

## Purpose and scope

The purpose of this policy is to set out how we allocate our social and affordable rented homes. We offer homes to people who fall within our charitable aims and whose housing needs are not adequately served by the private sector.

This policy does not apply to customers who are required to move as part of a redevelopment or regeneration programme. However, we will take this policy into account when preparing our housing offer to those customers.

This policy supports the delivery of the following strategic objectives: always showing our passion for customer service; really making the most of our assets; and meeting our legal and regulatory requirements

## Definitions

Term	Description
Allocation	This describes the method of apportioning and prioritising available homes to let for customers.
Applicants	These are new or existing customers applying for housing through the local authority or directly to Guinness.
Charitable aims	This refers to the fact that Guinness is a charitable community benefit society whose aims include the provision of housing to people on low incomes.
Choice Based Lettings scheme (CBL)	This is the general name given to an arrangement between housing associations and a local authority where housing providers advertise their available homes in one place. Applicants on the housing register are then able to choose homes in which they are interested.
Customer	This is a general term used in this policy which includes tenants, members of the household, licensees and members of the public.
Housing need	This is a term used to describe customers who require housing and are unable to access accommodation in the private sector. It also refers to customers who are homeless as well as those with welfare, medical needs or who have or support requirements which required specialist accommodation.
Housing register	This refers to a local authority's waiting list. A <i>Common</i> Housing Register is where different housing organisations share the same method of prioritising applicants. This is sometimes used alongside a Choice Based Lettings scheme.
Refugee	This is a person who has made a claim for asylum which has been accepted and they have subsequently been awarded limited leave to remain in the UK.
Asylum seeker	This is a person who has made a claim for asylum and the claim is under review. Asylum seekers are not entitled to social housing.
Nominations agreement	This is an agreement between a housing association and a local authority. It sets out the rights a local authority has to nominate a person for a property owned by the housing association.
Right to rent	From 1 February 2016 a legal requirement was introduced for private landlords to check that new tenants have the right to be in the UK before

	renting out their property.
Probationary period	This is the first twelve months of a six year fixed-term tenancy. This is not a legal term but has been adopted by Guinness to distinguish it from a starter tenancy, see below. The Guinness fixed-term tenancy agreement includes a break clause which means that during the probationary period a break notice can be served on the tenant which will start the process to end the tenancy. We are not required to prove grounds in order to bring the tenancy to an end during this period. Unlike the starter tenancy, the probationary period cannot be extended.
Starter tenancy	This describes the first year of an assured periodic tenancy and is where the tenant holds an assured shorthold tenancy. This means that the tenant has less security of tenure during the first year. We are required to prove grounds in order to bring the tenancy to an end during the starter period. A starter tenancy may be extended for a further six months but no more than a total of eighteen months.
The English Housing Survey	This is a method of deciding what size property is suitable for a household. Under this standard a separate bedroom is allocated to each married or cohabiting couple, any other person aged 21 or over, each pair of adolescents aged 10-20 of the same sex, and each pair of children under 10. Any unpaired person aged 10-20 is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10.
Tenant	This is a legal term for a Guinness customer who lives in a rented home and has signed a Guinness tenancy agreement.
Trustee	This is a person who has been appointed to act on behalf of a person under the age of eighteen years old. They have a legal duty to act in the best interests of that person but they are not required to act as a guarantor.
Specialist accommodation	This is a general term to cover supported housing, extra care schemes, or other housing where an applicant must satisfy specific criteria before being housed.

## Policy statement

1. We will allocate our homes in partnership with a local authority or from our own waiting lists. If we are not able to allocate in this way we may advertise directly to the public.
2. We will allocate our homes in a fair, transparent and efficient way taking into account the housing needs of our customers. We will use a banding scheme (Appendix A) to manage our own waiting lists except for specialist accommodation where individual allocation arrangements are in place.
3. We will enable customers to express a choice in seeking a home wherever possible.
4. We will provide clear information to applicants to enable them to make an informed choice about their housing options.
5. We will support customers who require help completing an application for housing. This includes offering a translation, large print or assisting with other support needs such as sight or hearing impairment.
6. We will only ask for information necessary to deal with the housing application. All personal information will be treated confidentially. If we do not offer an applicant a tenancy all personal information will be disposed of confidentially.

7. We will make decisions in accordance with the requirements of the Equality Act 2010. In particular, we will have regard to the Public Sector Equality Duty as set out in our Diversity and Inclusion policy.

### **Local authority housing register**

8. We will co-operate with our local authority partners' strategic housing function, and their duties to meet identified local housing needs. This includes assistance with their homelessness duties.
9. We will co-operate with our local authority partners where a nominations agreement is in place or where we have joined a Choice Based Lettings scheme. We will follow the provisions set out in those agreements. Where the information is not provided in the nomination agreement, we will our Allocations policy.

### **Guinness waiting lists**

10. We will hold two main waiting lists. The first is for existing tenants who wish to downsize to a smaller property or have housing need. This is called the *transfer list*. The second is a *general waiting list* for new customers applying for one of our homes for older people.
11. We may open additional waiting lists in order to meet a specific housing need or housing demand. These waiting lists are called *local waiting lists*. They are intended to be short term and will be time limited.
12. Where an allocations arrangement has been set up for a specialist housing scheme, for instance an extra care or supported housing scheme, we may hold a separate waiting list. These are called *specialist waiting lists*.
13. Where we have agreement with the local authority which only permits transfers via the local Choice Based Lettings scheme or through the local authority's waiting list, existing tenants will not be eligible to join the Guinness transfer list.

### **Transfer list for existing Guinness customers**

14. Existing tenants who hold a secure, assured, or fixed-term tenancy and tenants living in supported housing may apply to transfer to another Guinness home.
15. We will not permit a tenant who holds a starter tenancy, or is in their probationary period, to join a transfer list. The exception to this is if the tenant needs to move in an emergency. Where this occurs the customer will be offered a further starter tenancy or probationary period. The end date of their starter tenancy or probationary period will remain the same.
16. We will not permit tenants to join the transfer list if a possession order, demoted tenancy, injunction has been awarded or legal proceedings have started.

#### *Rent arrears*

17. We will not normally transfer an existing tenant(s) if they have outstanding rent arrears or housing related debts. We may agree to allocate the property if the outstanding arrears and debts are paid in full. This includes where there is a suspended possession order or postponed possession order in place.
18. We may, in exceptional circumstances, consider an application to transfer to another property without full payment of the arrears or debt. Under these circumstances, it is expected that an applicant would be transferring as part of a band A move.

### *Waiting list priorities*

19. We will give priority to those most in housing need or who wish to downsize to a smaller property. We will put applicants into one of three priority bands.
- Band A gives the applicant the highest priority and is intended for those in urgent or exceptional housing need.
  - Band B applies to those applicants who have significant and serious housing need, or who wish to downsize to a smaller home.
  - Band C applies to those applicants who have a moderate housing need, or who wish to downsize to a smaller home.

When there are multiple applicants for a property from within the same band, we will offer accommodation to the applicant who has been in that band the longest.

20. An existing customer who does not have a priority housing need, which means they do not fall into any band, will not be able to access the housing waiting list. In these cases, we will advise them of how they can exercise their right to mutually exchange (or 'swap') their properties. They may also apply for housing through our direct marketing scheme.
21. We will take into account the housing needs of each member of the household and place the applicant into the band which attracts the highest priority. Unless there are exceptional circumstances multiple needs in a household will not attract a higher band.

### **Applications for our homes for older people**

22. We will accept applications from new customers provided they are eligible for housing as set out in paragraphs 30 to 33 below.
23. We will allocate our homes for older people as set out in paragraphs 19 to 21 above.

### **Allocations through direct marketing**

24. We will advertise a property through an internet or locally based lettings service direct to the public when:
- The local authority is unable to provide a nomination for the property; or
  - The property cannot be let through Choice Based Lettings; or
  - We are unable to let the property to someone on our transfer list or any of our other waiting lists.
25. We will make it clear in all our advertisements the general nature of who we let our properties to and the parameters of our charitable aims.
26. Existing tenants will be able to apply for housing via direct marketing and they will be prioritised according to housing need along with the other applicants.
27. Where there is more than one expression of interest we will prioritise applicants according to housing need. We will use our banding scheme to assess the applicants and we will offer the accommodation to the applicant in the highest band. When there are multiple applicants for a property from within the same band, we will offer accommodation based on the date the expression of interest was received.
28. Where applicants have no housing need under our banding scheme, we will offer accommodation on a first come first served basis, subject always to being capable of being a beneficiary under our charitable aims, and on conducting a financial assessment.
29. If a Guinness tenant applies for housing through the direct marketing route we will prioritise them over direct applicants (i.e. non Guinness customers). Firstly, we will assess tenants who are already on the Guinness transfer list. Secondly, we will assess

Guinness tenants who are not on the transfer list. Where more than one Guinness tenant has expressed an interest in the property they will be prioritised according to their housing need. We will use our banding scheme to assess the applicants and we will offer the accommodation to the applicant in the highest band.

### **People qualified to apply for housing**

30. Housing applications can be made by anyone aged 16 or over provided they have the right to rent and are habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland.
31. We will accept housing applications from anyone aged 16 or 17 years provided that a trustee is in place before an offer of accommodation is made. Guinness will not act as a trustee.
32. We will consider applications from certain people from abroad who have the right to rent and fall into one of the following categories:
  - A refugee (this excludes asylum seekers)
  - A person with exceptional leave to enter or remain in the UK and is not subject to the condition that he or she cannot have recourse to public funds
  - A person who has leave to enter or remain in the UK and is not subject to any limitation or control and who is habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland i.e. has indefinite leave to enter or remain
  - A person who has been granted humanitarian protection under the immigration rules.
33. We will consider applications from persons from the European Economic Area (EEA) if they are a:
  - Worker;
  - Self-employed person;
  - Family member of a worker;
  - Economically self-sufficient person; or
  - Person with a permanent right of residence in the UK.

### **People not qualified to apply for housing**

34. Anyone subject to immigration control is ineligible to apply for housing unless they fall into one of the categories mentioned in paragraphs 32 and 33.

### **Home owners**

35. We do not normally accept applications from homeowners. This applies whether their home is in the UK or abroad. The exceptions are:
  - Their property has little or no value and they are unable to access housing in the private sector. For example, they are in negative equity;
  - They cannot reside or gain access to their property or this is about to occur. For example, the property is part of bankruptcy proceedings;
  - They have a medical condition or disability which requires substantial adaptations to their property which cannot be made in their current home or in the private sector and social housing is the only realistic option;
  - They have a specific care need or require specialist support.

### **Refusals**

36. We will not adopt a blanket ban but will normally refuse an application or nomination in the following circumstances:

- The applicant(s) or a member of the household has been evicted or eviction proceedings have been started by Guinness or any other social housing provider for breaches of their tenancy agreement;
- The applicant(s) or the applicant(s) spouse, civil partner or co-habiting partner has outstanding rent arrears or other outstanding housing related debts owed to Guinness or any other social housing provider;
- The applicant is not able to provide information to satisfy us of their identity or their right to rent;
- Legal proceedings for anti-social behaviour or any other breach of tenancy has commenced against the applicant(s) or any member of the household by Guinness or any other social housing provider;
- An anti-social behaviour injunction has been awarded against the applicant(s) or any member of the household;
- Where there is no reasonable prospect that the applicant will be able to afford the rent and service charge on that specific property;
- The applicant cannot sustain a tenancy without the support of a third party and inadequate or no support is available;
- The applicant has made a false or fraudulent application either to us or to a local authority or has deliberately created a position of being in housing need;
- The applicant does not meet the lettings criteria for that property. This includes homes for older people and supported housing;
- The applicant does not meet eligibility criteria for specific properties to ensure that we meet our obligations under any planning agreements or requirements, covenants or other legal restrictions;
- Where the applicant has a criminal conviction which if housed in that property would pose a serious or significant risk of harm to employees, neighbours, public, or contractors;
- Where the letting would not be in accordance with our charitable aims. This generally means that the applicant would be refused if they are able to afford accommodation in the private sector.

37. We will we consider all applications individually and where relevant will take into account

- The seriousness, nature and age of the incident, breach of tenancy or debt;
- The applicant(s) individual circumstances, including disabilities and household composition;
- The applicant(s) commitment to paying back the rent arrears or housing related debt.

#### **Criminal convictions and anti social behaviour**

38. The overriding priority for us is the protection of the public, customers, employees and contractors. We may refuse the application if we reasonably believe that the offender living at the property creates a risk to health, well-being or safety. In particular we will work with statutory agencies, such as the Multi Agency Protection Panel, in the housing of violent and sexual offenders

#### **Individual or specialist allocations**

39. We will comply with any legal requirement including any planning requirement or nomination agreements. Allocations will be made in line with that agreement. This normally applies to specialist housing schemes or to a specific area.

#### **Other requests for housing**

40. We will co-operate with requests from the Home Office, government or any local authority to house people with specialist housing requirements, for example asylum

seekers, or under the National Witness Protection Scheme. This request would normally be dealt with outside our normal allocations process.

### Local lettings

41. We may introduce local lettings arrangements in certain areas to ensure community sustainability or to deal with specific housing issue. The housing issue may include managing a health and safety risk or managing a business risk.

### Sensitive lettings

42. We may categorise a property, or properties, as requiring a sensitive letting if we need to balance the lettings within a specific group of properties. This may occur where there has been an eviction, ongoing anti-social behaviour or where we have received request from our statutory partners not to house certain individuals at a specific location.

### Bedroom standard

43. Where practicable, we will offer the applicant a choice of property sizes to ensure that they are able to balance their housing needs against their financial circumstances. However, we are unlikely to offer a larger property if they cannot meet the affordability criteria. We may offer (subject to availability):

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

44. We will expect that:
- Each married or cohabitating couple will have a separate bedroom;
  - Young persons 16 years and over will have a separate bedroom.
45. We will permit a bedroom to be shared by:
- Persons 10 years of age or over of the same sex;
  - Children under the age of 10 years regardless of sex.
46. We will not permit:
- Children who are 10 years of age and over and are of different sexes to share a bedroom.
47. We will take into account the need for an additional bedroom where:
- The applicant receives support from carers who do not reside with them but need to stay overnight;
  - The applicant is a prospective foster carer or adoptive parent(s);
  - There are medical requirements;
  - The applicant has formal shared care of a child or children.
48. Except where it is required by a nominations agreement or Choice Based Lettings arrangement which we have entered into, we will not allocate a property where the

household composition exceeds the English Housing Survey Bedroom standard. The exception to this is if we need to accommodate a large household or in cases of shared parenting arrangements and we wish to limit the number of bedroom offered to make best use of our housing. In these circumstances we may allocate a property provided the limits set out in s.325 and s.326 Housing Act 1985 are not exceeded.

### **Household members**

49. We only take household members into account when assessing the housing application. A household member includes the main applicant(s) (i.e. civil partners, partners or spouses); children of the applicant(s) which include fostered or adopted, step-children; and close relatives including parent, sister and brother.
50. We will consider extended family members provided they can provide evidence that they are permanent members of the household.
51. We do not consider a lodger or a person sub-letting (or part sub-letting) as a member of the household.
52. We will take account of an expectant mother and her child provided there are no other children in the household. In all other cases we will take account of the child when it is born. The calculation of the number of bedrooms required is based on the age and sex of each child.

### **Overcrowding**

53. For the purpose of awarding priority we will use the English Housing Survey to measure the extent of overcrowding.

### **Foster carers**

54. We will take into account a current or prospective foster child. There is no requirement for the applicant to have a child placed with them at the time of application or offer.

### **Shared parenting arrangements**

55. We will accept children as members of the household where formal shared child parenting arrangements are in place. A formal child care arrangement includes a court order or written confirmation of the shared child care arrangement from a recognised mediator or solicitor.
56. We would not normally take children into account where an informal shared parenting arrangement is in place.
57. We reserve the right to limit the number of bedrooms allocated to ensure that best use is made of housing stock.

### **Financial assessments and affordability**

58. We will require all applicants to undertake a financial assessment to ensure that they meet our charitable aims. This means that our housing will only be allocated to people who cannot afford accommodation in the private sector. All financial information will be dealt with confidentially.
59. We will use this information to assess an applicant's ability to pay the rent and will provide advice and assistance where appropriate. We will refuse an applicant if their outgoings exceed their income or predicted income, which would mean that they would be unable to pay the rent. This does not mean that they are not able to reapply for housing with us if their circumstances change.



### **Number of offers**

60. We will make an offer of accommodation in line with local authorities' nominations and choice-based letting agreements, where they are in place.
61. Where the applicant is statutory homeless we will only make one reasonable offer of accommodation in line with the s.193 Housing Act 1996. Where there is a dispute we will refer the applicant back to the nominating local authority.
62. Where the applicant has been selected from our own waiting list we will make one reasonable offer of suitable accommodation to those applicants in band A and two reasonable offers to those in band B and C. Where these offers have been refused we may suspend or cancel the application.

### **Applications from people who do not have permission to live in the property (unauthorised occupiers)**

63. We will not normally offer a home to a person who is an unauthorised occupier. We will advise them to contact their local authority. Only in exceptional circumstances would we consider offering a tenancy.
64. We will only consider this type of allocation if the person is a family member of a previous tenant who has lived in the property on a permanent basis for 12 months and they are in priority housing need.

### **Right to review**

65. We will give customers a right to review a waiting list decision. This will apply to the decision made in relation to banding or where we have closed or suspended an application. The request for a review should be made in writing within twenty-one days from the date the applicant was notified of the decision.
66. We will operate a review process for customers who wish to have an offer of accommodation or an allocations decision reviewed. A request to review the allocations decision should be made within seven days of being notified of the decision.
67. A review is not treated as a complaint but is in place to ensure that any decision made is reasonable and justified. The review will be conducted by a senior housing manager not involved in the original decision.
68. Where there is a dispute about an offer of accommodation we will withdraw the offer and relet the property to ensure that rental loss is minimised.
69. We will ensure that alternative arrangements are made to applicants with impairments, learning difficulties or where English is not their first language. We will ensure that they are not prevented from making an appeal.

### **Recording of lettings**

70. We will record all lettings as required by the Continuous Recording of Lettings (CORE) system.

### **Monitoring the policy**

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

**Period of review**

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

**Key legal and regulatory references**

- Housing Act 1985
- Housing Act 1996
- Housing and Regeneration Act 2008
- Equality Act 2010
- Immigration Act 2014
- The Homes and Communities Agency Regulatory Standards.

**Related policies**

- Mutual exchange policy
- Tenancy policy
- Rent policy.

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<b>Policy author</b>	Helen Hudson, Housing Policy Manager
<b>Policy owner</b>	Alan Newman, Head of Allocations and Customer Support

## APPENDIX A BANDING SCHEME

<b>Band A</b>	<b>High medical priority</b>	<p>Where the applicant or a member of the household has a life threatening condition which is seriously affected by their current housing condition so as to warrant an urgent need for rehousing.</p> <p>A medical self assessment will be completed. If the evidence is not clear it will be sent to an independent medical assessor.</p>
	<b>Exceptional or urgent need</b>	<p>Where the applicant needs to move urgently due to a threat of, or actual, violence which means that there is an imminent risk to them or a member of their household if they remain at that property.</p> <p>This also applies to applicants who need to move in exceptional circumstances. There must be evidence of a significant and insurmountable problem associated with the tenant's occupation of the property.</p>
<b>Band B</b>	<b>Medium medical priority</b>	<p>This covers those circumstances where the current housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the household and will be substantially improved by the move.</p> <p>A medical self assessment will be completed and sent to an independent medical assessor.</p>
	<b>Under occupation two or more bedrooms</b>	<p>This applies to existing tenants only. The number of bedrooms being released will be determined by the tenant. They can move to a smaller property and still under occupy their new home.</p>
	<b>Overcrowding two bedrooms</b>	<p>Overcrowding will be measured against The English Housing Survey Bedroom standard.</p>
	<b>To release a disabled adapted property</b>	<p>This applies to existing tenants only. This refers only to those properties which have been significantly adapted for use by a disabled person. For example, Wheelchair Standard (Mobility Standard 4), lift, low level cupboards. It does mean a property with a level access shower only.</p>
<b>Band C</b>	<b>Low medical priority</b>	<p>This covers those circumstances where the current housing conditions are having an adverse effect on medical condition of the applicant or member of the household and will be substantially improved by the move.</p> <p>A medical self assessment will be completed and sent to an independent medical assessor.</p>
	<b>Under Occupation one bedroom</b>	<p>This applies to existing tenants only.</p>
	<b>Overcrowding one bedroom.</b>	<p>Overcrowding will be measured against The English Housing Survey Bedroom standard.</p>
	<b>Welfare and work</b>	<p>This applies when an existing tenant needs to move to be close to work (full-time or part-time) or to give or receive care on a permanent basis (this includes child care or caring for an elderly family member).</p>