

Access to Housing Policy

INFORMATION

Policy Name	Access to Housing Policy
Effective Date(s)	January 2021 to January 2023
Approved By	Customer Operations Committee and Risk and Compliance Group
Approval Date	January 2021
Policy Owner/Dept	Director Customer Contact & Experience
Policy Author	Head of Housing
Review Date	April 2021
Policy Framework Ref	
Version Number	V2

Your Housing Group Strategic Theme			
Operational Excellence	<input checked="" type="checkbox"/>	Customer Experience	<input checked="" type="checkbox"/>
Growth and Financial Strength	<input type="checkbox"/>	People and Culture	<input type="checkbox"/>

Relevant National Standards or Regulation	<p>Please State if the Policy aligns to any of the Regulators Standards:</p> <ul style="list-style-type: none"> • Governance and Financial Viability Standard • Tenancy Standard • Neighbourhood and Community Standard • Tenant Involvement and Empowerment Standard
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Relevant Legislation	<p>Your Housing Group (YHG) is required to comply with and give due regard to statutory requirements and codes of guidance in relation to its access to housing. This policy has made reference to the following documents, whilst this list is not exhaustive</p> <ul style="list-style-type: none"> i) Regulatory framework for Social Housing, in particular the Tenancy standard ii) Housing Act 1996 part 6 iii) Equality Act 2010 iv) Localism Act 2011 v) Welfare Reform Act 2012 vi) Prevention of Social Housing Fraud Act 2013. vii) Homeless Reduction Act 2017
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1. Purpose of the Policy

The purpose of this policy is to set out the strategic objectives which underpin how Your Housing Group enables access to housing. The policy will also detail the eligibility criteria that will be used to manage the allocations process, to ensure fair and equal access to accommodation as well as delivering choice for customers, whilst reflecting the need to achieve and maintain balanced neighbourhoods.

2. Scope of the Policy

The policy is aligned to YHG's vision to create homes for people to thrive and be recognised as a sector leading landlord. Access to Housing is more than processing a housing application it is about ensuring the housing offer enables YHG to balance the needs of existing and future customers, whilst creating and maintaining balanced stable neighbourhoods.

This policy applies to access to affordable housing across YHG as a whole, although it refers to and is subject to the policies and procedures of individual Choice Based Lettings Schemes and local lettings agreements. Where YHG has signed up to those partnership agreements the principles outlined within this policy supersede any local arrangements.

As a Landlord we reserve the right to maintain control of access to our housing by allocating the right people to the right homes and ensuring our neighbourhoods are sustainable and safe. YHG aims to have a well executed approach to creating sustainability in line with best practice principles which pinpoint the importance of having an appropriate property, for a person who is able to meet their tenancy responsibilities.

In some locations and for some types of schemes, there are separate allocations principles which need to be followed where we have contractual obligations. This is particularly the case in relation to contractual arrangements within Private Finance Initiative frameworks and Section 106 agreements.

This policy does not apply to access to specialist-type accommodation, such as foyers, extra care housing for older people or supported housing schemes, where separate processes exist for allocating units of accommodation in line with statutory regulations.

3. Definitions

- **Applicant** – in this policy, this means not just the person who makes the application for housing but also any proposed or likely members of their household who will live in the property if the application is successful (irrespective of whether it is intended that they should be a tenant).
- **Choice based lettings / local authority housing registers** - relates to mainly internet based services where available properties are advertised by housing providers and where applicants are able to express an interest or bid on properties they actively choose. At close of the bidding period, applicants are prioritised according to the scheme's allocations policy and an offer made to the applicant with the highest priority.

- **Traditional waiting list** - relates to housing registers, where applicants are placed on a list for properties that become available according to their eligibility for that property type and the area they have indicated they want to live in. The applicant is contacted by the housing provider once they have reached the top of the list.
- **Reasonable Preference** - relates to categories of housing need that must be taken into account when developing allocation schemes to ensure that people who are homeless or in housing need are given preference in any allocation scheme.
- **Local Lettings Schemes / Plan** – This is an approach by which YHG will apply specific criteria to lettings in an agreed locality, to address and improve the sustainability and management of risk in the area. A local lettings plan will be implemented subject to review in order to address issues such as crime, anti-social behaviour, health and safety and low demand. A local lettings plan will be developed in partnership with the relevant local authority, and then agreed in consultation with that local authority and YHG's Customer Operations Committee.
- **Probity Declarations** – Applications for housing from:-
 - YHG Board / Staff members
 - An applicant who is closely connected to YHG Board or staff members as defined in YHG's Probity Policy
- **YHG** - relates to Your Housing Group.

4. Consultation

Consultation in relation to this policy has taken place with: -

- Key internal stakeholders including YHG's Housing Management, Income collection, Money Advice and Governance teams.
- YHG's Legal Panel
- YHG's Customer Operations Committee

This policy is linked to the Tenancy Standard.

5. Background and Context

The key aims and objectives of this policy, which underpin the approach to access to housing within YHG, are:

Aim 1 – Meet our Regulatory Requirements with regards to Homes England standards

- Work with local authority partners and other third party stakeholders to meet YHG's regulatory requirements and support business objectives.
- Support local authorities in the delivery of their statutory obligations where practicable.
- Monitor the effectiveness of nomination agreements with local authorities and Choice Based Lettings schemes, and seek to negotiate changes where appropriate or exit;
- Record all lettings as required by CORE.
- Ensure the number of empty properties is minimal through an efficient and effective allocations process.
- Review, at regular intervals, any internal waiting lists within YHG and end the use of these as necessary.

Aim 2- Ensure that the property is affordable and therefore sustainable

- Carry out an affordability assessment with prospective customers before an offer is made.
- Have regard for Local Housing Allowance rent caps and ensure that homes are affordable for customers and their circumstances.
- Allocate properties where prospective applicants can evidence ability to meet rental costs and are able to sustain their tenancy.
- Carry out an assessment of vulnerability, to ensure that all applicants are able to manage a tenancy, and arrange for the necessary support to be provided where this is needed.
- Where affordability is not demonstrated we will not offer housing to the applicant, however in some circumstances we may consider an offer of an alternative YHG property.
- A referral to an alternative provider or internal / external support and advice service may also be made with the applicant's consent.

Aim 3 – Ensure neighbourhoods are sustainable, safe and commercially viable

- Promote the development of sustainable and safe neighbourhoods.
- Analyse and understand the nature and scope of high/low demand homes and neighbourhoods and develop appropriate responses.
- Provide or signpost to appropriate support to customers to improve tenancy sustainment and reduce turnover.

Aim 4 - Promote and achieve equality of opportunity

- Ensure that access to housing is applied within the parameters set out in the Equality Act 2010.
- Encourage mutual exchange to facilitate moves via Homeswapper or equivalent web based services and publicise this to our customers.
- Provide appropriate advice or signpost customers to relevant partners about their housing options.
- To work with providers and external agencies as necessary to support potential and existing customers when accessing housing.
- Provide a fair response to our partners and customers with regard to our policy decisions.
- Effectively match homes to customers with disabilities and vulnerabilities where practicable.

6. Policy Detail

6.1 Access to Housing and Eligibility

YHG adheres to the principles, aims and objectives set out above when it offers one of its properties.

YHG allocates its properties in the following ways:-

- Choice Based Letting schemes / Local Authority Housing Register – utilising local lettings plans where agreed and appropriate
- Commercial lettings vehicles e.g Rightmove or Zoopla where there is no demand
- Nomination agreements
- Contractual Management Agreements and Local Lettings Schemes

- Traditional Waiting lists
- Urgent Management Moves

Choice Based Lettings Schemes / Local Authority Housing Register

YHG is committed to working closely with local authority partners to participate in Choice Based Lettings schemes where they exist and where participation allows the following:

- Creation of successful and sustainable neighbourhoods
- Open and transparent access to housing for applicants based on housing need (as defined in the Housing Act 1996 Part 6)
- To increase customer choice
- Value for money for the organisation.

Details of the policies YHG operate as a result of our partnership in Choice Based Lettings schemes are available via the CBL websites. We will regularly review the operational effectiveness of our CBL partnerships and will seek to exit these arrangements or reduce our nominations if they do not continue to support the above criteria.

Commercial Advertising

YHG will on occasion use a variety of channels to advertise its properties and these include currently:

- Web based commercial letting sites such as Zoopla, Rightmove or web based mutual exchange sites like Homeswapper which also enables us to advertise homes for rent
- Local media such as noticeboards, newspapers, community centres, to let boards etc
- Via Local Partners

Nomination Agreements

Where nominations agreements exist with local authorities YHG will ensure that the terms of the agreement are met. YHG will not enter into Nominations Agreements with Local Authorities that are more than two years in duration without review. If nominations agreements do not meet the objectives of YHG the agreement will be reviewed and if required ended.

Nominated applicants will be assessed to ensure that they are eligible for accommodation, can afford the rent and are a qualifying person for housing in accordance with YHG policy. YHG retain the right to refuse a nomination following investigation of the applicant if it is deemed that the nominee is unsuitable in terms of sustainability. YHG will advise the relevant nominating local authority of our decision in writing.

YHG will enter into direct referral agreements with specialist agencies in areas where sufficient general needs accommodation is available and where appropriate move on and support plans have been agreed with the referring agency, and this includes supported housing.

In the case of schemes run in conjunction with support agencies YHG will undertake joint assessments where necessary to determine suitability for the scheme but in some cases rely on the managing agent to make the correct assessment as per our agreements with them. Within this arrangement YHG will retain responsibility for the selection of applicants.

Traditional Waiting Lists

In areas of YHG where it is agreed with local authority partners that use of a choice based lettings scheme is not appropriate we will continue to allocate properties using our traditional waiting lists. We aim to cease the use of these where possible.

Contractual Lettings Agreement and Local Lettings Schemes

There are a number of individual, local lettings arrangements which exist as a result of contractual or funding obligations, or which have been agreed in order to provide a solution to housing needs or mitigate risk. These include:

- Section 106 agreements in place as part of the funding agreement for new developments, which restrict lettings to individuals with links to the locality
- Private Finance Initiative (PFI) schemes which stipulate conditions or restrictions on lettings as part of the PFI agreement
- Local lettings plans which YHG will develop where appropriate in consultation with local authorities. Local lettings plans will only be used after consultation with the local authority and in order to meet specific local issues within an area.
- Older Persons schemes which are subject to an allocations panel who assess the care needs of the applicant.
- External third party organisations as well as our own internal supported housing schemes, by offering referrals into our mainstream accommodation by way of formal nomination arrangements or one-off referrals.

Urgent Management Lets

YHG will allocate a proportion of our properties as Urgent Management Lets to existing tenants. The reasons for which YHG would support existing tenants with an urgent move to another YHG property are as follows:-

- There is an immediate threat of harm/threats to life
- There are serious safeguarding concerns
- There is serious domestic abuse
- Emergency medical need where a tenant cannot live in their current home as it is unsuitable
- They must be rehoused to allow major repairs to be carried out or because the property needs to be refurbished or redeveloped.
- There may be other exceptional circumstances which means that remaining in the property would have a seriously detrimental impact on the occupant's health and wellbeing.

Any request for an urgent management move must be approved by a Senior Manager within Housing. This will need to be supported by an assessment from the local housing management team complete with evidence from external agencies such as Police, Social Services, medical professionals etc.

YHG will record the number of urgent management lets carried out each year in order to ensure transparency within our processes.

6.2 Eligibility

Eligibility and qualifying person criteria to apply on housing registers is determined by the partnership agreements of individual Choice Based Lettings Schemes, however the following conditions will be adopted for all allocations schemes YHG participates in.

Whilst YHG will assist local authorities in meeting their duties to house applicants who are homeless and in housing need YHG will consider as ineligible for housing the following applicants:-

- i) A person from abroad who is subject to immigration control
- ii) A person from abroad with no recourse to public funds
- iii) A person who fails the 'right to rent' check

All applicants will be required to complete a YHG application form as all information provided on this form will be used to assess an applicant's individual housing need and any tenancy support requirements.

6.3 Verification & References

All applicants and nominations seeking housing from YHG must provide evidence of the following:-

- National Insurance Number
- Proof of identification
- Proof of housing need (if applicable). All applicants will be provided with guidance about what is considered appropriate proof of housing need.

In addition to the above all applicants will need to provide two suitable references before an offer of accommodation will be made. In priority order these are as follows:-

- Priority 1 - Current or previous landlord reference
- Priority 2 - Current or previous employer reference
- Priority 3 - Character reference from a person known to the applicant

It is the responsibility of the applicant to provide YHG with all the evidence requested. Any offer of accommodation made to an applicant without a priority 1 or 2 reference as stated above must be approved by a team leader or service manager responsible for the allocation.

6.4 Affordability

YHG will ensure that all offers are suitable and that applicants are able to sustain the tenancy. Therefore all applicants will be required to complete an affordability assessment prior to the

offer of accommodation. This will consider the applicants income and expenditure together with proposed housing costs e.g rent, service charge, council tax, utilities costs etc. The purpose of the affordability assessment is to enable lettings staff to determine the applicant's ability to sustain their proposed tenancy or to identify any potential support which may be required.

If following the outcome of an affordability assessment it is not clear that an applicant could sustain the tenancy then a referral to our money advice service will be made. A determination will be made by the money advice team in conjunction with the lettings team as to whether an offer for housing will be made.

- All applicants who are in employment will be required to pay the full first week's rental payment in advance.
- Applicants who are in receipt of welfare benefits as their sole income will be required to make an advanced payment of at least 50% of the weekly rent.

Any exception to the above will need to be considered and formally approved by a Senior Manager.

6.5 Non Qualifying Persons

YHG will consider the following applicants for housing as being non qualifying persons:-

- Applicants where proven behaviour is such that there are or would be grounds for possession through the court, examples of such behaviour are as follows:-
 - Non payment of rent.
 - Anti social behaviour
 - Aggressive, abusive or violent behaviour against staff or residents
- Applicants who have unspent convictions for a serious crime where that offence (if repeated) would pose a serious risk to communities or YHG, unless we are working with statutory partners to manage such allocations. YHG considers the following to be examples of serious crime:-
 - Use of firearms and other weapons e.g knife crime
 - Arson
 - Homicide
 - Offences against children or vulnerable adults
 - Sexual or violent crime
 - Hate crimes
 - Drugs Offences
- Owner Occupiers who are able to buy a property with the exception of:-
 - Applicants over 55 who wish to move to Retirement or Extra Care Housing.
 - Applicants who require an adapted property as their current home cannot meet their needs in the long term and the household does not have financial means to purchase suitable accommodation.

- Applicants who are in significant mortgage arrears and have been assessed as requiring priority after they have been offered, taken and followed the advice of appropriate advisors who specialise in the prevention of homelessness through mortgage arrears.

Each case will be assessed on an individual basis in line with policy and applicants have a right of review of any decision through our complaints policy.

6.6 Homes for those under 18 years

YHG will usually offer properties to applicants aged 18 and over. However, YHG will consider the granting of tenancies to those aged 16 to 17 in line with duties placed on local authority Children Services under the Children Act 1998.

In these circumstances YHG would require a written guarantee from an appropriate person or organisation with regard to unpaid costs or debts in relation to the tenant until the tenant's eighteenth birthday. YHG will require childrens' services to work with and demonstrate how they will ensure young people are supported in their tenancies.

6.7 Probity Declarations

YHG's housing application form requires applicants to state if they are related to or known to YHG Board or staff members including the nature of the connection.

If any connection is declared the member of staff responsible for making an offer needs to complete a 'Probity Escalation and Approval Form – Housing' and obtain authorisation when dealing with these cases. No offer of accommodation should be made to the applicant unless authorisation has been approved by YHG's Executive Leadership Team.

6.8 Starter Tenancies

All applicants will be offered starter tenancies otherwise known as Assured Shorthold Tenancies (AST), unless they have the right to a higher form of tenancy. YHG will monitor all tenancies within the first 12 months for breaches of tenancy including anti-social behaviour. At the end of the starter tenancy period (usually 12 months) YHG will decide to extend the AST for a further period, end the tenancy or allow the tenancy to convert to an Assured Tenancy. This will be completed in accordance with YHG's Starter Tenancy Procedure.

6.9 Tenancy Fraud

Tenancy fraud is unlawful and in some cases is a criminal offence. In partnership with local authorities and other registered housing providers, YHG is committed to identifying and dealing with tenancy fraud and may prosecute offenders under the Prevention of Social Housing Fraud Act 2013. Fraud may include giving false information or withholding information to obtain housing as well as subletting properties.

7. YHG Tenants Seeking Alternative Accommodation

YHG understands that tenants' needs will change over time, and will aim to offer advice to existing tenants who need alternative accommodation. This could be because their family has grown, or children have left home, or it could be due to medical needs changing over time.

YHG will develop a Tenancy Transfer Procedure that allows tenants to move more easily within our own stock, in addition to being able to apply for housing through the various CBL systems.

Tenants who have a housing need, and have maintained a positive tenancy history with YHG, will be added onto an internal transfer list and YHG will let up to 10% of vacant properties depending upon the demand in the area.

Tenants will be prioritised for transfer as follows:

Priority 1

- Emergency situations that are threatening to life
- Severe overcrowding (2 or more bedrooms short under bedroom standard)
- Emergency medical need, meaning that the customer is unable to live in their current property
- They are living in housing which has been significantly adapted for disabled persons, who do not need the adaptation e.g. property extended, or purpose built.

Priority 2

- Overcrowding – tenants who live in a flat and need a house due to growth of family
- They no longer require designated supported accommodation and are required to move on to their own independent flat, studio or bedsit.
- They are under occupying family sized accommodation (have more bedrooms than they need) and are willing to downsize, or where YHG requires them to downsize such as under-occupying successors.
- They cannot afford their current home due to having one or more bedrooms than they require and need to move to avoid falling in to or increasing their arrears.
- Other needs, such as needing to move to another area for work or support

All tenants who wish to join the transfer register will need to complete a YHG application form, complete with supporting evidence where required, and this will then be assessed and given a priority. Tenants who are seeking a transfer will need to have their current property inspected and have a clear rent account.

YHG's ability to help priority tenants to transfer will depend on the location, size and type of property required. We will provide housing advice to tenants to assist them to consider their options realistically.

8. Responsibilities under this Policy

All YHG staff responsible for the allocation and letting of YHG properties are required to adhere to this policy.

The Service Manager for Lettings is responsible for the overseeing the implementation of this policy.

9. Risk Management

The headline risks associated with this policy are:

Risk Description	Risk Impact
Failure to comply with statutory requirements and rules and guidance issued by the Government and their departments	Regulatory intervention, legal action, adverse publicity and potential financial impact on the organisation
Failure to let properties promptly due to ineffective allocations processes and poor customer choice options	Increase in void turnaround periods and void rent loss impacting financially and in neighbourhoods particularly in our low demand stock
Failure to manage access to housing appropriately or consider management implications in lettings decisions	Potential for unsustainable neighbourhoods and intensive housing management costs
Failure to take into account affordability of properties in relation to the Local Housing Allowance restriction	Reduction in the Group's rental income. Increased workload for income collection teams and adverse publicity resulting from taking action against Your Housing Group tenants for non-payment of rent

10. Data Protection, Record Storage and Retention

This policy complies with the principles of GDPR and YHG's Data Protection Policy.

Any personal information relating to applicants and customers is stored on YHG systems which are compliant with GDPR.

11. Equality and Diversity

This policy has been equality impacted assessed and is compliant with the requirements of the Equality Act 2010.

Your Housing Group will only participate in allocations schemes that are compliant with the Equality Act 2010 and which offer equality of access to services for all applicants. We assess our policies and provision of services to ensure that no individual or group is treated less favourably because of their race, colour, ethnic or national origin, marital status, gender, sexual orientation, disability or age.

Choice Based Lettings schemes we participate in are equality impact assessed, and individual / internal policies are also impact assessed, in line with equality of access for applicants and any adverse/ positive impacts of those policies on our customers.

On request, YHG will provide translations of all its documents, policies and procedures in various languages and other formats by contacting YHG.

12. Communication

This policy will be stored on YHG's intranet and will be communicated to all staff involved in the allocations and lettings processes.

13. Performance Management of this Policy

Performance regarding this policy is reported alongside Lettings Performance management information. This includes:-

- Average no of days taken to let a property
- Occupancy Levels
- Tenancy Turnover
- Tenancy sustainability – no of tenancies successfully completing 12 months

14. Review of this Policy

Your Housing Group will review this policy every two years unless there are significant changes to legislation or the external environment in relation to Nominations and Choice Based Lettings that make it necessary to conduct a review in advance of that date.

The Head of Housing will be the responsible for updating the Policy.