



# Allocations Policy

<b>Date first issued:</b>	April 2018
<b>Date last reviewed:</b>	n/a first issue of Clarion Policy
<b>Version number:</b>	1.0
<b>Date version live:</b>	April 2018
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<b>Approved by:</b>	CHA Board
<b>Date next review:</b>	April 2020

**This policy replaces the Allocations, Lettings and Management Transfer policies of all Circle registered providers and Affinity Sutton Homes.**

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## 1. Scope

- 1.1. This policy applies to Clarion Housing Association's (Clarion) general needs homes and homes for older people. It does not apply to allocations to extra care and supported housing which are subject to their own agreements with our local authority and other external partners. It does not apply to market rent or intermediate rent products that are let directly and not through a housing register.
- 1.2. It sets out how we will allocate our homes, and the eligibility and affordability criteria that apply to all tenants and applicants, including those nominated by local authorities. It explains our priorities and provides assurance to our partners and customers that where we directly allocate homes to tenants and applicants, we will do so fairly and transparently.

## 2. Policy Objectives

- 2.1. This policy aims to:
  - make the best use of Clarions available homes
  - help tenants and applicants to access homes that meet their needs
  - Promote and sustain diverse and vibrant communities
  - Ensure that our eligibility criteria and allocations practice are fair and transparent for everyone who has an interest in how we allocate our homes.
  - Contribute to our local authority partners' strategic housing function and sustainable communities.

## 3. Policy Statement

- 3.1. Clarion is a national housing association that provides homes to over 125,000 households across 176 local authority areas in England, each with different nomination arrangements, allocations policies and varying levels of demand for properties. As a large, national association, we aim to deliver consistent services across a wide area to achieve efficiencies and realise cost savings. By doing this and protecting our income streams, we can invest in improving the quality of life for our residents and those in need of a home. Over the next ten years we are set to build 50,000 new homes as we are committed to helping to tackle the housing shortage and help those in housing need.
- 3.2. We want to make our homes places that people want to live, and the make up of our communities is crucial in achieving this. As a charitable organisation, we are committed to meeting housing needs and supporting vulnerable people, but we believe that we can support people best in mixed, vibrant communities. We will use housing allocations to help create sustainable, more economically active communities and ensure that the needs of existing residents are balanced with those of new applicants, reflecting the needs of the wider community not just those in most need. To this end our aim is to retain at least 25% of our available homes to allocate to our existing tenants who need to move, and to those who apply directly to us.

- 3.3. We will continue to work with our local authority partners to assist them in fulfilling their statutory duties and allocations policies, but as a national organisation we are not always able to adapt our policy and practices to meet all of the requests and requirements of individual local authorities. Many of our homes will be let at an affordable rather than social rent so we need to ensure that those who apply or who are nominated to us can afford the rent, so we will require all applicants to meet our affordability criteria as set out in this policy.
- 3.4. Where we have a number of different nomination agreements in place in one local authority area, we will explore reaching a simpler, overall partnership agreement.
- 3.5. The type of tenancy we will offer when allocating housing will be in accordance with our Tenancy Policy and we will determine whether we advertise and let it with a social rent, an affordable rent or an intermediate market rent. How Clarion sets its rents can be found in our Rent Setting Policy.

## **4. Routes in to a Clarion Home**

There are 3 main routes in to a Clarion general needs home:

- Be nominated by your local authority
- Apply to us directly
- Apply for a transfer if you are already a Clarion tenant

### **4.1. Local Authority Nominations**

4.1.1. As a registered provider of social housing we have a duty to assist local authorities in the area we operate by offering a percentage of our available homes to people nominated by the local authority. The percentage is agreed in a nomination agreement. In most areas this is usually 75% of our available homes in their area or 50% of one-bedroom homes, studios or bedsits. However in some areas this may be as high as 100%.

4.1.2. Once we receive a nomination we will check that:

- the nominee is eligible to become a Clarion tenant (see Section 6), and
- the nominee can afford the home they have been nominated for (see Section 8).

4.1.3. We reserve the right to verify information concerning the nominees' identity, housing history and current circumstances, to ensure that they are entitled to and suitable for, the home for which they have been nominated. Where nominees do not meet our criteria, or the local authority does not provide the relevant information required to fully assess the nominee, we may refuse the nomination and explain our reasons for doing so to the local authority.

### **4.2. Direct Applicants**

4.2.1. Applicants who apply directly to us will be assessed under the criteria in this policy and, if their application is accepted, will be entitled to bid for homes through our choice-based lettings system (Home Choice).

### **4.3. Transfer Applicants**

4.3.1. Clarion tenants who wish to transfer to another Clarion property will be assessed under the terms of this policy. This includes tenants who are not being offered another tenancy for their current home at the end of a fixed-term tenancy because their circumstances have changed.

4.3.2. Where we intend to allocate a property directly, we will advertise the property on our Home Choice system and/or another external website if that is more appropriate (e.g. a commercial website such as Rightmove) or an approved agency where we have an approved nomination scheme (e.g. Veterans nominations). Generally external advertising for general needs properties will only be used where there is no or low demand for such a property among those who have made an application to us, or where we have approved nomination schemes, or where it would be consistent with our neighbourhood plans to diversify the range of households in the area.

### **4.4. Allocation to Clarion Employees, Board members and their relatives**

4.4.1. Clarion will not accept direct applications from its employees, Board members and their relatives or any individual with a significant personal relationship with an employee or Board member. Any application for social housing with Clarion Housing Group must be made through a local authority nomination scheme. It will be subject to a greater degree of scrutiny and approval and be let in accordance with Clarion Housing Groups Code of Conduct for employees and board members and the related procedure on the supply of housing to staff, board members and connected persons.

4.4.2. All applications will go through the Group Director of Compliance and Governance who will obtain the approval of a member of the Group Executive Team and a group Chair.

## **5. How We Decide How to Allocate Our Homes**

### **5.1. Nomination Agreements**

5.1.1. Under the terms of the nomination agreements with our local authority partners we agree to allocate a percentage of Clarion available homes in their area to households that the local Council nominate to us. To calculate which properties to offer to the local Council we only consider the homes that become available that create a genuine additional vacancy (or 'true void'). While there is some variation across all the nomination agreements, we aim to work to a single definition:

5.1.2. A Clarion property will be counted in calculations of the nomination agreement commitments if it becomes available due to a tenant moving out to another landlord or tenure, an eviction or death where there is no right to succession.

5.1.3. We will make sure that the correct percentage of available homes in an area is offered to the local authority for nominations. In areas where we hold our own housing register, when

a home becomes available because a Clarion tenant is transferring to another Clarion property it will not be counted as it is not an additional vacancy i.e. it is not a 'true void'.

## **5.2. Direct Applicants and transfers**

5.2.1. For properties that are not offered to a local authority under a nomination agreement, we will decide whether to advertise the property for a direct external applicant or a current Clarion tenant who is a transfer applicant, or to both at the same time.

5.2.2. In general, we aim to let 50% of properties that we allocate ourselves to direct external applicants, but this may vary across different locations, depending on needs and demand. The other 50% will be for transferring Clarion tenants. If we are able to create chain lettings, we may move several households using only one 'true void' property.

5.2.3. We reserve the right to adjust the balance between Clarion transfer applicants and external applicants as necessary at any time.

## **5.3. Local Lettings Plans**

5.3.1. Local Lettings Plans are time limited local plans agreed with local authority partners which set out additional agreements about who can be housed within a defined geographical area to meet specific local issues of that area. For example, to have more economically active people living in an area.

5.3.2. Where local lettings plans are in operation these will take precedence over our allocations policy for that particular area or neighbourhood.

5.3.3. For new developments we may use local lettings plans to ensure a mixed community is achieved when the housing is first let, such as a mixture of different ages of children in family housing and a mixture of different needs where the local authority is making nominations. Wherever possible all new developments will contain at least 25% of tenants in work or those making a significant community contribution.

5.3.4. Local lettings plans may also include specific initiatives or incentives to assist with letting available homes in areas where we have greater turnover of properties and less demand.

## **6. Eligibility for a Clarion tenancy (applies to ALL new tenancies)**

All applicants for a Clarion tenancy, whether applying directly or nominated by a local authority, must be eligible under this policy. If applying for a joint tenancy, both applicants must be eligible. If an existing tenant applies for a transfer they must still be eligible.

A tenant who has a starter tenancy or who has a probationary period within their tenancy must still be eligible at the end of the starter tenancy or probationary period. A tenant who has a

fixed term tenancy must still be eligible at the end of the fixed term for another tenancy to be offered.

## 6.1. Eligibility Criteria

To be eligible for a Clarion tenancy, an applicant must

- be over 18 years of age, or over 16 and with an adult guarantor who will hold the tenancy in trust and guarantee the rent until the applicant turns 18;
- be habitually resident in the UK and have the right to rent in the UK.
- not be exempt from holding a tenancy by their immigration status. In general, this means that they should either hold an EU passport, or have leave to remain in the UK.
- be nominated by a local authority.

OR

- be assessed by Clarion as in housing need (according to this Policy)

OR

- be a Clarion tenant who by moving, makes a home available to someone who is in housing need.
- not already hold a tenancy elsewhere, unless they are giving up that tenancy as part of being rehoused. This also applies to their spouse or partner.
- not own or have a legal interest in a residential property in the UK, unless it is a home which is not suitable, in which case we will satisfy ourselves that the applicant is actively selling such a property. If an applicant is not actively selling a property we will satisfy ourselves that the intention is to sell the property. This also applies to their spouse or partner.

## 6.2. Grounds for Refusing an Application or Nomination

6.2.1. If any of the following apply to an applicant or a member of their household, and/or we consider that the allocation of housing would be to the detriment of the neighbours or local community, Clarion may refuse the nomination or application:

- They have had a conviction or a caution in the past 3 years for an offence which makes them unsuitable to be a tenant. For example, assault, selling drugs, carrying offensive weapons, keeping dangerous dogs, causing damage to property, burglary, soliciting, keeping stolen goods etc. All unspent convictions must be declared on the housing application form (as defined by the Rehabilitation of Offenders Act 1974).
- They have been evicted or had a possession order (suspended or outright) or an injunction made against them in the past 5 years, for serious anti-social behaviour including harassment, intimidation or domestic violence and/or criminal or immoral behaviour while a tenant with their previous landlord.
- The applicants, a member of their household or guests or visitors to their home have perpetrated antisocial behaviour, harassment, domestic violence, or other unacceptable behaviour including a history of causing serious nuisance or annoyance to neighbours and had tenancy enforcement action taken against them in the past 3 years.
- Clarion or another landlord has commenced legal action for breach of tenancy within the past 3 years.

- There are current or former arrears of rent or service charges, or other housing debt owed to Clarion or any other landlord. Exceptions to this are where we have given approval to move to a smaller property because a reduction in welfare benefits has made the current home unaffordable. Current tenants must have had a clear rent account for at least 3 months at the time of application and are expected to clear any debt accrued since registering their application prior to any offer of rehousing. Former tenant arrears older than 6 years will not be considered.
- There is evidence of violence or threats of violence, harassment or intimidation towards a staff member or contractor of Clarion or any other social landlord in the past 5 years.

6.2.2. We may make exceptions to the above criteria if we receive a recommendation from a current landlord or relevant support agency (e.g. probation officer) which demonstrates the applicants/nominees current suitability to hold a tenancy, and we are satisfied that there is a care and/or support plan in place that provide sufficient support to them to maintain the terms and conditions of the tenancy. In these cases, a starter tenancy or probationary period will be used.

6.2.3. Nominations may be rejected if the local authority does not provide sufficient information required to fully assess an applicant for a particular property, or failed to supply the nominations in time in line with the nominations agreement.

### **6.3. Grounds for Suspending or Cancelling Applications**

6.3.1. Clarion reserves the right to suspend or cancel an applicant from its register where any of the grounds for refusal as stated in this policy apply after the application has been registered or where as part of our periodic reviews of the register we do not receive confirmation that the applicants circumstances have not changed or any evidence we require of a continuing housing need.

6.3.2. Applications can be suspended up to 12 months and after a review will be re-instated or cancelled. Applicants will be informed of the decision in writing.

6.3.3. If an applicant refuses two offers of housing we may contact them to discuss their options, as it may be that Clarion cannot provide what they are looking for. If an applicant refuses three offers of housing we will cancel their application.

### **6.4. Housing ex Offenders (including Sex Offenders)**

6.4.1. Clarion aims to create safe, secure and sustainable communities, and will have regard to the best interests of our existing residents in that community when taking such a decision. We reserve the right to restrict offers of housing that are considered to be inappropriate in relation to any information obtained via a risk assessment or support needs assessment process.

6.4.2. Where high risk offenders that are subject to a multi-agency public protection arrangement (MAPPA) are being nominated by a local authority, then the local authority must confirm that they have investigated the risks associated with re-housing the applicant and



demonstrate that the property and area is suitable before a nomination is made. In addition the local authority will need to provide:

6.4.3. A detailed risk assessment and details of a care package together with any monitoring arrangements

6.4.4. Contact details of members of the inter agency risk management panel including the police, for easy access to the property should a problem arise during the life of the tenancy.

6.4.5. We reserve the right to reject nominations if we consider that their support needs make them unsuitable for the home being offered to them.

## **6.5. References**

6.5.1. Clarion values tenants who pay their rent on time, look after their home and are not a nuisance to their neighbours. Where possible we will take up references from previous landlords for nominees and direct applicants. Where the applicant has not held a tenancy before we may look to obtain a character reference from an employer, college or other responsible body. If we are unable to gain a suitable reference we may request to visit the applicant or nominee where they are currently living.

## **6.6. Housing Fraud**

6.6.1. Social housing fraud is a criminal offence, and anyone found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by us. A tenancy obtained by deception will be repossessed. If we discover this type of irregularity at the offer stage, we will withdraw the offer.

## **7. Appropriate Property Size and Type**

For social housing, we will allocate the size of property the household needs although for very large households (needing a home of four beds or larger) may allow the household to over-occupy by one room (i.e. to move into a house that is smaller than they need – but larger than where they are now).

We may let properties in Priority Letting Areas where supply is greater to applicants with one bedroom more than they are assessed to need as long as they are employed and our affordability check shows that they can afford to pay the rent on long term basis. The full criteria on who is eligible to apply for these specific properties will be set out in our property adverts.

For housing that is designated for older people we will allow a single person or couple to be considered for a 2-bedroom property if it is affordable for them. Applicants with a 2 bedroom need will always be considered first.

### **7.1. Calculating Property Requirements**

7.1.1. We will consider a property to be an appropriate size by allowing one bedroom for each of the following

- the applicant and their spouse or partner
- each person in their household aged 16 or older (adult children, grandparents and others, but not lodgers)
- every pair of children under 16 of the same sex
- every pair of children less than 10 years old regardless of their sex
- any other child aged under 16. Babies will only be taken in to account once they are born.
- a resident or non-resident carer, if they need care overnight and this can be confirmed by a social care assessment.

7.1.2. This means that a single parent or couple with two daughters (or two sons) aged under 16 is entitled to a 2 bed home, but a family with one son and one daughter is eligible for a 3 bed home once the eldest child is ten years old.

7.1.3. Where parents live separately and have shared care of children, the children will be counted as part of the household that provides their main home. If a child spend equal amounts of time in both parental households or there is a question about who they normally live with, they will be treated as living with the person who is receiving child benefit for them.

7.1.4. We may make exceptions and allow an extra bedroom in specific circumstances. For example, we may consider allowing an extra room on medical or disability grounds, for example for a disabled person who has large equipment, or who needs care in the night and cannot therefore share a bedroom. We will assess these cases in line with the current Government Housing Benefit Guidance and require medical evidence. The affordability of the spare bedroom will be taken in consideration in the decision making.

7.1.5. In assessing the number of bedrooms in a house, a living room can be counted as a (downstairs) bedroom if there are two separate living rooms. Clarion will determine the number of bedrooms in a property as part of the allocations process and this will be indicated on the tenancy agreement.

## **7.2. Adapted Properties**

7.2.1. We will try to let our properties that have been purpose built or specially adapted for wheelchair users for people with mobility issues, including any household members.

7.2.2. Where we advertise through local authority choice based letting schemes and nominations from the local authority we will clearly stipulate that priority will be given to applicants who are wheelchair users or who have the relevant mobility needs.

7.2.3. We may also advertise such properties with adult social care services and relevant voluntary sector or charitable organisations.

7.2.4. Purpose built properties can be offered to nominees and applicants without mobility needs only where other avenues for potential applicants have been exhausted and will be on the basis that the adaptations remain in place throughout the duration of their tenancy.

### **7.3. Older People's Housing**

7.3.1. For Clarion general needs properties and sheltered housing schemes that are designated for older people we will only accept nominations and applications from people over a specified age. The age requirement varies between schemes but will be stated in the property advert.

## **8. Who we give priority to for Housing**

As a charity, our prime purpose is to help people who have a housing need that they cannot meet in the private market. For local authority nominations, the priority given to each nominee will be decided by the local authority in accordance with their own allocations policies. For the available homes that Clarion allocates directly, we will support:

- our tenants who need to move for their work or because of an urgent housing need, because their home is no longer affordable, or we have identified at a tenancy review that it is no longer suitable
- our tenants who are in low paid employment or who make a significant contribution to their community, and who have a housing need to move
- our tenants who can move to release larger homes, adapted homes or other homes identified as in short supply in a given area
- direct external applicants in low-paid employment, or who make a significant contribution to their local community who have a housing need to move.

In many areas, we operate two housing registers – one for existing Clarion transfer applicants and one for direct external applicants. We award priority using a banding scheme. Each application will be placed in the appropriate band according to the housing need of the household. If the household has more than one identified housing need it will be recorded with the housing need that attracts the highest level of points. The points awarded are set out in Appendix 3.

Where two or more applicants have the same banding and points then priority will be given to those who most closely meet the property size criteria and then by date order of the confirmed registration date of the housing application.

Details on how to apply are available on our Website or from our Customer Service Team.

### **8.1. Clarion Transfer Applicants**

8.1.1. In a few local authority areas Clarion manages the local authority housing register under contract on behalf of the local authority. Currently these are Mid Sussex and Fenlands

Council. In Fenlands, Clarion tenants will be assessed in accordance with the local authorities' allocation scheme and not the priority bands stated in this policy.

8.1.2. We assess transfer applications and categorise them in to the following bands depending on the applicants housing needs: Urgent, High Priority and Priority. All other applicants will be deemed as 'no priority'.

### **8.1.3. Urgent**

This is for tenants who need to move urgently, who are at risk of becoming homeless because:

- they are victims of crime, serious Anti-Social Behaviour or domestic abuse that puts their life at risk and it is no longer safe to remain where they are, and they have been approved for a management transfer (See section 10).
- they must be rehoused to allow major repairs to be carried out or because the property needs to be refurbished or redeveloped.
- they or a member of their household have an urgent medical need or disability which means that they cannot access and continue to occupy their current home. For example, tenants who have become disabled as a result of an accident, or whose medical condition requires specialist equipment that they do not have space for. This must be confirmed by a hospital consultant, GP or Occupational Therapist, and may require an assessment by an Occupational Therapist to determine what accommodation is required.
- they no longer require designated supported accommodation and are required to move on to their own independent flat, studio or bedsit.

If there are other exceptional circumstances that prevent a tenant from remaining in their home, urgent priority must be approved by the regional Head of Operations as a management transfer.

If we cannot find suitable housing in the right location for urgent band applicants, we will work with the relevant local authority and other landlords, to help our tenants to move. We will also offer such tenants housing advice on their other options.

### **8.1.4. High Priority**

This is for tenants who we are keen to move because

- they are under occupying family sized accommodation (have more bedrooms than they need) and are willing to downsize, or where Clarion requires them to downsize such as under-occupying successors.
- they are living in housing adapted for disabled persons, who do not need the adaptation (This only applies if the adaptation was installed since the current resident has occupied the property or it is a purpose built wheelchair accessible property).
- they or a member of the household has a medical condition or disability which means that their current home is unsuitable for them i.e. they cannot leave the home without

help; cannot access washing or cooking facilities but could do so if they lived in a more suitable property, or where the current property is having a *significant* detrimental effect on a medical condition that would cause their health to *seriously* deteriorate. This may include where a tenant has an essential medical need for a mobility scooter but Clarion is unable to give permission for the scooter to be stored in the property or its communal areas. We will require confirmation from a hospital consultant, GP or Occupational Therapist, and may require an assessment by an Occupational Therapist to determine what accommodation is required. For some applicants, it may be preferable to adapt their current home rather than move.

- they need to live closer to someone for whom they are the main carer, or from whom they receive care. This will generally be considered as having to move to another town from where the applicant is currently living or more than 1 hour away from their current home.
- they cannot afford their current home due to having one or more bedrooms than they require and need to move to avoid falling in to or increasing their arrears.
- they are ready to begin fostering or adoption, but need a larger home to do so. We will require confirmation from the local Council Children's Services Team that has approved the applicant as a foster carer/ adoptive parent and that a placement is due.

#### **8.1.5. Medium Priority**

This is for tenants who need to move

- so that they or their spouse or partner can take up a job or to help them stay in work by for example, reducing travel time and costs, or making family-based childcare possible. We will require proof of employment, and evidence of what difference a move would make.
- to alleviate overcrowding and they are in work or if not in work, making a significant contribution to their local community. We will need to verify that the applicant is in work or making a significant community contribution.
- to live in an environment which provides independent living for older people, where the applicants is of retirement age or meets the age requirement for a particular scheme.
- because they are not allowed to have children to stay overnight where they currently live but their parental access rights allow them to have their children to stay
- Our ability to help priority tenants to transfer will depend on the location, size and type of property required. We will provide advice, and publish information on how often properties become available in different areas, to help tenants consider their options realistically.

#### **8.1.6. No Priority Cases**

We do not accept applications from people who do not meet the criteria for urgent, high priority or priority need because we generally do not have enough homes to meet those higher priority needs. We will advise those tenants of other options such as mutual exchange. However, there are some exceptions; we will accept an application that is assessed as having no priority in the following circumstances:

- a current tenant living within the Mid Sussex area and they wish to move within Mid Sussex.
- a current tenant with no priority needs who wishes to be housed in one of our agreed Priority Lettings Areas (PLA's). The full list of the current PLA's are available on our website

No points will be awarded to any applications in the 'No Priority' band.

## 8.2. Direct Applicants (those who are not currently Clarion tenants)

We assess applications from external direct applicants and categorise them in to the following bands depending on the applicants housing needs: High Priority and Priority. All other applicants will be deemed as 'no priority'.

### 8.2.1. High Priority

This is for applicants who we are in low paid work (as defined in Appendix 4) or making a significant contribution to the community and need to move home because:

- they are overcrowded in their current accommodation by at least one room. This includes young adults who are sharing with parents or other relatives, and need to move to independent accommodation.
- they are at risk of homelessness because they are unable to afford their current accommodation. We will use our affordability calculator to assess this.
- they or a member of the household has a medical condition or disability which means that their current home is unsuitable for them i.e. they cannot leave the home without help; cannot access washing or cooking facilities but could do so if they lived in a more suitable property, it lacks the space needed for mobility/medical equipment; or where the current property is having a *significant* detrimental effect on a medical condition that would cause their health to *seriously* deteriorate. We will require confirmation from a hospital consultant, GP or Occupational Therapist, and may require an assessment by an Occupational Therapist to determine what accommodation is required.
- they need to live closer to someone for whom they are the main carer, or from whom they receive care. This will generally be considered as having to move to another town from where the applicant is currently living or more than 1 hour away from their current home.
- they are living in poor quality accommodation, which the landlord has refused to repair or improve. We will require written verification from the local Council Environmental Health Department that the home is unsatisfactory and that they are not taking action to get it repaired within a reasonable timescale.
- they are ready to begin fostering or adoption, but need a larger home to do so. We will require confirmation from the local Council Children's Services Team that has approved the applicant as a foster carer/ adoptive parent and that a placement is due.

### 8.2.2. Medium Priority

This is for applicants who are working and need to move

- so that they or their spouse or partner can take up a job or to help them stay in work by for example, reducing travel time and costs, or making family-based childcare possible. We will require proof of employment, and evidence of what difference a move would make. We define employment in Appendix 4.
- to alleviate overcrowding and they are in work or if not in work, making a significant contribution to their local community. We will need to verify that the applicant is in work or making a significant community contribution.
- to live in an environment which provides independent living for older people, where the applicants is of retirement age or meets the age requirement for a particular scheme.

### **8.2.3. No Priority Cases**

We do not accept direct applications from people who do not meet the criteria for high priority or priority need because we generally do not have enough homes to meet those higher priority needs. However, there are some exceptions; we will accept an application that is assessed as having no priority in the following circumstances:

- a direct applicant with no priority needs who wishes to be housed in one of our agreed Priority Lettings Areas (PLA's). The full list of the current PLA's are available on our website
- somebody who is referred by an agency that we have agreed to work in partnership with e.g. Veterans Scheme

No points will be awarded to any applications in the 'No Priority' band.

## **9. Affordability**

- 9.1. Applicants may be offered properties with either a 'Social' or an 'Affordable' rent. Both rents are below the local market rent and are intended for people who cannot afford to rent or buy on the open market. Affordable rent levels can be up to 80% of local market rents, whereas social rents are often around half of market rents.
- 9.2. We may carry out an affordability assessment on applicants, including transferring tenants, direct applicants and those nominated by local authorities. Where a home is unaffordable (which we define as where the rent and service charges will be more than 45% of the household income) we may have to refuse the application or nomination.

### **9.3. Social Rents**

9.3.1. For most social rent properties we will conduct an initial assessment of income (including benefits), and in some circumstances where there are indicators that the home could be unaffordable we will carry out an affordability assessment. For example where:

- the applicant/nominee is being considered for a home which is too large and may not be eligible for full housing benefit. This may affect foster carers who do not have children resident at all times;
- the size of the applicants household means they are affected by overall benefit caps (for Universal Credit). We will work with local authorities to provide advice and assistance;
- the applicant's age means that they may not qualify for housing costs entitlement.

#### 9.4. Affordable Rents

9.4.1. For affordable rent properties, we will use our affordability calculator to look at the applicant's monthly income against the monthly rent of the property. If the rent and service charges are more than 45% of the household income we deem the property is not affordable.

9.4.2. If an applicant fails our affordability test, we may agree to grant a tenancy if they can demonstrate that moving to our home would reduce their housing costs.

### 10. Management Transfers

10.1. Occasionally there are exceptional circumstances that result in a Clarion tenant needing to move urgently and so we may agree to give the applicant priority. These types of transfers are called management transfers and will only be approved based on written evidence provided by the Police, other agencies such as a local authority environmental health officer or medical evidence. A management transfer will only be considered in the following circumstances:

- as a result of a serious risk or threat to the tenant or a member of their households safety due to serious anti-social behaviour, harassment or domestic abuse; or where they have been a victim of a serious crime that is putting or is likely to put their life at risk if they continue to live at the property.
- where Clarion decides that given the *exceptional* circumstances it is in the tenants or Clarion's interest to transfer the tenant to alternative accommodation. This must be approved by a regional Head of Housing or Head of Operations.

10.2. We can only try to assist tenants who are willing to move to an area where Clarion is able to allocate properties directly. In other areas where the local authority has 100% nomination rights we will refer the tenant to their local Council's Homeless Persons Unit for assistance.

10.3. We will try to take account of the tenants' preferences in respect to the areas we will consider for rehousing, but the priority is to move the tenant and their family to a place of safety away from the imminent threat / risk to their life. In cases of harassment, the offer of alternative accommodation will always be outside of the locality in which the person has experienced harassment and away from areas where there is an identified risk of further harassment, for example locations where the perpetrator/s frequent or associate.

#### 10.4. Conditions applying to a Management Transfer

The following conditions apply to all management transfers:



- they are with the tenants' agreement and will be on a permanent basis.
- once approved, the application will be processed within 5 working days and the tenant will be placed in the Urgent Band with 250 points and an auto bid will be set up to identify the first available suitable property.
- where we are unable to assist straight away we will consider additional security at the property if that is appropriate or refer them to their local Council's Homeless Persons Unit.
- if the tenant has to move immediately to emergency temporary housing, this will not affect their priority for a permanent management transfer.
- we will generally offer the first suitable property that meets the household requirements as the priority is to move the tenant.
- only one offer of a 'like for like' property will be made (see appendix 2 for how we define this) unless they are under occupying. In those cases we will consider the availability of suitable properties, the tenants' ability to pay and whether they have maintained a clear rent account in considering whether to offer a smaller property.
- the new tenancy will be in line with the current Tenancy Policy, so is likely to be a 5-year fixed term tenancy.
- if the tenancy is still within their probationary period they will start the probationary period again. If they have a starter tenancy another 12 month starter tenancy will be offered.
- we will not generally rehouse tenants that have any housing related debt with Clarion except where the tenant has been making regular repayments towards the debt for at least 3 months, unless the missed payments are as a result of domestic abuse. In all other cases we will refer the tenant to the local authority Homeless Persons Unit for assistance and continue with recovery and possession action unless the arrears are cleared or significantly reduced with a repayment plan agreed.
- we reserve the right to refuse a management transfer despite the criteria being met where the tenant or a member of the household is actively involved in gang related violence or other gang related anti-social behaviour or criminal activity and we are concerned that the move will have a significant and adverse effect on the community the tenant/ household is moved to.
- if a suitable property is not readily available, the on-going need for a management transfer will be reviewed on a monthly basis. Where it is assessed at a review stage that there is no on-going justification for the transfer, any priority or agreement to transfer may be withdrawn. In these cases the resident will receive a written explanation of the reasons for the decision.

## 11. Appeals against Clarion Decisions

11.1. If a tenant or applicant believes that they have not been given the correct level of priority and banding as set out in this Policy, or if their application or nomination is refused, they can ask for the decision to be reviewed. The request must be in made by email at [customerservice@clarionhg.com](mailto:customerservice@clarionhg.com) or by letter, and must reach Clarion within 14 days of the decision and must clearly state the reason for the review.

11.2. All appeals will be decided within 14 days but **properties will not be held while the appeal is being considered**. The review will be conducted by a Housing Services Manager.

11.3. We will consider requests to review decisions to:

- not accept applications because of insufficient housing need
- place an application in a lower band
- refuse an application or offer of housing on affordability grounds
- suspend or cancel an application because of a tenancy breach
- not award priority, or grant a management transfer
- withdraw management transfer status because the tenant has refused a reasonable offer or where a case is reassessed after a period of time and the justification and need for a management transfer has gone.

11.4. If the customer is not satisfied with the outcome of the review, they can make a further appeal against the decision. The appeal must be in writing within 10 working days of being informed about the outcome, stating clearly why they think the decision should be changed. A regional Head of Housing or Head of Operations will consider all of the documentation relating to the original review. They are not able to consider new information and will only consider whether the decision has been made in accordance with this policy. They will do this within 10 working days. If they find the initial review decision is in keeping with the policy it will be upheld. If it is found not to be consistent with this policy they may choose to revise the decision. Their decision is final and the customer has no further recourse to the complaints procedure on the same grounds. The customer can complain to the Housing Ombudsman if they remain dissatisfied with the outcome.

## 12. Key Legislation

Housing Act 1996 (as amended) - Part 6 of the Act governs the allocation of local authority housing in England; it was substantially amended by the Homelessness Act 2002 and the Localism Act 2011. Local authorities must have an allocation scheme for determining priorities between applicants for housing which sets out the procedure to be followed when allocating housing accommodation. They must ensure that they only allocate to “eligible persons” and “qualifying persons as defined in the 1996 Act. This also applies to nominations by local authorities for any allocations to properties owned by housing associations where the local authority has nomination rights.

Immigration Act 2014 – requires landlords to establish that the applicant and all adults in the household have the right to rent property in the UK. Clarion will comply with the governments Code of Practice ([www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice](http://www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice)) which requires landlords to conduct initial right to rent checks before letting a property; conduct follow-up checks at the appropriate date if initial checks indicate that an occupier has a time-limited right to rent, and make a report to the Home Office if follow-up checks indicate that an occupier no longer has the right to rent.

## 13. Compliance

13.1. To ensure compliance with this policy we will undertake an internal audit of the allocations at least every three years and we will routinely monitor and analyse:

- the number of homes becoming available in each local authority area, and the percentage offered to the local authority, to transfer applicants and to direct external applicants by property size.
- the allocation of homes by priority band, the successful applicants position on a nomination or shortlist, the tenants' previous housing and employment status and the profile of tenants by ethnicity, age, gender, disability, religion and nationality to consider the impact of the policy on different communities, and to check that it is not creating unfair disadvantage for any particular groups of people.

13.2. This policy complies with the regulatory requirements of the social housing regulators Tenancy Standard by setting out how we will:

- let our available homes in a fair, transparent and efficient way.
- take into account the housing needs and aspirations of tenants and potential tenants.
- make the best use of available housing for those in housing need
- ensure our lettings are compatible with the purpose of the housing by for example ensuring disabled people are prioritised for adapted properties
- contribute to local authorities strategic housing function and assist in fulfilling their homelessness duties and our obligations in nominations agreements.
- try to create sustainable communities, including local lettings plans, and address under-occupation and over-crowding through our allocation system.
- make allocation decisions and criteria for excluding applicants from consideration for allocations
- consider appeals from customers against our decisions relating to their application

13.3. We will review our housing register regularly, and ask applicants and tenants to give us feedback on a regular basis, and use this to inform any future policy reviews.

13.4. Clarion will participate in the Continuous Recording of Lettings (CORE) scheme for social housing allocations which captures information on the characteristics of the household and property each time a social or affordable property is let. This information is submitted to the Department for Communities and Local Government (DCLG).

## **14. System Entities and Process Flows**

14.1. This policy relates to the Lettings and Allocations entities and process flows which will manage the marketing of properties and the shortlisting and allocation decisions for each applicant and property.

14.2. Housing applications will continue to be made in Clarion's choice-based lettings system. Applications will be reviewed and points and bands awarded in accordance with this policy.

**Associated Documents:**

- Tenancy Policy
  - Probationary Period / Starter Tenancy Reviews Policy
  - Fixed term Tenancy Reviews Policy
  - Rent Setting policy – sets out how we will decide the rent for a property
  - Rent Arrears policy – sets out when we may suspend an application because of arrears
  - Antisocial Behaviour policy – sets out when we may agree to a management transfer
  - Data Protection policy – sets out how we will process personal data
  - Equality, Diversity and Inclusion policy
  - Decant Policy
  - Anti Fraud and Corruption Policy
  - Code of Conduct
-

## APPENDIX 1 – BANDING POINTS

Clarion Transfer Applicants – applicants will be awarded the highest level of points where they qualify for more than one criteria e.g. where a victim of domestic violence has an urgent medical need they will be awarded 250 points, not 500 points.

BAND	CRITERIA (as set out in the Allocations Policy)	POINTS
URGENT	Victims of crime or domestic violence, where this has been verified by police and who we are supporting to move to a new area	250
	Tenants who we are supporting to move for management reasons including decants, moving on from supported accommodation and management transfers	250
	Tenants who have an urgent medical or disability need	250
HIGH PRIORITY	Tenants who cannot afford their current accommodation as a result of the a spare bedroom or as agreed at a tenancy review prior to the end of a fixed-term tenancy	200
	Tenants who are living in housing adapted for disabled persons, who do not need the adaptation	200
	Tenants who have a medical or disability need which means that their current home is unsuitable for them, or for a member of their household.	200
	Tenants who are <b>under occupying family sized accommodation</b> (have more bedrooms than they need) and willing to downsize.	150
	Tenants who need to move to <b>receive or provide support</b>	30
	Tenants who are ready to begin <b>fostering or adoption</b> , but need a larger home to do so.	30
PRIORITY	Tenants who need to move so the tenant, partner or other adult member of the household can <b>take up employment, or to remain in employment.</b>	100
	Tenants who are <b>in work or making a significant contribution</b> to their local community <u>and</u> who need to move to a larger home because they are <b>overcrowded by at least one bedroom</b>	100
	Tenants who are making a significant contribution to their local community and have a need to move, and the move will enable them to continue to contribute effectively	50
	Tenants who need to move because they are not allowed to have children to stay overnight where they currently live but their <b>parental access rights</b> allow them to have their children to stay	50
	Tenants who are <b>not in work nor making a significant contribution</b> to their local community, and who need to move to a larger home because they are <b>overcrowded by at least one bedroom</b>	30
	Needing to live in an environment which provides independent living for older people	30

Direct External Applicants

BAND	CRITERIA (as set out in the Allocations Policy)	POINTS
	Applicants who are in work and/or making a significant community contribution <u>and</u> are:	
HIGH PRIORITY	overcrowded in their current accommodation by at least one room.	30
	Unable to afford their current accommodation and thus at risk of homelessness	30
	Living in accommodation which does not meet their medical or disability needs, or which lacks space needed for mobility/medical equipment.	30
	Living in poor quality accommodation, which the landlord has refused to repair or improve.	30
	Ready to begin fostering or adoption, but need a larger home to do so.	30
	Applicants who need to move to receive or provide support	30
PRIORITY	Applicants who need to move so the tenant, partner or other adult member of the household can take up employment, or need to move to be able to remain in employment.	20
	Overcrowded in their current accommodation by at least one room. Not in employment or making a significant community contribution	10
	Needing to live in an environment which provides independent living for older people	30

## APPENDIX 2 – DEFINITIONS

Policy term	Clarion Definition	Verification
Community contribution	We consider a significant community contribution to be where the applicant or their partner have been engaged in the activity for at least 24 hours per month (or 16 hours per month for a single parent), for the past six months, and they should expect to continue the activity, and the activity is such that if they did not carry out that activity another person would be required to undertake it.	The community contribution must be verifiable. Valid forms of community contribution include voluntary work that can be confirmed by a recognised charity or registered association; the provision of care to a disabled person or dependent relative that can be verified through evidence of carer's allowance; providing foster care where the local authority can confirm that the applicant and/or partner has been registered as a foster carer for at least 6 months, has provided foster placement(s) and remains registered to provide care in future.
Employment / Work	Paid work of at least 24 hours per week (or 16 hours per week for a single parent) that the applicant or their partner have been employed in continuously for the past 3 months and that they expect to remain in (although they may not have a permanent contract). It includes self-employment.	We will require proof that the applicant (and/or partner) is employed, which could include a copy of a contract, a letter from the employer, pay slips, accounts for self-employed, or verification from the DWP.
General Needs	Homes that are for general use and are not intended for specific groups of people	n/a
Homes for Older People	Homes that have been designated by Clarion for people over a specified age	Birth certificate or passport to confirm age
<b>Household member</b> (for the purposes of a housing application)	Spouse or partner and any dependent children or other relatives and/or carers living with the applicant (not sub-tenants or lodgers).	Marriage certificates, birth certificates, other proof of relationship and proof of residency such as bank statements, utility bills etc
'Like for like'	A property that is of the same size that is affordable to the tenant, unless the tenant is currently under-occupying.	n/a