

allocations and lettings

Responsible Officer:	Assistant Chief Executive Neighbourhoods
Approved:	June 2017
Review Date:	As a new policy a full review should be conducted after 3 years; however a desk top review will be completed after 12 months of operation to ensure the policy is delivering the needs of the business and aligned to the Local Authority's.
Ratification Date: Version:	Performance & Policy Committee 20 th June 2017
Regulatory Standard:	Tenancy Standard
Scope:	Incommunities Ltd

Allocations and lettings Policy

1.0 Introduction

- 1.1 Incommunities is the largest social housing provider in the Bradford District.
- 1.2 Our vision is Improving lives Incommunities; we believe that a good home is the key to better health and that stable communities can be the platform for access to more opportunities.
- 1.3 This policy gives an overview of how properties are allocated and the criteria used for establishing the suitability of an applicant.

2.0 Scope

- 2.1 This policy applies to Incommunities properties within the Bradford District and to the following types of housing:
 - Social rented housing
 - Affordable rented housing
- 2.2 It does not apply to:
 - Market rented housing
 - Shared ownership homes
 - Homes marketed for sale
 - Successions or Assignments of tenancies
 - The transfer of a tenancy from Assured Shorthold (Starter) to an Assured Tenancy
 - Succession to a tenancy on a tenant's death pursuant to the Housing Act 1988, or
 - Assignment of a tenancy by way of mutual exchange, or
 - Assignment of a tenancy to be a person qualified to succeed to the tenancy on the tenants death, or
 - Transfer of the tenancy by a Court Order under family law provisions or under the Civil Partnership Act 2004
 - Allocations of tenancies via the Learning Disability Voids & Nomination Agreement with Bradford Council

3.0 Statement of Intent

- 3.1 Incommunities has a duty to ensure that our homes are let in a fair, transparent and efficient way, taking into account the housing needs and aspirations of tenants and potential tenants. This policy aims to achieve this by:
 - Ensuring allocations are carried out in such a way so as to be compatible the overall ambition of creating sustainable tenancies and communities.

- Efficiently managing voids so as to meet the needs of the customer whilst securing income streams.
- Clearly defining the process and clarifying the detail of how decisions are made, along with a process of appeal
- Allocating properties in accordance with the legal and regulatory framework.
- Contributing to Bradford Council's strategic housing function and fulfilling the expectations set within Schedule 2 of the Nomination Agreement with Bradford Council.

4.0 Allocation of Tenancies

- 4.1 The Allocation of void properties will be managed through two methods:
- i. Via Nominations from BMDC
 - ii. Direct Lettings
- 4.2 **Nominations Agreement:** Under the terms of the Stock Transfer Agreement (Schedule 2), Bradford Council has the right to make nominations into 75% of Incommunities vacant and available for letting properties; using a system that offers an immediate nomination.
- 4.3 The Bradford Council will determine the priority of any Nominee in line with their Allocations Policy
- 4.4 In line with the Bradford Council's Allocations Policy, Incommunities as the Landlord will be responsible for assessing whether the Nominee is suitable for the tenancy. Incommunities will conduct this assessment in line with Section 8 of this Policy (Suitability Check).
- 4.5 As per Schedule 2 of the Stock Transfer Agreement (paragraph 4.9), Incommunities will contact the Nominee directly to inform them of the nomination; after a successful contact with the Nominee, they can decide whether to accept or reject the offer. If the Nominee rejects an offer made by Incommunities or delays their agreement to take up a tenancy for more than three days of the offer being made, (without Incommunities' agreement), Incommunities will, in cases where they wish the allocation to be via the Nominations Agreement, ask CBMDC for another nomination.
- 4.6 As per the Transfer Agreement a Nominee who rejects, or is deemed to have rejected pursuant to paragraph 4.5 of this policy an offer of a tenancy shall not be entitled to a second offer unless BMDC (acting reasonably) decides otherwise.
- 4.7 As per the Transfer Agreement if there is no Nominee, or if Incommunities has made two offers in respect of a property which has not been accepted, or if there is no

Nominee for whom the property is suitable. Incommunities has the right to let the relevant Dwelling free from any rights of nomination.

4.8 In such circumstance, Incommunities will use the Direct Lettings Criteria as guidance for such an allocation

4.9 **Direct Lettings:** The remaining 25% of allocations, along with those properties where a Nomination has not been secured will be allocated in accordance with the Direct Lettings criteria, the two drivers for such a letting being;

- Customer Wellbeing
- Business Imperatives

4.10 Direct Lettings will be made for properties or to applicants who fall within one of the categories listed

Direct letting categories: The table lists the direct letting categories for Incommunities properties with illustrative examples of the circumstances in which a customer will qualify for a direct letting.

Legal Duties	
Court order	<ul style="list-style-type: none"> • Where Incommunities is obliged by a court order to provide accommodation.
Decanting for programmed works or demolition	<ul style="list-style-type: none"> • The majority of lettings will be made through the Value Based Letting policy with appropriate priority awarded. However, in cases where a customer requires a property which is in short supply and/or to make a final offer where demolition or substantial refurbishment of properties in Incommunities stock has been approved by the Housing Association Board.
Discretionary	
Anti-Social Behaviour and Victim Support	<ul style="list-style-type: none"> • To provide victim and witness support, as defined in Incommunities Anti-Social Behaviour Policy, to rehouse customers who are suffering from anti-social behaviour, harassment and where we have concerns for their personal safety. E.g. cases of Domestic Abuse.
Corporate Emergencies	<ul style="list-style-type: none"> • This covers both immediate rehousing in an emergency situation e.g. a fire or flood, and also allows us to make this a permanent move should the customer not wish to move back to their original, and this meets the needs of the business
Transit Properties	<ul style="list-style-type: none"> • Where we have moved a household into a transit property in order to carry out major works and they wish to stay, and it meets the needs of the business

Tenancy Changes	<ul style="list-style-type: none"> • Succession Right: Where there is a contractual succession, it may be that the property does not meet the customer's needs. In this case an alternative offer of suitable accommodation as a direct let may be made. • Change from sole to joint/joint to sole tenancy. Where it is necessary to end a tenancy to facilitate a change to a sole or joint tenancy
Under-occupation/Downsizing	<ul style="list-style-type: none"> • Where the customers' needs require that they downsize to a smaller property, for example if they are being charged subsidy due to under-occupation. Cases will be considered for direct lettings where there is no Discretionary Housing Payment in place and the customer is accruing arrears, which would place them in danger of losing their home.
Disability	<ul style="list-style-type: none"> • Where a tenant requires a transfer from a property where a disability of the tenant or a household member has a negative impact on their ability to do normal daily activities; and where a property is identified as being available and better suited to their needs.
Low Demand	<ul style="list-style-type: none"> • Where a property, whilst void, has had 5 or more customers matched to it and refused.

- 4.11 Customers who are eligible for a direct letting will normally be made one reasonable offer suitable to their household's housing needs. The offer will take into account customers' preferences, for example, property type and area. In some circumstances this will not be possible, for example in areas where demand for social housing is high and available properties are in short supply
- 4.12 Any direct letting will generally be made in the date order customers were assessed as being eligible for a direct letting
- 4.13 All direct lettings will be subject to a defined process; any direct letting requires authorisation by a Housing Manager or their delegate and will be reviewed annually.
- 4.14 Where a property meets the criteria of being 'low demand' ; officers will be encouraged to promptly secure an allocation so as to maximise the income generated, such an allocation will be made on a first come first served basis to applicants.
- 4.15 All applicants matched via the Direct Lettings Policy or via Nomination will be subject to a Suitability Check as detailed in Section 8 of this policy.

5.0 Tenure types

- 5.1 Incommunities will allocate tenancies in line with its Tenure Policy; tenancies will be allocated to support the property's and applicant's needs.

6.0 Application

- 6.1 All applicants seeking housing, whether as current Incommunities tenants looking to transfer, or as new applicants to Incommunities who meet the qualifying criteria (as defined within Bradford Council's Allocation Policy) will be encouraged to register their request on the Local Authority's allocation system.
- 6.2 Incommunities staff will support Bradford Council by accessing the system to support applicants with registration and amendments to their housing needs, in line with their Allocations Policy.
- 6.3 Incommunities will be permitted to award priority to the applicants who currently hold a tenancy with Incommunities (apart from Bands 1 and 2) who wish to register on the Local Authority's Housing Allocations system; such priority will be awarded in line with the Bradford Council's Allocation Policy banding.
- 6.4 Applicants will be enabled to exercise choice by setting their preferences for a range of criteria in relation to their application ("setting their values") which will determine which properties they are matched to. In this way applicants will be able to exercise choice in a realistic context. Incommunities will communicate with applicants and will give an indication to customers of Incommunities stock levels in their areas of choice.
- 6.5 Applicants whose circumstance afford them a Direct Letting, will be informed of this by the Incommunities' Neighbourhood Services Team who will register their interest on the allocations system and co-ordinate the allocation in line with the Direct Letting Policy.
- 6.6 Referrals from other agencies for applicants will be managed in line with sections 6.1 to 6.5 of this Policy.

6.7 Vulnerable Applicants

- 6.7.1 Where an applicant is vulnerable we may discuss their application with a third party or, where appropriate, an Independent Mental Capacity Advocate where consent has been given. This would be for the purposes of accessing support or specialist advice.

6.8 Lettings to Staff and Board Members

- 6.8.1 The Incommunities Code of Conduct details our approach to housing staff, relatives, involved customers and Board Members, with reference to Schedule 1 of the Housing Act 1996. In these cases lettings are subject to final approval by the board or a nominated officer.

6.9 Excluded Applicants

- 6.9.1 Applicants who have been or are currently involved with cases of anti-social behaviour, where a Notice of Seeking Possession or injunction/undertaking or possession has been achieved, or (subject to the Director of Legal Services, or their delegate's approval) where circumstances have limited Incommunities' ability to service a NOSP or injunction, will not be considered for rehousing by Incommunities until the terms set out in their "Review" letter are achieved.

7.0 Match

- 7.1 Officers will match properties as soon as we are aware of the property becoming empty, either via a Nomination or Direct Let.
- 7.2 Incommunities will inform nominated applicants matched using their preferred contact method; giving them in most cases, a maximum of 24 hours to respond. Where there are specific vulnerabilities or communication issues this time may be extended at the discretion of the Neighbourhood Officer. Applicants who fail to respond to this contact will have the match recorded as "Refused – No contact" and their application will be closed. (See section 12 of this Policy – Closing Applications).
- 7.3 Where a customer is seen as a potential match via a Direct Let for a low demand void, customers will be contacted, via their preferred method of contact, and informed of the potential match. In such cases, officers will not be expected to give the full 24 hours for the applicant to respond in order to keep to the expectations of Section 4.12 of this policy. In such cases, the officer will record the potential match and move on to another applicant with the aim of achieving an immediate let.
- 7.4 Once an applicant is matched to a void, a suitability check will be completed.

8.0 Suitability Check

The purpose of a suitability check is to determine if the applicant who has been matched to a property is suitable for the property and sustaining a tenancy with Incommunities.

- 8.1 **Eligibility:** Incommunities will assess applicant's circumstance initially to ensure they are eligible to rent and that they meet the criteria for satisfying Incommunities' charitable aims.
- 8.1.1 **Right to Rent:** Incommunities will carry out Right to Rent checks on all lettings, even when the letting is via a nomination from the Local Authority. These checks will be completed to comply with Chapter 16 of Immigration Act 2016.
- 8.1.2 **Sufficient Financial Resources:** Incommunities Limited is a registered society under the Co-operative and Community Benefit Society Act 2014, and should therefore give

reasonable consideration to its role to the prevention or relief of poverty as part of the allocation of void properties. Incommunities will assess applications at the point of match to establish the social and economic circumstance of an applicant and household members. An allocation will not be made when it is acknowledged that an applicant (or member of their household who is part of the application) has sufficient financial resources to buy and sustain accommodation elsewhere. Exceptions to this would be;

- Applicants requiring a move on medical grounds.
- Applicants requiring a move because of a relationship breakdown.
- Applicants who can be matched to low demand properties.
- Applicants requiring a move to sheltered property.

8.2 Suitability for a Property Type: Once satisfied that the applicant is eligible for renting with Incommunities, the officer will then assess the suitability of the applicant against the property criteria, which include:

8.2.1 Age restricted properties: Incommunities has a number of properties which will only be let to applicants over a specific age. Where such age restrictions have been agreed by the Board, Incommunities officers will only consider applicants of that age or above for a tenancy for such a property.

8.2.2 Household size: Incommunities will not let a property where, by doing so, they will overcrowd by one or more bedroom. Incommunities will not grant a tenancy where the occupants will under occupy the property by one or more bedroom, except in cases where Incommunities is confident that any shortfall in rent can be achieved by the applicant from within their current income. (See Section 8.3.3 of this Policy: Affordability).

8.2.3 Adaptations: Incommunities will endeavour to make the best use of adapted stock as it becomes void. Nominated or Direct Let applications will therefore be assessed to see if their needs (or anyone registered for rehousing on their application) are such that the adaptations will support their physical needs; before a tenancy is offered.

Such criteria will not be used for low demand properties with adaptations. Incommunities officers will make their best endeavours to ensure the best use of adapted stock, but in such occasions officers will consider granting tenancies to applicants without such needs so as to secure income for the void.

Disabled applicants seeking to move to a non-adapted home may do so, in line with Incommunities Aids & Adaptations Policy. The home must be deemed viable for conversion by an Occupational Therapist and an Incommunities officer, before the tenancy is offered to ensure the customer takes an appropriate property that lends itself to conversion.

As part of this process, access to and the availability of funding from Incommunities and Bradford Council's Disabled Facilities Grant service will be considered in line with the Aids & Adaptations Policy and Legislation.

8.2.4 **Properties with a Communal Entrance:** Incommunities will not grant a tenancy to a property with a communal entrance if the applicant (or member of the household) has an animal other than small caged birds, small rodents, non-venomous insects, and fish in the property (with the exception of guide or assistance dogs).

8.3 **Suitability of Applicant(s) to adhere to the terms of the tenancy:** Once satisfied that the property is suitable for the customer, the officer will then consider whether the applicant is able to adhere to the terms of the Tenancy; for this they will consider the following:

8.3.1 **Tenancy History:** Incommunities will check every applicant and their household members to establish if they have a current or former tenancy, and whether the tenant's obligations set within the Tenancy Agreement is/was being fulfilled. Current tenants will be managed in line with Section 8.4 of this policy – Transferring Tenants. Where a former tenancy is identified, the officer will establish:

i. **Former Debt:** If debt is identified an offer will be made, in line with the wider Allocations Policy, so long as the terms set within the Debt Collection Policy are adhered to.

ii. **Former Conduct:** If there have been conduct issues in a former tenancy, the officer will establish whether the applicant or a member of their household is excluded (see Section 6.7 of this policy); if not, the officer will review the applicant's current circumstance before offering a tenancy, to establish that the applicant has addressed the issues and is now able to fulfil the obligations set out in the Tenancy Agreement, either with/without support (See Section 8.3.2).

8.3.2 **Support needs:** Incommunities officers will consider the applicant(s) circumstance to establish what/if there are support needs. We will consider information from Bradford Council for nominated applicants and seek further information from support agencies where a potential risks to the applicant are identified, as potentially preventing them from being able to hold a tenancy.

An offer will not be made if a severe risk is identified that the officer feels would prevent the applicant from sustaining a tenancy.

8.3.3 **Affordability:** An assessment will be made of an applicant's income and expenditure to determine whether they are able to afford to take on the tenancy. As part of this assessment an officer may identify ways to maximise income or offer budgeting and benefits advice which would lead to the property becoming potentially more affordable.

An offer will not be made when the officer deems a property to be unaffordable for the applicant to sustain.

8.4 Suitability Process for Transfers

8.4.1 Tenants of Incommunities will be permitted to apply for rehousing on the Local Authority's Housing Register, as referenced in Local Authority's Allocation Policy); and will therefore be classed as "Nominations".

8.4.2 Incommunities reserve the right to refuse or defer a nomination of a transfer based on the following criteria:

- The tenancy held is a starter tenancy or is less than a year old, or
- The property that the applicant is matched to has the same property characteristics to that which they already hold a tenancy for.
- A breach of the Tenancy Agreement is identified, (such as non-payment of rent, perpetrator of ASB, damaged to property, unkempt garden etc).
- The transferring tenant does not permit a property inspection (as referenced in Section 8.4.4) within 48 hours of the match being made.
- The transferring tenant does not permit for the property that they are leaving to be matched for potential future customers.

8.4.3 The only exception where a transfer would be permitted to such an applicant would be when the allocation is through the Direct Let process.

8.4.4 All matches to transferring tenants will have a property inspection, in order for any potential breaches (as referenced in section 8.4.2 of this policy) to be identified.

8.5 Additional Information

8.5.1 Incommunities will carry out home visits and obtain landlord references and Police checks check when the officer deems it necessary, so as to be able to determine the suitability of the applicant for a property.

9.0 Decision to Offer of a Tenancy

9.1 Offering a Tenancy

9.1.1 Once the suitability process is completed, the customer and/or Incommunities officer will decide whether a tenancy will be offered to the applicant. This offer will be subject to the applicant being available to view (within 48 hours) and move in to the property promptly once it is available for letting. The neighbourhood officer may exercise discretion for vulnerable customers who may need to be accompanied by a relative, friend or support worker.

Where the applicant is not available to move within the time set by Incommunities, the match will be classed as a decision by the landlord (See Section 9.2.2 of this policy). Incommunities will accommodate the authority's need to discharge duty within our processes and timescales.

Incommunities will notify the Local Authority when an offer is made to applicants in Band 1 or 2 so that they can fulfill their legal duties.

9.1.2 Incommunities officers will assist applicants in submitting a dual benefit application if their circumstance require this, so as to prevent any potential hardship on them.

9.2 Decision Not to Offer a Tenancy

9.2.1 When the decision is made by the applicant that the property match is not suitable, the officer will amend the application to reflect the applicant's property requirements to ensure a similar match does not re-occur.

9.2.2 **Property Not Suitable:** When the decision is made by the officer that the property match is not suitable; the officer will record their decision and inform the applicant by using the applicant's preferred method of contact. The applicant will be given the Right to Appeal this decision (see Section 11 of this Policy).

9.2.3 Incommunities will hold the right to reject matches/nominations without conducting a suitability check or informing the applicant, when the applicant is matched to a property that is similar to that which they have previously deemed themselves or been deemed unsuitable for.

9.2.4 **Tenancy Unsuitable:** The officer will inform the applicant when Incommunities deem an applicant to be unsuitable for a tenancy, using the applicant's preferred method of contact. The officer will advise the applicant what action they would need to take in order for a tenancy to be granted. Applicants matched to a property whilst such actions are pending will be by-passed. A record of the decision to by-pass the applicant will be recorded by Incommunities along with the actions required of the applicant.

9.2.4 Incommunities will keep Bradford Council informed on the decisions made in relation to nominated applicants.

9.3 Withdrawing offers

9.3.1 Incommunities holds the right to withdraw an offer at any point up to the sign up, when information is presented that would have resulted in the applicant not being offered a tenancy following a suitability assessment.

9.3.2 Incommunities will withdraw offers when repayment agreements are not kept to (as referred to in Section 8.3.1 of this policy), or when fraud is identified (as per Section 13 of this policy).

10.0 Refusals

10.1 Applicants will have the right to refuse a property at any stage from the property being matched through to the sign up.

- 10.2 Applicants have the right to refuse a property if they feel that it is not suitable. If the banding has been awarded by the Bradford Council they will review the banding and in accordance with their allocation policy.
- 10.3 Incommunities will hold the right to reject future matches/nominations from such applicants when Incommunities can demonstrate that the applicant has refused two or more reasonable matches.

11.0 Appeals

- 11.1 Applicants will have the right to appeal against a decision made in relation to an allocation.
- 11.2 Incommunities will not hold voids empty whilst such an appeal is underway.
- 11.3 Appeals about the application of this Lettings Policy will be treated in the manner of a stage 3 complaint (as set out in the Complaints Policy); with the Review Panel considering the appropriate remedy should the appeal be upheld.

12.0 Closing Applications

- 12.0 If on more than two occasions no response is made to Incommunities to request to a customer to undertake a suitability check for a potential property match, Incommunities reserves the right to close the application and notify the customer in writing.

13.0 Fraud

- 13.1 The 1996 Housing Act makes it a criminal offence to give false information, or to knowingly withhold relevant information in a housing application. If a tenancy is granted on the basis of provision of false information, the landlord may take action to gain possession of the property through the Courts. If material information given in respect of an application for property is found to be false, an application will be cancelled or an offer withdrawn (see Section 9.3 of this Policy).
- 13.2 If this is found to be the case, action will be taken under Ground 17, Schedule 2 of the Housing Act 1985.

14.0 Data Protection

- 14.1 Incommunities will ensure that any personal monitoring information collected about applicants is kept confidential and only shared with the relevant employees. It will be explained to any individual providing information exactly who the information will be shared with and for what purpose. Where we are required to share personal data beyond employees, for example where required to by law, we will do so in line with our Data Protection Procedures.

15.0 Responsibilities Associated with the Policy

- 15.1 The Board and Executive Management Team have specific responsibility for overseeing that the organisation has in place effective controls.
- 15.2 The Assistant Chief Executive (Neighbourhoods) has overall responsibility of this policy. The Neighbourhood Director and Managers are responsible for ensuring this policy is implemented and that team members are aware of and understand their responsibilities.
- 15.3 Neighbourhood Housing Officers and Customer Contact Centre Advisors are responsible for ensuring that they are aware of, understand and comply with this policy as abuse of this policy will invoke disciplinary action.
- 15.4 The Neighbourhood Director is responsible for monitoring and reviewing the policy in accordance with legislation and good practice.
- 15.5 Staff, Board Members and involved customers should declare an interest when applying for housing with the Association as set out in the Code of Conduct: the code states –

'If you are involved in the award of tenancies or allocation of housing you must ensure absolute impartiality in the decision made and avoid any conflict of interest'

16.0 Performance Management

- 16.1 The operation of the policy will be monitored by the Neighbourhood Director
- Neighbourhood Managers will regularly review a suite of measures and data to monitor the application of the policy and identify trends.
- 16.2 Incommunities will conform to the Bradford Council's request to report on nominations in line with the Transfer Document, using the format specified by Bradford Council.
- 16.3 All lettings are recorded on the national CORE database.
- 16.4 Equality monitoring**
- 16.4.1 We will monitor our allocations for equality and diversity purposes and where trends of such are under or over representation relating to the Protected Characteristics are identified actions will be taken as deemed appropriate

17.0 Other Linked Policies and Procedures

- Incommunities Direct Lettings Procedures
- Incommunities Group Complaints Policy
- Incommunities Group Equality and Diversity Policy

- Incommunities Group Anti-Social Behaviour Policy
- Incommunities Group Domestic Abuse Policy
- Incommunities Group Tenancy Fraud Policy
- Incommunities Succession Policy
- Incommunities Assignment Policy
- Incommunities Group Hate Incident Policy
- Incommunities Tenure Policy
- Incommunities Customer Debt Policy
- Incommunities Aids & Adaptations Policy
- Incommunities Rechargeable Repairs Policy
- Incommunities Review List Process
- Incommunities Group Responsive Repairs and Maintenance Policy
- Incommunities Voids Policy
- Incommunities Code of Conduct
- Incommunities Group Data Protection Policy
- City of Bradford Metropolitan District Council Housing Allocations Policy (2014-17)
- Customer Pledges

18.0 Legal and Regulatory Framework

- 18.1 The policy complies with regulatory and legal requirements including (but not limited to):
- Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011)
 - Homes and Communities Agency Regulatory Standards – in particular the Tenancy Standard (see Regulation Below)
 - Equality Act 2010
 - Localism Act 2011
 - Allocation of accommodation guidance DCLG 2012
 - Data Protection Act 1998
- 18.2 Our Regulator, the Homes and Communities Agency (HCA), expects Housing Associations to let their homes in a ‘fair, transparent, and efficient way’.
- 18.3 Providers are also expected to make the best use of their stock, and this policy includes flexibilities to enable the Association to balance demand and need across a range of localities and stock types.
- 18.4 We can evidence contribution to the Local Authority’s strategic function via our co-operation in the 75% nomination arrangement (including statutory and non-statutory homeless applicants) with Bradford Council, and our active engagement in the development and review of their Allocations Policy.

19.0 Review

- 19.1 Incommunities will undertake a review of this policy every three years or whenever there are any relevant changes to legislation, case law or good practice that would impact on this Policy, or in the light of any required service improvements identified through our Complaints Policy or other reviews. The Policy will also require review alongside each revision of the Council's Allocation Policy as there are a number of inter-dependencies including banding.