

SAXON WEALD

LETTINGS POLICY



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1.0 Introduction

1.1 This policy sets out the company's approach to allocating and letting its social and affordable rent properties. It covers general needs, retirement and supported housing but does not include market rent lettings which are covered under a separate policy.

2.0 Definitions

- *General needs housing* – this is housing that has not been built with specific needs in mind (e.g. housing for older people). It can be for single people, couples and families.
- *Retirement housing* - housing built specifically for older people generally characterised by having the services of a scheme manager and some communal facilities.
- *Age restricted housing (general needs)* – housing built specifically for older people but with no additional services.
- *Nomination* – a “nomination” is when a household is appointed to us by a local authority or other relevant agency.
- *Transfer* – a transfer is when an existing Saxon Weald tenant moves to another property of ours via our own waiting or transfer list.
- *Supported housing* – housing built specifically for groups of people who require specific and intensive support.
- *Extra care* – the same as retirement housing but with additional care and support provided on site.
- *Choice-based lettings* – a method of allocating adopted by some local authorities where the prospective tenant ‘bids’ for an available property.
- *Allocations panel* – multi agency panel set up to co-ordinate and agree the allocations for extra care and supported housing.
- *Right to rent check* – this check must be carried out when Saxon Weald allocates a property through its own waiting list, allocation scheme or privately for hard to let properties.

3.0 Background

3.1 Legal and regulatory requirements

3.1.1 The following legislation impacts on this policy:

- **Housing Act 1996** – This Act governs the allocation of properties to applicants. Local Authorities must have an allocation scheme for determining priorities and must ensure that they only allocate to ‘eligible persons’.
- **Localism Act 2011** - This amended the Housing Act 1996 and gives local authorities more freedom about who can go on their waiting lists.
- **Welfare Reform Act 2012** – This Act introduced changes to the welfare system
- **Immigration Act 2014** – carrying out ‘Right to Rent’ checks to ensure prospective tenants and those living with them over 18, are in the UK legally and, as such, have the Right to Rent.
- **Nomination Agreements** – A separate agreement that exists between Saxon Weald and each local authority (LA) where we own property. They set out the basis on which the local authority can make nominations to our empty homes. Some agreements cover all the properties within an area and others are more specific to individual developments or schemes.
- **HCA Tenancy Standard** – This sets out that housing associations should let their homes in a fair, transparent and efficient way. Specifically they should take into account the housing needs and aspirations of tenants and potential tenants and demonstrate how their lettings:
 - make the best use of available housing
 - are compatible with the purpose of the housing
 - contribute to local authorities’ strategic housing function and sustainable communities
- **Charitable objectives** – As a registered charity we have charitable objectives to meet. One of these is to provide homes to people in need.

4.0 Policy statement

4.1 Saxon Weald adopts a fair, transparent and inclusive approach to letting its homes which meets legislative and regulatory requirements.

4.2 Saxon Weald primarily allocates its homes through a number of nominations agreements with our local authority partners. In some local authority areas we manage direct waiting lists for retirement housing.

4.3 We also work with a small number of other agencies from time to time to provide a limited amount of housing for specific vulnerable groups. These include:

- Armed forces veterans
- Rough sleepers
- Refugees

5.0 General needs lettings

5.1 We do not hold a register for general needs housing and therefore all new general needs tenants are nominated to us from the relevant LA.

5.2 There is an expectation that the LA will have carried out checks to ensure that the applicant is eligible for housing with us but nevertheless, we have the right to refuse a nomination in the following cases:

- Where the potential tenant(s) or a potential member(s) of their household has been the perpetrator of anti-social behaviour to the extent that there has been a breach of any previous tenancy or licence agreement.
- Where the potential tenant(s) has been evicted from, or has left a property where they held the tenancy, because of rent arrears or any other debt related to the property.
- Where the applicant is not able to afford to pay the rent and any other charges (either with support from housing benefit or not).
- Where impending legislation means that the applicant may not be able to afford the rent and other charges once the legislation is introduced.
- Where the applicant requires a package of care and/or support in order to sustain a tenancy and there is no certainty that this will be provided.
- The applicant is under the age of 18.
- Where a household would be under occupying the property they have been nominated to.
- Where a property, or its location, is not suitable for the applicant due to their circumstances (including health related circumstances).

Transfers

5.3 We do not operate our own transfer waiting list for general needs tenants. Existing tenants who have a housing need can apply to the relevant local authority if they need to be re-housed.

Management transfers

5.4 We recognise that there are some circumstances where we may need to facilitate a transfer. These are called 'management transfers' and include but are not limited to the following situations:

- serious risk to personal safety or life – for example domestic violence, harassment, intimidation or abuse;
- emergencies where homes are damaged by fire, flood, etc. and the repair work will take such a period of time that it would be disruptive to normal life;
- households who must be moved on police advice, as a member of the household would pose a threat to the community;
- where properties need to be vacated because they require major works or are due to be demolished (see the Decant Guidelines);
- where sufficient evidence from a supporting external agency has confirmed that an individual is suffering mental health issues due to severe isolation and a move would be beneficial to their mental health;

- where antisocial behaviour between two households has exhausted our procedures without resolution and the most suitable outcome for all parties would be to move one of them.

5.5 Where an empty property has previously been adapted for someone with limited mobility (for example level access showers, stair lifts), we will work with the nominating LA to aim to find an applicant who would benefit from the adaptations. If the LA is unable to supply a suitable nomination, within agreed timescales under the nomination agreement, we reserve the right to let the property to a household without limited mobility.

6.0 Lettings for retirement and age restricted housing

6.1 In the Horsham district, Saxon Weald holds an open waiting list for people over the age of 55 who wish to move into retirement or other age restricted housing. Horsham District Council also accept applicants on to their waiting list for people who are over 55. In other areas, choice based lettings systems exist for the allocation of older people's housing.
(N.B. some housing is designated as over 55s and some as over 60s)

6.2 Those eligible to apply for our direct waiting list must :

- meet the right to rent criteria as per government guidelines (https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573057/6_1193_HO_NH_Right-to-Rent-Guidance.pdf)
- be over the age of 55 (this includes all who live within the household except for those requiring a live-in carer);
- be able to live independently (this does not mean that they cannot be in receipt of care and/or support);
- be able to live in a community setting and in close proximity to other people.

The same exclusions set out in 5.2 apply.

6.3 The waiting list is administered by Saxon Weald and applicants are assessed on a points based system. In line with our charitable objectives, priority will be awarded to those in housing need, financially unable to purchase or rent privately, and living in the district or borough.

6.4 Applicants are not generally permitted to move between properties within schemes (for example from a first floor flat to a ground floor flat) or from a bedsit to a one bedroom flat or bungalow unless there is a specific housing need to do so. Similarly, applicants will not be permitted to move to different schemes or to different locations unless there is a housing need to do so. This is to limit the number of void properties and associated costs.

7.0 Extra care and supported housing

- 7.1 Each extra care and supported housing scheme is subject to an individual nominations agreement and the process for allocating each one therefore varies.
- 7.2 Most nomination agreements in extra care and supported housing include a void rent loss guarantee or a 'cascade' arrangement in order to safeguard Saxon Weald against un-let properties.
- 7.3 Schemes have an allocations panel made up of Saxon Weald, the social care authority and the district or borough council. The panel will decide on how allocations are made based on referrals made by the social care authority.
- 7.4 The same exclusions set out in 5.2. We only offer a tenancy if the applicant's needs can be met by the services provided on site.

8.0 Letting properties outside our nominations agreements

- 8.1 There are occasions when certain properties are difficult to let. Following three unsuccessful offers (or where there are no suitable applicants on the local authority's housing register), Saxon Weald reserve the right to source a suitable applicant in the priority order set out below.
 - a) From neighbouring local authority areas;
 - b) From specialist support agencies (e.g. the Veterans Scheme). Properties may either be leased to the agency or let directly to their clients providing on-going support is provided for a minimum of five years;
- 8.2 In the unlikely event that we are unable to find a suitable applicant from any other source, and as a last resort, a property may be let to a member of the general public providing that the property is suitable for their needs. Properties will be advertised locally and priority will be given to applicants who have a housing need as set out in the local authority's housing allocation policy. Details of how we will prioritise these applicants are set out in the Lettings Procedure but all applicants must have the Right to Rent.

9.0 Letting Saxon Weald homes to staff and Board members

- 9.1 Staff and Board members can only be granted a social or affordable tenancy in the event that they are nominated to us via the local authority or have applied to us directly for retirement or age restricted housing and meet the criteria as set out in section 6 above. The application must be approved by an executive director and reported to the Board at the next available Board meeting.
- 9.2 The only exception to 9.1 is where a property is difficult to let and 8.2 applies. The application must be approved by an executive director and reported to the Board at the next available Board meeting.

10.0 Appeals and complaints

- 10.1 Potential or existing tenants who are refused when nominated or excluded from the direct waiting list have the right to appeal against the decision. An appeal will result in a review of the original decision by the Assistant Director - Housing, or someone who has been given delegated authority to act on their behalf, and a response will be given within ten working days.
- 10.2 Complaints will be acknowledged and responded to as per our complaints policy. We are not obliged to exhaust our procedure through to the final review stage to complainants with whom we do not have any legal or contractual obligations. Where complaints are received from these sources and where necessary, an executive director will make the final response on the company's behalf.

11.0 Monitoring and review

- 11.1 Satisfaction with the lettings process will be monitored by an external agency. Feedback from this source will be used to influence future lettings policies and processes and results are reported regularly to Board.
- 11.2 This policy will be reviewed every three years or sooner if there are substantial changes in legislation or best practice.
- 11.3 Key performance information related to the letting process is reported to every Board meeting.

12.0 Equality and diversity

- 12.1 Equality and diversity affects all aspects of our business and, as such, its principles are integral to everything we do. As a landlord Saxon Weald aims to recognise and respond positively to people's differences, while providing equality of opportunity in relation to the services we provide.
- 12.2 This means that no person or group of people, seeking housing, services, employment or contracts from us, will be treated less favourably because of their or their partner's, family's, friend's or associated person's protected characteristics, which are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, gender and sexual orientation.

Version	Amendment	By	Date
5.0	Changes due to welfare reforms	Les Marjoram	Dec 2012
5.1	Change to reflect different monitoring procedures	Les Marjoram	May 2014
5.2	Minor changes to reflect altered practices and processes	Les Marjoram	Sep 2014
5.3	Insertion of section on hard to let properties	Les Marjoram	Sep 2015
5.4	Comprehensive policy re-write bringing general needs and retirement policies into one document	Kath Hicks	Jul 2016
5.5	Additional clause added to section 5.4	Kath Hicks	Dec 2016
5.6	First point within 6.2 removed and replaced with link to government guidelines	Kath Hicks	Mar 2017
5.7	Clarifying staff and Board application process – section 9.2.	Steven Dennis	Mar 2018
5.8	Definition of right to rent check added in section 2, and Immigration Act 2014 added to section 3. 8.3 added to ensure that applicants have right to rent	Les Marjoram	Sep-2018
5.9	2.0 Clarity regarding definitions for each property type. 4.0 Enhanced policy statement identifying other agencies we might work with to reduce homelessness and our need to provide balanced communities. 8.0 & 9.0 Clearer criteria classification for lettings outside nomination process. 12.0 E&D update	Les Marjoram	July 2019