to live or what kind of housing they need. It's always assumed that someone has capacity unless there's clear evidence to suggest otherwise.

How does capacity affect a housing application?

If someone doesn't have the capacity to make housing-related decisions, they can't apply through North Yorkshire Home Choice. That's because applicants need to understand the process and be able to make informed choices—like accepting or rejecting housing offers and identifying what kind of home suits their needs.

Can someone without capacity still apply?

Yes, in some cases. If the person has an attorney or deputy appointed by the Court of Protection, with specific authority to make housing decisions, and they don't have eligible care and support needs under the Care Act 2014, an application can be made on their behalf. This will be assessed under the North Yorkshire Home Choice Allocations Policy.

Can I apply on behalf of someone who lacks capacity?

Yes, but only if you've been legally appointed as an attorney or deputy by the Court of Protection, with specific authority to make housing decisions. If you don't have this legal authority, we're not able to accept an application on their behalf.

Who can assess capacity?

Anyone who understands the person and the decision being made can carry out a capacity assessment. This could be a family member, doctor, social worker, support worker, or housing officer—someone familiar with the person and the legal requirements.

How is capacity assessed?

Capacity assessments are decision specific. For North Yorkshire Home Choice, the assessment looks at whether the person can:

- understand the housing application process
- make informed choices about accommodation
- accept or reject housing offers

- understand their responsibilities as a tenant

If there are concerns, the assessment will check if the person can:

- understand relevant information
- retain it long enough to make a decision
- use or weigh the information to decide
- communicate their decision in any way—such as speaking, signing, or using gestures

What if someone lacks capacity to apply?

If someone can't apply due to lack of capacity, they may have eligible care and support needs under the Care Act 2014. In these cases, Adult Social Care may take responsibility—either by arranging Supported Housing or working with the Housing Authority to find other suitable housing options.



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