



POLICY DOCUMENT

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1. INTRODUCTION

1.1 This policy relates to Westway Housing Association Limited's ("WHA") position on allocations.

2. SCOPE OF THE POLICY

2.1 This policy applies only to general needs accommodation let on a social or affordable rent tenancy granted by WHA to a tenant.

2.2 This policy does not apply to:

2.2.1 Hostel accommodation

2.2.2 Occupants of properties procured under the Private Leasing Scheme and leased to a local housing authority

2.2.3 Supported Housing Schemes (e.g. 1 Collingham Place)

2.2.4 Shared ownership properties

2.3 This policy also does not cover how or why WHA offer certain forms of tenancy agreement, and details relating to this are contained in WHA's 'Tenancy Policy'

3. AIMS & OBJECTIVES

3.1 This policy aims to:

3.1.1 Ensure WHA continues to work in partnership with local authorities and other partners to meet housing need

3.1.2 Manage the demands of local authority nominations, internal transfers and other allocation methods

3.1.3 Provide Decent Homes to those most in housing need

3.1.4 Give people reasonable choice in where they live

3.1.5 Make the best use of WHA's available housing stock

3.1.6 Ensure that eligibility criteria and allocations practice are fair and transparent for everyone who has an interest in how WHA allocates its homes

3.2 WHA seeks to achieve these aims by implementing thorough and considered procedures detailed in the preceding paragraphs of this policy.

4. POLICY STATEMENTS

- 4.1 WHA aim to provide a flexible, efficient and effective allocations and lettings service which achieves best use of housing stock, and meets the needs of its customers, partners and the communities it serves.
- 4.2 WHA will continue to work with local authority partners to help fulfil their statutory duties and allocations policies.
- 4.3 This policy complies with the regulatory requirements of the Regulator of Social Housing's Tenancy Standard and demonstrates how WHA lets its homes in a fair, transparent and efficient way by:
 - 4.3.1 Making the best use of available housing
 - 4.3.2 Ensuring lettings are compatible with the purpose of the housing
 - 4.3.3 Contributing towards local authorities' strategic housing function and sustainable communities
- 4.4 WHA believe that communities are far more likely to prosper and be sustainable when residents have chosen to live there, and therefore choice is a key aspect of its allocations. WHA will actively promote alternative housing options available to residents such as mutual exchange, private sector accommodation, and other relevant options. Further, in line with central government's determination to ensure that as many social tenants as possible have the opportunity to buy a home of their own (as identified in the White Paper), WHA will also promote home ownership to its tenants where reasonably practicable.
- 4.5 WHA is a member of the West London Allocations and Lettings Group and works in partnership with local authorities to meet local housing need and to create diverse and sustainable communities. WHA is also a member of the Pan-London Consortium; a group of social housing providers who co-operate to help tenants move when there is an exceptional urgency for a move.
- 4.6 As part of its commitment to choice, WHA is a member of the Locata choice-based lettings scheme. This is the system where WHA markets all its internal transfers. All eligible internal transfer applicants, regardless of which authority they reside in, can register on Locata as a WHA internal transfer applicant.
- 4.7 WHA may exercise discretion as appropriate where application of this policy would lead to an inequitable outcome.

5. ROUTES TO A WHA HOME

- 5.1 There are two main routes for applicants to be allocated a WHA general needs home:

5.1.1 Through a Local Authority nominations procedure; or

5.1.2 Through an internal transfer application by an existing WHA tenant

5.2 It is a condition of WHA's funding that it must house applicants referred to them by the local authority. This means WHA does not have a waiting list and external applicants cannot apply directly to WHA for a home.

6. LOCAL AUTHORITY NOMINATIONS

6.1 Overview

6.1.1 In all the local authority areas in which WHA operates, the local authority has an allocations policy which is used to nominate housing applicants for a proportion of available homes.

6.1.2 WHA currently works with:

- London Borough of Barnet
- London Borough Brent
- London Borough of Ealing
- London Borough of Enfield
- London Borough of Hammersmith & Fulham
- Royal Borough of Kensington & Chelsea
- London Borough of Westminster
- London Borough of Hounslow
- London Borough of Hillingdon

6.1.3 Applications for these homes should be made according to the local authority's allocations policy. WHA has a nominations agreement in place with each local authority which details the proportion of properties WHA will make available for nomination by the relevant council.

6.1.4 Local authority policies are framed to provide 'Reasonable Preference' to those with housing need, and WHA's participation with the Local Authority scheme therefore ensures that those with housing need have priority access to a proportion of homes.

6.1.4.1 Persons with 'Reasonable Preference' include:

- homeless people as defined in Part 7 of the Housing Act 1996 or those threatened with homelessness
- those owed a duty of care under sections 190(2), 193(2) or 195(2) of the Housing Act 1996,

- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing condition
- people with a need to move on medical or welfare grounds
- people who need to move to a particular areas to avoid hardship

6.1.5 The local authority policy will usually describe the types of properties eligible applicants can apply for, how eligible applicants will be prioritised, and the method of allocating homes. The local authority areas where WHA is established all use choice-based lettings systems; either Locata or Home Connections.

6.1.6 WHA will expect local authorities to make their nomination within ten working days of request, providing all necessary information, or otherwise forfeit that nomination right.

7. INTERNAL TRANSFERS

7.1 Eligibility and Priority

7.1.1 WHA permits eligible tenants to apply for a transfer to an alternative WHA home.

7.1.2 To be eligible for a transfer applicants' must:

- hold a social or affordable rent tenancy
- meet one or more of the transfer grounds (see table below)
- maintain a clear rent account and not owe WHA any money
- not have committed anti-social behaviour or other tenancy breaches
- pass a property inspection confirming no tenant damage or neglect

7.1.3 Internal transfers are only intended to facilitate the need to move home, and not the desire; WHA therefore promote mutual exchange as the primary method of moving home and have an internet-based mutual exchange service allowing:

7.1.3.1 a tenant to register an interest in arranging a mutual exchange through the mutual exchange service without payment of a fee

- 7.1.3.2 the tenant to enter their current property details and the tenant's requirements for the mutual exchange property they hope to obtain
- 7.1.3.3 the tenant to be provided with the property details of those properties where a match occurs
- 7.1.4 WHA prioritise internal transfer applications first by banding (highest to lowest), and then by application date (oldest to newest).
- 7.1.5 When an applicant's banding increases then the application date will be the date that their new banding was assigned. If an applicant's banding decreases their application date will remain unaffected.
- 7.1.6 WHA conduct periodic reviews to ensure applicants remain eligible and that their bandings remain necessary and appropriate, particularly those in the higher bands. Applicants themselves may request a banding review where their circumstances have changed.
- 7.1.7 WHA's Grounds, Criteria and Banding matrix for internal transfers is provided below:

GROUND, CRITERIA AND BANDING

Ground	Criteria
Medical	<p>The applicant or a household member has to move home due to a current medical condition.</p> <p>Applicants must be assessed by an independent medical assessor to appraise their condition, need and urgency, and to consider whether the current home could instead be adapted.</p> <p>Band A where current housing is aggravating or worsening a life-threatening medical condition</p> <p>Band B where current housing is having a persistent and major adverse effect on a medical condition</p> <p>Band C where the current housing is having a minimal effect on a medical condition, but a move would improve quality of life</p>

Adaptation	<p>The applicant or a household member has a disability and needs to move to another property which is either already adapted or suitable for adaptation.</p> <p>Refer to the Aids and Adaptations Policy.</p> <p>Band A where urgent</p> <p>Band B in all other cases</p>
Court Order	<p>The applicant has received a court order requiring WHA to provide them with alternative accommodation.</p> <p>Band A where urgent</p> <p>Band B in all other cases</p>
Management Transfer	<p>The applicant requires a management transfer.</p> <p>Refer to the Management Transfer section later in this document.</p> <p>Band A where urgent</p> <p>Band B in all other cases</p>
Decant	<p>The applicant requires a temporary or permanent decant.</p> <p>Refer to the Tenancy Management Policy.</p> <p>Band A where urgent</p> <p>Band B in all other cases</p>
Overcrowding	<p>The applicant is in accommodation that is not large enough for their family based on the Space Standard.</p> <p>Band A where they require two or more extra bedrooms</p> <p>Band B in all other cases</p>
Under-Occupation	<p>The applicant is in accommodation that is larger than their family needs based on the Space Standard.</p> <p>Band A in all cases</p>

*WHA reserves the right to waive one or more grounds if an individual case warrants such a waiver in its absolute discretion

7.2 Internal Transfer Application Process

Applicants must complete an application to apply to transfer, providing supporting evidence of eligibility, and of identity and residence for all members of their household. Once provisional

eligibility has been confirmed, WHA will agree an appointment to inspect their home. WHA aim to resolve routine applications within 10 working days of receipt.

8. APPLICATION REFUSAL CRITERIA

8.1 The following matrix sets-out WHA's application refusal criteria that applies to both the Local Authority nominations procedure and internal transfer procedure.

Ground	Circumstance
Eligibility	The prospective tenant has no 'Right to Rent' and or no 'Indefinite Leave to Remain' under immigration law.
	The prospective tenant is subject to immigration control or fails the 'habitual residence test'.
	The prospective tenant does not meet the relevant criteria under WHA's allocations and lettings and other relevant policies.
	Insufficient or incomplete details, evidence or declaration have been supplied for WHA to consider the application.
Suitability	The prospective tenant cannot afford to rent the property. Refer to the Tenancy Management Policy for information on affordability.
	The prospective tenant has been assessed as having needs not suited to the property, local area, or to independent living.
	The prospective occupants have sufficient financial resources to secure adequate accommodation.
	The prospective tenant already owns another property in the UK (whether absolute or shared ownership).
	The prospective tenant already rents another property in the UK which meets all their current needs.
Arrears	The prospective tenant is already WHA's tenant and has rent arrears, former tenant arrears, or other relevant debts to WHA.
	The prospective tenant was previously WHA's tenant and has former tenant arrears, or other outstanding debts to WHA.

	The prospective tenant has outstanding debts to a previous landlord and has not satisfactorily maintained a payment plan.
Behaviour	A prospective occupant has perpetrated anti-social behaviour, harassment, hate behaviour, or domestic violence and abuse. WHA will exercise discretion as to how serious, persistent and recent the behaviour was, but will usually require that it was not perpetrated within the last two years.

9. ACCOMMODATION REQUIREMENTS AND CONSIDERATIONS

9.1 Accommodation Size and Type

- 9.1.1 WHA will ensure that all homes are safe, secure and habitable before letting.
- 9.1.2 Please refer to WHA's Lettable Standard for further WHA commitments in this regard.

9.2 Space Standard

- 9.2.1 WHA will determine the number of bedrooms for which applicants are eligible in accordance with the common Space Standard and will consider additional bedrooms on a case-by-case basis where there is medical or other proven need. WHA will only consider household members when determining bedroom need and will consider babies under the age of one as having no distinct bedroom need.
- 9.2.2 One bedroom should be provided for each:
- adult couple
 - single adult aged 21 or over
 - two males aged 1 to 20
 - two females aged 1 to 20
 - two children of any sex aged 1 to 9
- 9.2.3 WHA aim to prevent under occupation of WHA properties when allocating and letting. WHA will not allocate a property to an applicant which would cause statutory overcrowding but may allocate one which has fewer rooms than the bedroom standard where WHA believe this provides a reasonable solution to unmet housing need or is acceptable to the applicant.

9.3 Room Designation

9.3.1 WHA will consider a room a bedroom if it has been designated by WHA as a bedroom, regardless of its use. Other rooms may be considered suitable for use as a bedroom; most rooms such as living rooms, dining rooms and box-rooms can be considered as such, while hallways, bathrooms and self-contained kitchens cannot.

9.4 Adapted Properties

9.4.1 Homes that have been specially adapted for use by those with disabilities will, through the application of discretion (where necessary), be allocated to an applicant with a corresponding need. WHA may seek partner nominations from alternate agencies or boroughs where WHA struggle to find an appropriate applicant.

9.4.2 Please refer to the Aids and Adaptations Policy for further information on adaptations.

10. **GENERAL ACCOMMODATION OFFER PROCESS**

10.1 Stage 1

10.1.1 WHA will arrange for applicants to view the vacant property at the earliest opportunity. Where a property is not ready to let at viewing WHA will explain remaining works. WHA will require applicants to decide during the viewing if they would accept the property.

10.1.2 WHA may invite multiple applicants to a joint or successive viewing where appropriate. WHA will usually limit viewings to no more than five attendees per invitation.

10.1.3 WHA may suspend an application for three months if the applicant fails to attend two viewings without good cause, or without notifying WHA beforehand. WHA will always warn an applicant before suspension so that they may address the issue.

10.2 Stage 2

10.2.1 WHA will make a verbal offer to the applicant at the conclusion of the viewing. The offer will be subject to contract and verification, and will advise of particulars such as tenancy type, rent and service charge amount, and anticipated start date.

10.2.2 WHA will only make an offer where it considers an applicant can afford the property. WHA will assess affordability where appropriate using a standard and objective affordability assessment. WHA expect that in the

limited occasions where a property is not affordable for an applicant that others within its housing stock will be, and WHA will give personalised advice on options available and potential solutions.

10.3 Stage 3

10.3.1 WHA will require applicants to pay their first week's rent at signup, and within the first year to build a rent credit on account subject to their employment status. WHA will consider financial circumstances and affordability when agreeing the rent credit, and may agree an alternative amount or timescale where appropriate.

10.4 Refusal

10.4.1 WHA will refuse applications only in exceptional circumstances. WHA will be fair, consistent and transparent in its decision. WHA will share its reasons and offer a right of appeal.

10.4.2 WHA may refuse an application in the following circumstances:

10.4.2.1 The applicant, a member of their household or someone associated with the household has been involved in any serious ASB, hate crime or domestic violence

10.4.2.2 The applicant has rent arrears or has had rent arrears in the previous 12 months of more than £500 for more than 14 consecutive days

10.4.2.3 The applicant is not habitually resident in the UK

10.4.2.4 The applicant has No Recourse to Public Funds

10.5 Appeal

10.5.1 WHA will allow applicants to appeal a decision to refuse their application, to offer a certain tenancy or rent type; and to determine a transfer banding. Appeals can only be made on the basis that the decision was either inequitable or wrong in policy, undertaking or law, and WHA will require the applicant to explain their reasoning. If WHA's decision to refuse is based on insufficient medical evidence, an independent medical assessor will review any medical assessment where appropriate.

10.5.2 Appeals, including all the associated supporting information must be received in writing within seven calendar days of refusal or offer (save in the case of independent medical assessment which WHA understand may take longer to arrange). The appeal will be considered by a senior

manager and a written response delivered within 14 calendar days of receipt.

11. EXCEPTIONAL LETTINGS

11.1 Management Transfer

11.1.1 WHA recognise that some tenants may need to move home urgently due to suffering serious anti-social behaviour, domestic violence and abuse, or other exceptional circumstances. WHA may use a management transfer to achieve this. WHA may award an appropriate banding for choice based letting and or make a direct offer.

11.1.2 WHA may make a direct offer to:

- Remove a tenant from the risk of domestic violence
- Prevent ASB
- Prevent hate crime
- Implement a Safeguarding measure (see Safeguarding Policy)

11.1.3 A management transfer is entirely at WHA's discretion, will be decided by the Senior Housing Officer and Head of Housing, and will meet housing needs rather than desires. WHA will usually withdraw a management transfer if an applicant does not engage appropriately, such as through bidding on suitable properties or accepting a reasonable direct transfer offer.

11.1.4 The following conditions apply to all management transfers:

11.1.4.1 Offered on a permanent basis

11.1.4.2 Processed as soon as reasonably practicable and tenant placed in high band

11.1.4.3 Additional security requirements will be considered.

11.1.4.4 The first suitable property will be offered

11.1.4.5 The new tenancy will be in line with WHA's Tenancy Policy

11.1.4.6 Management transfer do not apply to those in housing related debt unless have been actively working to settle the debt with WHA

11.1.4.7 WHA may refuse a management transfer if the applicant or their household is engaged in criminal activity

11.2 Reciprocal Transfer

11.2.1 WHA may request or grant a reciprocal transfer with another social landlord whereby that landlord houses one of WHA's tenants and WHA house one of theirs. Reciprocal transfers are voluntary among social landlords and exceptional in nature. Decisions relating to reciprocal transfers will be taken by the Housing Manager in consultation with the Head of Housing.

11.3 Minors

11.3.1 WHA will not ordinarily house an applicant who is a minor (under the age of 18). WHA will house minors aged 16 and 17 only in exceptional circumstances and where nominated by a local authority who have verified an emergency need for housing. The minor must be able to live independently, or otherwise have access to appropriate support.

11.3.2 Where WHA house a minor it will grant a sole equitable periodic assured shorthold tenancy. An equitable tenancy is a tenancy held by a trustee on behalf of a minor because the minor is legally incapable of holding a tenancy. WHA will require the local authority to either act as trustee and guarantor, or to identify an appropriate and willing nominee.

11.3.3 Upon the minor's 18th birthday the tenancy will be passed directly to them, WHA will conduct a tenancy review and if appropriate grant a regular tenancy as per its Tenancy Management Policy.

11.4 Offenders

11.4.1 WHA will balance the housing needs and rights of high- risk convicted offenders against public interest and community safety. The local authority and other relevant public agencies will assess the risks associated with housing the applicant. WHA will only house high- risk offenders nominated by the local authority and where it considers the property is suitable and the risk can be appropriately managed

11.5 Rough Sleeper Schemes

11.5.1 WHA have specific properties designated for the St Mungo's 'The Clearing House' which aims to combat rough sleeping in London by providing accommodation and assisting clients customers to build independence to move into permanent housing.

11.5.2 The Clearing House provides accommodation and support to eligible customers for a renewable two-year period. WHA provide accommodation, while an external agency provides support to the customer.

11.5.3 In respect of rough-sleeper schemes, WHA request nominations from the local authority when a vacancy arises and allocate in accordance with the general principles of The Clearing House.

11.6 Additional Eligibility Criteria

11.6.1 WHA may occasionally need to introduce additional eligibility criteria for certain vacancies to respond to specific local challenges; to avoid perpetuating certain social issues afflicting a community; and to create a balanced and sustainable community for new build estates. WHA will either introduce the additional eligibility criteria for individual lets (designating a 'sensitive let'), or for a particular estate or area (introducing a 'local letting plan').

11.6.2 WHA will ensure that sensitive lets and local lettings plans are necessary, equitable, and proportionate, and will review all local plans annually.

12. **SOCIAL HOUSING FRAUD**

12.1 Social Housing Fraud is a criminal offence under The Prevention of Social Housing Fraud Act 2013 and anyone who has been found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by WHA.

12.2 To protect WHA against Social Housing Fraud, WHA will seek to recover possession of a property where the tenant or someone acting on their behalf has knowingly or recklessly made a false statement which has induced WHA to grant a tenancy.

12.3 WHA will require applicants to make a declaration of facts before allocation of any property in order to enable WHA to consider eligibility.

12.4 Please refer to WHA's 'Tenancy Audit' policy for further details how WHA will act on any occasion of suspected or actual Social Housing Fraud.

13. **EQUALITY AND DIVERSITY**

13.1 WHA will ensure that this policy is applied fairly and consistently and in line with its Equality and Diversity Policy

13.2 WHA will act sensitively towards the diverse needs of individuals and communities and will take positive action where appropriate. WHA may provide communications in

alternative languages or formats and or interpretative or transcriptive assistance where appropriate to assist customers with distinct communication needs.

14. IMPLEMENTATION, MONITORING AND REVIEW

14.1 WHA will monitor implementation of this policy as appropriate and provide relevant training to staff as required. WHA will formally review this policy every three years, or sooner if appropriate due to changes in law, regulation or practice.

14.2 WHA monitor KPIs to ensure it is fully compliant with this policy and remains acutely aware of how its processes can be improved.

15. LEGAL FRAMEWORK

15.1 This policy applies to WHA and its employees:

15.2 This policy is informed by the following regulation and statute including but not limited to:

- Tenancy Standard
- Home Standard
- Housing Act 1980 • Housing Act 1985 • Housing Act 1988
- Housing Act 1996
- Children Leaving Care Act 2000
- Homeless Act 2002
- Localism Act 2011
- Immigration Act 2014
- Immigration Act 2016
- Equality Act 2010

16. ASSOCIATED DOCUMENTS

16.1 This policy is supported by the following policies:

- Tenancy Management Policy
- Aids and Adaptations Policy
- Safeguarding Policy
- ASB, Hate Crime and Domestic Violence Policy
- Complaints Policy
- Lettable Standards
- Equality Policy