



Allocation Policy

Date Authorised: 31 July 2018

Review Date: 2021

Purpose

The Association's Allocation Policy sets out how we allocate properties that become available for letting.

Policy Statement

The Association's key objectives in the allocation of its homes are to:-

- Operate within the requirements of the Homes England, National Standards for Social Housing in England and any other appropriate legislation and regulatory guidance.
- Work with local authorities and other agencies in order to assist them to fulfil their strategic housing function. Where a local authority nominations or choice based lettings agreement is not in place or the properties are not subject to a local authority nominations agreement, we will prioritise allocations based on the best option for the Association financially; we may let at Intermediate, Market or Affordable rents in these circumstances. If a direct let is taken, the Association will conform with the government's right to rent checks.
- Create stable tenancies and balanced communities making best use of the Association's stock in meeting the needs of potential and existing tenants
- Ensure that the selection of applicants and the allocation of homes is fair, transparent and efficient, effectively controlled, accurately recorded and monitored
- Encourage and enable mobility
- Allow tenants as much choice as possible over where they live and the type of home they live in. 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. We will sign-up all applicants who are new to social housing on Starter Tenancies. This means that applicants who were not tenants in social housing immediately prior to the allocation will be signed up in accordance with the Starter Tenancy Policy. Existing tenants transferring within our stock will be offered equivalent tenancies unless they move to accommodation let on affordable rent terms
- Ensure lettings are undertaken as quickly and efficiently as possible
- Set targets, monitor performance and make information available to key stakeholders, including residents

Equality and Diversity

Rosebery is committed to promoting equal opportunities and valuing diversity. We will ensure that our customers receive culturally sensitive services which recognise issues of discrimination as well as celebrating their diversity.

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 or a person who has been granted humanitarian protection under immigration rules, or by a 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

We recognise that certain groups and individuals are more likely to be discriminated against. This may be on the grounds of race, gender, including transgender, disability, age, sexual orientation, religion and belief, language or other personal attributes. We are committed to eliminating all forms of unfair discrimination and promoting equality.

To monitor the effectiveness of our Allocation Policy we ask applicants to provide protected characteristics information. This is not a requirement for offer of a tenancy. We use the data provided to monitor the effectiveness of this policy and to ensure that we do not unfairly discriminate against particular groups.

Additional eligibility criteria

We will undertake both a financial assessment, and police check of all new housing applicants. The purpose of which is to ensure that all tenancies are financially sustainable and reduce the risk of fraud and future evictions for rent arrears and to prevent the risk of crime and anti-social behaviour in communities.

In order to calculate affordability, we will use either benefit calculators from government approved websites or online checking facilities such as Experian or similar. Those not eligible due to affordability or due to ASB or criminality will be refused accommodation and notice of refusal and reason will be given to the nominating Local Authority.

Annual Lettings Plan

In the case of new build developments, a Local Lettings Plan can be produced 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.

Working with Local Authorities and other partners

Although the majority of the Association's stock is in the Borough of Epsom and Ewell, there is continued growth in other Boroughs across Surrey and Sussex. The Association has agreed commitments to provide a percentage of vacant units to the Boroughs through nomination agreements.

Following the transfer of stock by Epsom and Ewell Borough Council to Rosebery Housing Association in 1994, it is legally required as part of the agreement to assist Epsom and Ewell Borough Council in meeting local housing need. However, this responsibility is discharged in a manner which reflects the independence of the Association and the need to ensure there is open access to its properties and that as a Registered Provider, the

Association has the final say in the acceptance of a nominee. Under the agreement, 75% of the relets of true voids (see appendix 1) from the Associations existing stock are provided for local authority nominees.

In relation to all new build properties, where grant funding has been provided, 100% of first lets vacancies are provided for local authority nominations. For any subsequent relets of new build units, it is generally specified that 75% of true void vacancies are provided for local authority nominees. Agreements can vary dependent on the new build scheme so it is therefore advisable that nomination agreements are checked in relation to each scheme to ensure that the Association is operating in accordance with the appropriate agreement.

The balance is used by the Association to help existing tenants transfer to more suitable accommodation, for referrals from approved referral agencies and other care providers.

In the case of new build developments that have not received grant funding, such as where private funding has been used, the Association is able to use 100% of the vacancies at its own discretion. In these circumstances, the units would usually be used to rehouse transfer applicants.

Applicants who are nominated to the Association by local authorities are selected through the Choice Based Lettings Scheme or however the Local Authority chooses to nominate from its housing needs list.

All applicants nominated to the Association, including referrals to other agencies must meet the criteria under this policy.

The Association also provides Temporary Accommodation for Epsom and Ewell, Crawley and Guildford Borough Councils. 100% of all vacancies are used for local authority nominations, and provision is in accordance with the temporary accommodation management agreement for each borough. The criteria under this policy are not applicable for temporary accommodation units.

Allocation Panel

The Association carries out all allocation of properties through the Allocation Panel. This ensures that allocations are carried out in a fair and transparent way and seeks to ensure that issues of sustainability, diversity and nomination arrangements with the local authorities are considered. The Panel consists of at least two of, the Head of Housing & Customer Experience, The Neighbourhood Team Leader a Neighbourhood Officer or another Senior Officer.

Sensitive Lets

In exceptional cases (e.g. following serious Antisocial Behaviour at a property), a Neighbourhood Officer may recommend to the Allocations panel that the property should not be re-let on a permanent basis, instead being designated as TA for 1 letting before returning to general needs use. The Allocations Panel will be responsible for recommending a change of use to the Head of Housing & Customer Experience who must approve any change of use.

The definition of ASB in this instance is such that there have been multiple complaints about a tenant by more than one party, and we have taken formal legal action to remove them, a case of serious targeted behaviour by one party on another for a period

of time that causes severe distress or alarm, or an area or block containing vulnerable adults that could be the subject of targeted abuse or criminality.

Priorities

In order to assist households to obtain accommodation better suited to their needs, the following are the Association's priorities for the allocation of properties:-

Decants

Our highest priority is to find alternative housing for residents required to move due to the condition of their property and the requirement to carry out essential works that cannot be undertaken with the residents in occupation. Wherever possible, Rosebery will seek to find accommodation at an early stage. The Association aims to make all decanted tenants an offer of accommodation within its permanent stock, in an area of choice for the tenant; however this will not always be possible due to lack of supply. Under normal circumstances, the tenant would be expected to return to their original home once the decant is no longer required, however in exceptional circumstances it may be agreed by the Association that the tenant remain in the alternative property, and their original tenancy be terminated. The Decant Procedure details the decant process and how residents will be involved in decision making affecting their tenancy.

Local Authorities

Rosebery offers vacant properties to households nominated to us by local authorities. Local authorities advertise properties including any agreed criteria that must be met in respect of the property, through choice based lettings or whichever lettings system they implement and nominate the applicant who meets the priority criteria from the people who bid for the property or who are auto-bid. The details are then checked with the applicant and against the Association's Allocation criteria (see appendix 2). This ensures that they are in housing need and that the property offered is suitable for their needs.

Transfer Applicants

Existing Rosebery tenants who need to move from their current home because it is no longer suitable for their needs assessed in accordance with this policy. The Allocation criteria in respect of transfers are contained at appendix 2. Transfer applications are prioritised through the award of points (see appendix 4).

Tenants who are under occupying their home are a priority under this policy and the Association is committed to working with tenants in these circumstances to determine any rehousing options. The Under Occupation Grant Procedure sets out the options for a tenant who fits into this category.

Referrals – Approved Referral Agencies

Rosebery wishes to accept a broad mix of people in housing need and to assist specialist agencies secure accommodation. With this in mind we will accept from time to time nominations from Transform Housing and Support and the Stoll foundation for supporting and housing veterans. A maximum of two nominations will be considered each calendar year. Consideration will be given to requests for specific areas or housing type, but most offers will be made in our most dense areas of housing stock. Right to rent checks will be carried out in this instance.

Re-Housing Guarantees

Rosebery offers re-housing guarantees to tenants where no alternative accommodation is available. These tenants will be made offers when appropriate accommodation becomes available.

Re-housing guarantees may be offered to tenants who need to move into alternative accommodation due to support needs such as alcohol and drug rehabilitation units. Guarantees to tenants who need to move to accommodation in order to receive additional support as detailed above, are at the discretion of the Allocation Panel and will be dependant on how the tenancy has been conducted.

A re-housing guarantee may, on rare occasions, be granted to an adult offspring who has always lived with their parent or a carer who has occupied an existing Rosebery property with a tenant as their only home for more than 18 months and would have no rights to succession. This is usually in the case where the occupied property is of family sized accommodation. In this case, one reasonable offer of suitable alternative accommodation will be made. Where an offer is refused, legal proceedings should commence against them as an unauthorised occupant.

Reciprocals

In order to assist its tenant or that of another landlord, the Association may make reciprocal arrangements where it will rehouse another tenant, in exchange for the other landlord accepting a nomination for a similar sized property. Reciprocals will be awarded priority according to the priority given to the outgoing transfer/application.

Management Transfer

On very rare occasions where the circumstances may warrant it, the Association will consider a management transfer outside of the usual transfer criteria.

A management transfer is a move agreed in exceptional circumstances due to significant issues associated with the tenant's occupation that has resulted in imminent personal risk to the household if they remain.

Applications for a management transfer must be supported by evidence from an independent agency such as Police (rank of Inspector or above), Social Services, Hospital Consultant or Domestic Abuse Team.

The Allocation Panel will consider where a management transfer will be granted and therefore if points will be awarded. Cases of this nature often relate to serious domestic abuse, harassment or witness protection. Management Transfers will not be offered to the perpetrators of ASB.

Where an offer has been made in these circumstances and refused, the association has the right to remove the priority for transfer, and return the applicant to the transfer list. This will be done where the offer is deemed reasonable by the association. Property location or type (for example requests for houses over flats, where there is no medical need for a garden) will not be a reason to turn down a management transfer, unless there is a clear risk associated with the household.

Hard to Lets

Rosebery will monitor the rate of refusals on all units let. Where a unit has been offered and refused more than three times we will consider what action needs to be taken in order to minimise the void loss. This could include under occupying the units, allocating it to a low priority transfer, increased decoration allowance, requesting additional maintenance works or disposal. Any decision to under occupy a unit will take in to consideration welfare reform and the prospective tenants' ability to pay the rent. Where the refusals are from Local Authority nominees the nomination agreement may enable the Association to recover excess void loss. Every effort should be made to do so.

Number of Offers

Tenants transferring will receive 1 reasonable offer of accommodation. For transfers, if an offer is rejected, the tenants will be removed from priority and can only re-apply 12 months later unless there is a substantial change of circumstances. They will retain the points that they have accumulated and the association will take in to account factors such as schooling needs, hardship, disabilities and support and care when making an offer. Decanting tenants will receive a maximum of two reasonable offers, in the event of refusals and work requiring urgent attention the Association would need to consider its legal position with regards to gaining possession.

What is a Reasonable Offer?

A reasonable offer should meet the essential needs of the household e.g. in terms of size or level of accommodation. Transferring applicants are given the option to request a certain area on applications, however this is merely a guide to stock locations and offers will not be considered unreasonable if they are outside of that area.

Appeals Procedure

Applicants, who wish to appeal against an internal allocation, can do so to the Head of Housing and Customer Experience. A complaint can be registered on behalf of the tenant by a member of the Association, but all details regarding the reason for the appeal must be made clear. The decision of the Head of Housing and Customer Experience is final.

Offers of properties will be kept open (but not necessarily the original property offered) whilst the appeals process is ongoing. If an appeal is lost by a transferring tenant, they must wait 12 months before re-applying for another transfer.

Applicants referred through the local authority can appeal to the Head of Housing and Customer Experience who will convene a panel comprising of another senior member of staff not involved in the refusal process originally. The property will be held while the appeal is reviewed. The nominee will be made aware of the reason for refusal and will need to state clearly why we have not followed the policy. Once that decision has been made the property will either be let following a successful appeal, or offered to the next appropriate nominee.

All tenants have the right to complain to the Housing Ombudsman Service who can investigate complaints; however, the Ombudsman Service would normally require that a tenant has exhausted the Association's complaint process first.

Rent Arrears

Offers of accommodation will not be made where tenants are in rent arrears. Exceptions however are for:

- Applicants who are subject to harassment, requiring decanting or require urgent medical transfers where an agreement has been made to reduce the debt and a form signed to this effect

Tenants' accounts will be checked prior to an offer being made to ensure that agreements are being adhered to.

Transfers where legal action has commenced

An offer of accommodation will not be made where the tenant is under a court order or where legal action is being taken because of a serious breach of tenancy. This is because a transfer to alternative accommodation would have the effect of terminating the legal proceedings.

Tenancy Fraud

In order to prevent Tenancy Fraud, meet our regulatory and statutory obligations, and to ensure that only those entitled to housing are made offers of accommodation under this policy:

- We will request references from previous landlords and confirm the information provided in the application before we offer a property.
- We will require applicants/nominees to provide proof of identity and National Insurance numbers on sign-up.
- We will require a passport sized photograph of the applicant and all members of the household aged 16 years or over at the time of sign-up before granting a tenancy.

We will not allocate a property unless we are satisfied with the identity of the applicant

Probity

The Association's Probity Policy exists to manage situations where potential conflicts of interest or suggestions of bias on the part of decision makers might arise.

The granting of a tenancy is a non-contractual benefit for the purposes of the Association's Probity Policy.

The allocation of a tenancy in the following circumstances must be approved by the Board who must satisfy themselves that the allocation is open and fair and complies with the National Housing Federation "Excellence in Standards of Conduct – Code for Members" (the Code) which Rosebery Housing Association Limited ("the Association") has adopted.

The Board decision must be recorded with the date and summary of benefits granted in the Board Minutes and in the Probity Register.

Housing of employees and their relatives

- The Association will only house people in accordance with its published Allocation Policy.

- Employees, former employees and their close relatives ('Relevant Persons') will receive equal treatment to all other applicants in the allocation of housing, including transfer and re-housing applications and the consideration of an application made by such persons will be open, fair and transparent.
- The Association can provide accommodation (tenancies etc.) to its employees, former employees and their close relatives. Care must be taken to avoid any risk of the Association seeming to favour such Relevant Persons unfairly. The individual affected should receive exactly the same consideration as any other applicant. For example, a person who is moving to the area to work for the Association cannot be given priority ahead of any other job-mover.

Where employees, former employees and their close relatives are considered suitable the Association should make sure that:

- There is full disclosure of the individuals connection;
- The application is based solely on merit and suitability;
- The process is open and transparent;
- The Relevant Person has no part in the selection process.

If a Relevant Person is housed under these arrangements, the Association must ensure that matters such as maintenance, rent arrears, neighbourhood disputes and other housing management issues are dealt with openly and fairly avoiding any action that appears to favour the tenant employee.

- In all situations the Association must comply with the Code and ensure that there has been no more favourable consideration given than to other applicants.

Housing of employee, Board or Committee Members' relatives with special needs

- The Association can allocate accommodation to the relatives who qualify for supported provisions for the elderly, the disabled or others with special needs. This exception does not cover general elderly accommodation where no special services are provided.

Housing of Board and Committee Members and their relatives

- Housing may not be allocated to past or present members of the Association's Board except where their appointment has been as a 'tenant' member.
- The Association can house relatives provided they fully meet the Association's published criteria (as detailed in the Association's Allocation Policy) and priorities with the key consideration being housing need and that the process is open and transparent;
- The applicant must have no involvement in or influence over the decision-making process, but it is for the Association rather than the applicant to assess whether or not there is alternative housing available.

True Voids

Local authorities are entitled to an agreed percentage of true voids. True voids comprise:

- Properties let for the first time in newly built or rehabilitated schemes
- A void created as a result of the former tenant moving to a property owned by another landlord and no reciprocal arrangement exists
- A void because the tenant has died and there is no one entitled to succeed either by statute or under the tenancy agreement of the deceased tenant
- A void created as a result of the former tenant purchasing his/her own property or renting in the private rented sector

A dwelling shall not be a true void if it qualifies as above if:

- It is reasonably required by the Association to house another of its tenants who is being transferred in order for the Association to carry out major repairs, improvements or redevelopment to or of another dwelling
- It is reasonably required by the Association to house another of its tenants who qualifies under the current policy as a priority transfer
- It is a void created as a result of the tenant having been decanted to alternative accommodation temporarily but with the intention of returning to the dwelling from which he or she was decanted
- It is a void required by a tenant of the Association who is being permanently or temporarily decanted from another dwelling

ALLOCATION CRITERIA

Transfer applicants

Transfer applicants will be accepted only if:

- They have lived in their current property for at least one year
- They do not have rent arrears prior to the transfer taking place
- There is not a current Notice of Seeking Possession
- They are not under investigation for anti social behaviour
- They are not currently being investigated on suspicion of tenancy fraud
- They have not neglected and/or abused their current property, and
- There is a demonstrable need for a transfer
- An obligation under one of the existing tenancies has not been broken or not performed

Local Authority Nominations

The Local Authority will provide one nominee for each vacancy. When providing Rosebery with a nominee, the Local Authority will complete a nomination form with details of the nominee. The information should include:

- Whether the applicant has any known care needs or provision, a history of rent arrears or Housing Benefit fraud; and
- Whether they have a known history of anti-social behaviour i.e. harassment, nuisance, drug related crime, burglary and violence towards staff

This will enable Rosebery, where necessary, to acquire care and support from other agencies so as to enable the nominee to sustain their tenancy. All of the above information should allow the Association to ascertain whether the nominee is likely to have an adverse impact on the balance and mix of a community.

Local Authority nominations to particular properties will be accepted unless:

- The information provided by the local authority is inaccurate
- The household's circumstances have changed since being assessed and they are no longer suitable
- The nominee is a former tenant of Rosebery who has former tenant arrears and will not clear the debt in full
- Where applicable, an adequate support and care package is not in place
- The nominee is under 18 years of age and does not have a Guarantor
- The housing on offer incorporates specifically adapted facilities or support services targeted at people with particular needs:
 - and the applicants household does not have those needs;

- needs support at such a level that the Association could not meet them without seriously undermining its ability to provide for the current residents of the scheme;
 - does not have the resources itself, or through Social Services or Health Authority sponsorship, to meet any personal charges for these special features or services
- In the reasonable opinion of the Association the Dwelling is not suitable for the Nominee on the grounds of size, location, floor level and whether there is a lift.
 - The Association will also consider whether the acceptance of the nomination would prevent the creation of a sustainable tenancy and the maintenance of stable communities, because of a proven record of anti-social behaviour by a member of the household. Hence, a nomination will be considered for rejection if the nominee or a member of their household has had formal legal action taken against them within two years of the date of nomination for:
 - Nuisance in the locality where they live (for example, granting of an Anti-Social Behaviour Order, Criminal Behaviour Order or granting of a Possession Order on the basis of anti-social behaviour or nuisance)
 - Violence or threats of violence towards other residents, a member of Rosebery's staff or its representatives or a former landlord or staff of statutory agencies
 - Criminal activity, which in the view of the Association and that of other relevant statutory agencies, i.e. the Police, Probation Service, Social Services would mean that the nominee would pose an unacceptable risk of re-offending in the area where the stock is located and thereby undermine the maintenance of a stable community

Any decision on refusing or accepting a nomination will consider the housing need of each applicant against the criteria set out above. Written reasons for refusal will be given to the applicant.

However, nominations may be accepted where the Allocation Panel is satisfied that there are urgent and essential health and/or social reasons (medical and/or social reports will be considered) for rehousing which overrides the reasons for rejection

Property Size

Rosebery will try to match accommodation with applicants according to their immediate housing need, so that overcrowding or under occupation is avoided.

The principles of allocating to all new tenants and transfer cases are:

- Couples under the age of 65 living together will be offered a double bedroom unless there is medical evidence to support the need for separate rooms
- A disabled applicant who requires either a resident or non-resident overnight carer may be offered a property with an additional bedroom providing that there is evidence to support this request and they would receive the relevant benefit entitlement to afford the accommodation
- Single applicant under 35 will be offered a bedsitting room if they are only entitled to the single room rate from April 2019
- A parent over 35 in a single parent household will be offered a double bedroom
- 2 children of the same sex will be expected to share the same bedroom unless the oldest reaches 16 years of age
- 2 children of different sexes will be expected to share the same bedroom until the eldest reaches 10 years of age
- For transfers a confirmed pregnancy will not count as a child until the child is 1
- A child whose parent/guardian has custody of him/her for 3½ days a week or more will be considered a permanent member of the household for the purpose of allocating a property. Residence orders will be required as proof
- Adult children in the Armed Forces will be treated as continuing to live at home when deployed on operations

All properties will be allocated in accordance with the Social Housing Room Size Criteria, under which one bedroom is allowed for:

- Each adult couple
- Any child aged 16 or over
- Two children of the same sex under the age of 16
- Two children regardless of sex under the age of 10
- Any other child
- A carer, or team of carers, who has a home elsewhere, who uses a spare bedroom on a regular basis to stay overnight because the tenant, or their partner, requires overnight care.

The Social Housing Room Size Criteria do not apply to:

- Those over state pension credit age
- Those in shared ownership schemes

Otherwise, there are no exceptions to this which means that:

- If separated parents share childcare, the child will only be taken account of in calculating the property size for the housing benefit claim of the designated "main carer" – if care is shared exactly equally the main carer will be the parent that receives child benefit
- Parents whose children visit but are not part of the household are not assessed as needing an extra bedroom
- Couples using a spare bedroom when recovering from illness will still be considered to be under-occupying
- Disabled people living in adapted or specially designed properties which have more bedrooms than are permitted by the size criteria will have their housing benefit reduced, unless designated as supported "exempt" accommodation

NB: Under this policy, an adult is a person 18 years old and over.

Who is accepted as a permanent member of the household

Members of the household whose names are on the tenancy agreement. Exceptions can be agreed where:

- The tenant is now in a permanent relationship with a spouse or co-habitee and they have lived with them for a year
- The tenant has children in their care and control e.g. coming from social services care, adoption, fostering, from abroad, new relationship. Where a tenant has applied for a transfer to larger accommodation in order to obtain parental responsibility for a child, supporting evidence will be required. Where parents have some contact e.g. during school holidays etc but are not expected to look after the child on a full time basis, they will not be eligible for additional accommodation
- A member of the tenant's immediate family who have joined them from abroad i.e. parent, children, brother, sisters and grandparents and prior notice has been given to the association of the change of circumstances. If it is deemed unreasonable by the association to overcrowd the property we may still allow the family member to join the household but will not count them as part of the transfer process.
- Where a tenant has applied to become a foster parent needing an extra bedroom from their original requirement, we will need supporting evidence from social services

POINTS SYSTEM

Medical

Medical points can be awarded for both physical and mental health conditions. Points will normally only be awarded if the location, or condition of the applicant's housing is causing or making worse the medical condition or disability. Medical forms must be completed by the applicant, and the Association's Medical Advisor will assess the contents of the form against the accommodation the tenant is occupying. Applicants GP's/consultants can provide additional information where appropriate. A change in medical circumstances will be reassessed if there is a significant change.

The medical priorities are as follows:

- **Over-riding**
Immediate transfer required. **100 points**
- **Serious**
Where the applicants health is seriously affected by their housing condition. **20 points**
- **Moderate**
Minor health issues. **5 points**

Overcrowding

2 children of opposite sex when oldest reaches 10 **10 points** per room

plus – points per year for each year of waiting starting when the oldest child reaches 10 **2 points** per year

2 children of same sex points per year starting when oldest reaches 16 **2 points** per year

Statutory overcrowding **10 points**

Children in flats above ground floor

Without own garden until youngest child is 8 years old
1st floor **5 points**

2nd floor **10 points**

Under occupation

per room **20 points**

Time points

per year up to a maximum of 5 years

2 points

Decants

as per policy

100 points

Re-housing

as per policy

100 points

Management Transfer

Discretionary points granted as per policy. The perpetrators of harassment, anti-social behaviour and domestic violence will not normally be housed

100 points

Discretionary points

Discretionary points may be granted by the Head of Housing & Customer Experience e.g. in the case of fostering

100 points