

## **Purpose and scope**

The purpose of this policy is to detail how The Guinness Partnership will allocate our social housing properties.

The policy applies to all general needs and sheltered properties. It excludes certain designated housing schemes where properties are let outside this allocations scheme. This will include properties which are managed by other organisations, the foyer and properties let on market rent.

## **Policy statement**

1. We will allocate our properties in a fair, transparent and efficient way taking into account the housing needs of our tenants and potential tenants.
2. We will ensure that the best use is made of available housing and will ensure that our lettings are compatible with the purpose of social housing.
3. We will co-operate with local authorities to fully understand housing need and to support them to fulfil their housing duties under the Housing Act 1996. This includes assisting local authorities with their homelessness obligations.
4. We will co-operate with local authority nomination or choice based lettings agreements where they are in place. Where a local authority nomination or choice based lettings agreement is not in place we will prioritise allocations in accordance with The Guinness Partnership's allocations framework.
5. We will prioritise applicants in accordance with the published allocations framework with priority given to those in greatest housing need. Appendix A.
6. We will give priority to those who are homeless, who have ill health, disability or whose social or housing circumstances make it unacceptable to remain in their accommodation. Once placed in a priority band, allocations will be made in date order.
7. We will offer a range of tenancies as set out in the Tenancy Policy. For general needs and sheltered properties this will include periodic assured tenancies and fixed term tenancies.
8. We will offer the same or equivalent level of security of tenure to those tenants who were in social housing on 1 April 2012 and have remained continuously in social housing since that date. They will be offered no less security of a social rent home whether they are moving within The Guinness Partnership or from another social landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).
9. We will sign-up all applicants who are new to social housing on Starter Tenancies. This means that applicants who were not living in social housing immediately prior to the allocation will be signed up in accordance with the Starter Tenancy Policy.
10. We will permit existing tenants on assured tenancies, and those on assured shorthold fixed term tenancies (not assured shorthold periodic tenancies) access to our waiting lists and to have the ability to move within our housing stock.

11. We will support tenants and potential tenants who require assistance to make an application for housing. This includes providing help to complete an application form, making a bid for housing, providing translations or assisting with other support needs.
12. We will record all our lettings on the Continuous Recording of Lettings (CORE) system.

### **Qualified to apply for Housing**

13. We will consider all applications individually. Housing applications can be made by anyone aged 18 and over with the right to reside in the UK (otherwise than as a jobseeker or under an initial right to reside) and who is habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland.
14. We will consider applications from 16 and 17 years olds provided a trustee is in place. All allocations to 16 and 17 year olds will be made in accordance with the Tenancies to Minors Policy.
15. We will consider applications from certain people from abroad who do not have the right to reside in the UK if they are a:
  - Refugee
  - Person with exceptional leave to enter or remain in the UK that is not subject to the condition that he or she cannot have recourse to public funds
  - Person who has leave that is not subject to any limitation or control and who is habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland i.e. has indefinite leave to enter or remain
  - Person who has been granted humanitarian protection under the Immigration Rules.
16. We will consider applications from persons from the EEA (European Economic Area)) who are not habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland if they are a:
  - Worker
  - Self-employed person
  - Family member of a worker
  - Economically self-sufficient person
  - Person with a permanent right of residence in the UK.

### **Not qualified to apply for housing**

17. We will not accept applications from persons who are not eligible in accordance with paragraphs 13 to 16 above.

#### *Asylum seekers*

18. We may assist with the temporary rehousing of Asylum Seekers who have limited leave to remain in the UK and no recourse to public funds. These applicants will be offered Assured Shorthold periodic tenancies.

#### *Homeowners*

19. We will not normally consider homeowners, unless they are unable to enter or reside at their property.

## **Additional eligibility criteria**

20. We will undertake a financial assessment of all housing applicants. An applicant will be ineligible for social housing if they exceed the financial limits set out in the Financial Assessment Policy.
21. We will co-operate with statutory agencies in the housing of violent and sexual offenders. The overriding priority is however the protection of the public, residents, our employees and contractors. This allocation will be made in line with the Housing Violent and Sexual Offenders Policy.
22. We may set out additional qualification criteria for our sheltered housing schemes. Sheltered schemes may also specify the supply of services and supported provision which will be included in the tenancy agreement. An applicant may be deemed ineligible for the scheme if they do not meet the additional qualification criteria.
23. We may set out additional local qualifications for individual schemes or properties. This may include but is not limited to setting criteria for disabled adapted properties, or high-rise schemes unsuitable for small children.
24. We will allocate property in accordance with the Mobility Scooter Policy and where the conditions are not met we may consider the applicant ineligible for that property.
25. We will set out additional eligibility criteria for specific properties to ensure that we meet our obligations under s.106 The Town and Country Planning Act 1990, covenants or other legal restrictions.

## **Refusals**

26. We will not adopt a blanket ban but will normally refuse an application in the following circumstances:
  - Where the applicant(s) has been evicted or eviction proceedings have been started by The Guinness Partnership or any other Registered Housing Provider for breaches of their tenancy agreement.
  - Where the applicant(s) has outstanding rent arrears or other outstanding housing related debts owed to The Guinness Partnership or any other Registered Housing Provider.
  - Where legal proceedings for anti-social behaviour or any other breach of tenancy has commenced against the applicant(s) or any member of the household by The Guinness Partnership or any other Registered Housing Provider.
  - Where the applicant cannot sustain a tenancy without support and inadequate or no support is available. We will make reasonable efforts to assist the applicant in obtaining support.
  - Where the applicant is shown to be making a false or fraudulent application either to The Guinness Partnership or to a local authority or has deliberately created a position of being in housing need.
27. Will we consider all applications individually and where relevant will take into account the:
  - Seriousness, nature and age of the incident, breach of tenancy or debt
  - Applicant(s) individual circumstances, including disabilities and household composition.
  - Applicant(s) commitment to paying back the rent arrears or housing related debt.
28. We may suspend or refuse applications from an existing tenant(s) for a transfer of tenancy where any of the grounds set out in Schedule 14 to the Localism Act 2011 apply and in particular where:

- Legal or enforcement action has or is being taken for anti-social behaviour or any other breach of tenancy.
- An injunction, possession order, suspended possession order, or postponed possession is in place for anti-social behaviour or any other breach of tenancy.
- The tenancy has been demoted.

#### *Refusals – Transferring tenants*

29. In addition to the above refusals set out in paragraph 26 we may suspend or refuse applications or allocations from an existing tenant(s) for a transfer of tenancy where any of the grounds set out in Schedule 14 to the Localism Act 2011 apply. In addition to the above it includes:
- That an obligation under one of the existing tenancies has been broken or not performed
  - The tenancy has been demoted.
  - The proposed property is substantially more extensive than is reasonably required by the existing tenant or tenants.
  - The letting would conflict with the objects of the charity
  - The property is for person with special needs and support is provided and no-one in the household has those needs.

#### *Transferring tenants – rent arrears*

30. We will refuse to allocate a property to an existing tenant(s) where there are rent arrears unless the arrears and any outstanding debts are paid in full. Where a, suspended possession order or postponed possession order is in place we may consider a transfer provided the rent arrears and outstanding debts are paid.
31. We will in exceptional circumstances, consider an application to transfer to another property without full payment of the arrears or debt. Under these circumstances it is expected that an applicant would be transferring as part of an emergency move.

### **Overcrowding**

32. We will give priority to those who are overcrowded and will use the English Housing Survey overcrowding standard to measure the extent of overcrowding.

### **Under Occupation**

33. We will offer priority to those who are living in properties too big for their housing needs and will also have regard to the Local Housing Allowance size criteria and may develop services and incentives to address under occupation.

### **Bedroom Standard**

34. We will offer the applicant a choice of property sizes to ensure that they are able to balance their housing needs against their financial circumstances. We will offer:

Single person or couple	1 bed
Single person or couple with 1 child or confirmed pregnancy	2 bed
Single person or couple with 2 children	2 bed 3 bed
Single person or couple with 3 children	3 bed 4 bed
Single person or couple with 4 or more children	3 bed 4 bed
Single person or couple with 5 or more children	5 bed 6 bed

35. We will expect that:
- Each married or cohabitating couples will have a separate bedroom.
  - Young persons 16 years and over will have a separate bedroom.
36. We will permit a bedroom to be shared by:
- Persons 10 years of age of the same sex who are not a couple
  - Children under the age of 10 years regardless of sex.
37. We will not permit:
- Children who are 10 years of age and over and are of different sexes to share a bedroom.
38. We will take into account the need for an additional bedroom where:
- The applicant receives support from carers who do not reside with them but need to stay overnight
  - The applicant is a prospective foster carer or adoptive parent(s)
  - There are medical requirements
  - The applicant has formal shared care of a child or children.
39. We will not allocate a property where the household composition exceeds the English Housing Survey Bedroom standard.

### Tenancy Fraud

40. We will request references from previous landlords and confirm the information provided in the application before we offer a property.
41. We will ask for photographs and National Insurance numbers of the tenant(s) to be provided on sign-up.
42. We will not allocate a property unless we are satisfied with the identity of the applicant.

### Local Lettings

43. We will adopt a local lettings arrangement:
- In order to prevent or reverse social conditions in an area threatening the housing rights of most residents or the value of the stock or

- To address a particular social condition and support a sustainable community, for example where there are a high level of support needs in a scheme.

### **Low Demand**

44. We will engage the Low Demand Policy in areas or schemes which have been identified as difficult or hard to let.

### **Medical Assessments**

45. We will arrange an independent medical assessment when a tenant of The Guinness Partnership is seeking a higher priority on the waiting list based on their medical condition.
46. We will request applicants who are not existing tenants of The Guinness Partnership to complete a medical self assessment, if they are seeking a higher priority on the waiting list based on their medical condition. We may refer the medical self assessment to an independent medical assessor if we are not able to establish the applicant's housing need.

### **Offers**

47. We will make offers of accommodation in line with local authorities' nomination and choice-based letting agreements where they are in place.
48. We will make one reasonable offer of suitable accommodation to those applicants in the highest banding and two reasonable offers of suitable accommodation to those in other bands. Where these offers have been refused we may suspend or reduce the priority of the application.

### **Appeals**

49. We will operate an appeals process for applicants or potential applicants who wish to have a decision reviewed.

### **Equality**

50. We will make decisions on allocations in accordance with the requirements of the Equality Act 2010 and in particular we will have regard to the Public Sector Equality Duty as set out in our Equality and Diversity Policy.
51. We will review this policy when a business need arises. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, practice or as a result of feedback from key stakeholders. Typically we review policies on a three yearly cycle.

### **Monitoring the policy**

We monitor policies to ensure they deliver the expected outcomes. Service standards, key performance indicators, audits and customer satisfaction surveys are typical of the monitoring systems in use but this will vary according to the policy.

### **Period of review**

We will review this policy when a business need arises. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, practice or as a result of feedback from key stakeholders. Typically we review policies on a three yearly cycle.

### **Key legal and regulatory references**

- Housing Act 1996 Part VI
- Allocation of Housing and Homelessness (Eligibility England) Regulations 2006

- Allocation of accommodation: guidance for local authorities (CLG, 2013);
- The Regulatory Framework for Social Housing” (Homes and Communities Agency, 2012)
- House of Lords case R (Ahmad) v Newham LBC [2009].

## Related policies

- Tenancy policy
- Starter tenancy policy
- Tenancy to minors policy
- Financial assessment policy
- Mobility scooter policy
- Low demand policy
- Equality and diversity policy

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## APPENDIX A – ALLOCATIONS FRAMEWORK (BANDING SCHEME)

<b>BAND A</b>	<b>Statutory Homeless</b>	<p>This applies to those direct applicants who meet the statutory homelessness criteria and are in priority need (i.e. Pregnant woman; Dependent children; Vulnerable (old age, mental illness, physical disability or other special reason); Emergency such as flood, fire or other disaster vulnerability etc.). The applicants are not deemed to be intentionally homeless.</p> <p><i>The applicant will provide evidence from any local authority of their statutory homeless status.</i></p>
	<b>High Medical priority</b>	<p>This applies to direct applicants and transferring tenants. This cover those circumstances where the applicant or a member of the household has a life threatening condition which is seriously affected by their current housing condition so as to warrant and urgent need for rehousing. For example, severe permanent mobility issue following an accident, terminal care.</p> <p><i>The direct applicant will provide a medical self-assessment form. Optional: an independent medical assessment may also be required</i></p> <p><i>The transferring tenant will complete a medical self assessment and the assessment will be undertaken by an independent medical assessor.</i></p>
	<b>Exceptional or urgent need</b>	<p>This applies to direct and transferring tenants who need to move urgently due to a threat of or actual violence which means that there is an imminent risk to them of a member of their household if they remain at that property.</p> <p>This also applies to existing transferring tenants in exceptional circumstances. There must be evidence of significant and insurmountable problem associated with the tenant's occupation of the property. For example, where the tenant has been significantly and adversely affected by Welfare Reform and is in or is likely to be in severe financial hardship.</p> <p><i>The direct applicant will provide evidence from a statutory body or recognised charity</i></p> <p><i>For transferring tenants the evidence will be provided by and authorised by Housing Teams.</i></p>
<b>BAND B</b>	<b>Serious and immediate need</b>	<p>This applies to direct applicants only who need to move quickly because there is evidence of a significant and immediate problem associated with the occupation of their current property. There must be evidence of on going personal risk to the applicant or a member of the household but it does not have to be urgent or imminent. For example, this may apply to an applicant who is living in a Women's Refuge and is not at imminent risk of harm but cannot return to the property.</p> <p><i>The direct applicant will provide evidence from a statutory body or recognised charity</i></p>
	<b>Homeless – non priority</b>	<p>This applies to direct applicants only who meet the legal definition of homelessness except that they not in priority need. (i.e. NOT Pregnant woman; Dependent children; Vulnerable (old age, mental illness, physical</p>



		<p>disability or other special reason); Emergency such as flood, fire or other disaster vulnerability etc.). They will not be intentionally homeless.</p> <p><i>The direct applicant will provide evidence from a local authority of their homeless status.</i></p>
	<b>Unsatisfactory housing conditions</b>	<p>This category applies to direct applicants only. Housing Health and Safety Housing Ratings are the basis for this category. Any hazard may apply provided it is or is likely to seriously affecting the health and safety of the household as determined by the Environmental Health Officer.</p> <p><i>The applicant will provide evidence/letter from the Environmental Health Officer from a local authority.</i></p>
	<b>Medium Medical priority</b>	<p>This covers those circumstances where the current housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the household and will be substantially improved by the move.</p> <p><i>The direct applicant will provide a medical self-assessment form. Optional: an independent medical assessment may also be required</i></p> <p><i>The transferring tenant will complete a medical self assessment and the assessment will be undertaken by an independent medical assessor.</i></p>
	<b>Under Occupation</b> where two or more bedrooms are being released.	<p>This category applies to transferring tenants only. The number of bedroom being released will be determined by the applicant. One of the barriers to moving has been the move to a single bed property and this is to encourage tenants to move a move from family size property.</p> <p><i>This would be confirmed by our own records or home visit before an offer of accommodation is made.</i></p>
	<b>Overcrowding</b> by two or more bedrooms	<p>This category applies to direct applicants and transferring tenants. The English Housing Survey Bedroom standard applies.</p> <p><i>This would be confirmed by our own records or home visit prior to an offer of accommodation being made.</i></p>
	To release a <b>disabled adapted property</b>	<p>This category applies to transferring tenants only. This refers only to those properties which have been adapted to Wheelchair Standard (Mobility Standard 4). This means that the property is specifically designed for wheelchair users i.e. specialist fixtures and fittings, enhanced circulation space.</p> <p><i>This would be confirmed by our own records or home visits before an offer of accommodation is made.</i></p>
<b>BAND C</b>	<b>Low medical priority</b>	<p>This category applies to direct applicants and transferring tenants. This covers those circumstances where the current housing conditions are having an adverse effect on medical condition of the applicant or member of the household and will be substantially improved by the move.</p>

		<p><i>The direct applicant will provide a medical self-assessment form. Optional: an independent medical assessment may also be required</i></p> <p><i>The transferring tenant will complete a medical self assessment and the assessment will be undertaken by an independent medical assessor.</i></p>
	<b>Under Occupation</b> - where one bedroom are being released.	<p>This applies to transferring tenants only. The number of bedroom being released will be determined by the applicant. One of the barriers to moving has been the move to a single bed property and this is to encourage tenants to move a move from family size property.</p> <p><i>This would be confirmed by our own records or home visit before an offer of accommodation is made.</i></p>
	<b>Overcrowding</b> by one bedroom.	<p>This category applies to direct applicants and transferring tenants. The English Housing Survey Bedroom standard applies.</p> <p><i>This would be confirmed by our own records or home visit before an offer of accommodation is made.</i></p>
	<b>Social and Welfare</b>	<p>This category applies to direct applicants and transferring tenants where they need of move for one of the following reasons: To give or receive support, to access to medical support, to be close to family, to be closer to voluntary or paid work, or as a member of a community group and needs to be closer to the community.</p> <p><i>The applicant would need to provide evidence normally a letter from the relevant organisation and a utility bill where appropriate.</i></p>
	<b>Insecurity of Tenure</b>	<p>This category applies to direct applicant only. It applies to those applicants who have not presented themselves as homeless to the local authority but are without or are about to be without accommodation.</p> <p><i>The applicant would need to provide evidence that current accommodation is coming to an end or they are living in insecure temporary accommodation. This would normally be a letter from the relevant organisation.</i></p>
<b>Band D</b>	<b>Home seekers and transferring applicants.</b>	<p>The bulk of applications should fall within this category.</p> <p>All applicants will be put into this band until evidence is received of the need for a higher priority.</p> <p><i>No evidence required</i></p>