

# Allocations Policy

## 1. SCOPE

### Purpose

1.1 As a place-based social housing landlord we take seriously our responsibility to help meet housing need in accordance with our Regulatory and Charitable Objectives. This Policy sets out how we will prioritise applicants and allocate our homes to ensure that it is done fairly and is in keeping with our commitment to build successful communities. To achieve this our allocations will be made to the full range of housing need, balancing the needs between existing and future customers.

### Policy Principles

1.2 This Policy will ensure that we:

- provide affordable homes for people who cannot buy or rent in the private sector;
- meet our charitable objectives and regulatory responsibilities;
- support our Local Authority partners to discharge their statutory housing duties;
- create balanced communities by allocating to a range of housing need;
- make best use of our housing stock;
- meet the needs of our existing customers;
- have a clear and simple approach that is easy to understand for applicants, including how decisions are made and our appeals process;
- manage our resources effectively and can prevent and detect tenancy fraud;
- can respond quickly to changes in demand as they occur.

### Scope of Policy

1.3 We own and manage a diverse range of social and affordable housing over a wide geographic area across the Midlands. This Policy encompasses our social and affordable rented accommodation, including our Wellbeing Schemes for those over 55 years old.

This Policy does not apply to our following homes:

- Shared Ownership
- Market Rents
- Intermediate Market Rents
- Temporary accommodation
- Decants
- Successions, assignment or mutual exchanges
- Any other tenancies not regulated by the RSH

### Legal and Regulatory Framework

1.4 This Policy is designed to comply with our legal and regulatory responsibilities, including:

- The Regulator of Social Housing (RSH) Regulatory Standards

The RSH's Regulatory Standards, in particular the Tenancy Standard which requires us to let our homes in a fair, transparent way and takes the needs of tenants and prospective tenants into account. Registered providers must also co-operate with local authorities' strategic housing functions and assist local authorities to fulfil their duties to meet identified local housing need.

- The Housing Act 1996

The Housing Act 1996 (as amended by the 2002 Homelessness Act) - Part VII of the Act concerns the duties that a local authority has to homeless people and when these duties arise.

- The Equality Act 2010

The Equality Act 2010 requires us to safeguard those with a protected characteristic from direct and indirect discrimination and make reasonable adjustments to ensure an equality of access to all.

- Housing and Homelessness Regulations 2006

Allocation of Housing and Homelessness Regulations 2006 sets out when persons from abroad can be allocated accommodation. These regulations were further amended in 2012.

- The Localism Act 2011

The Localism Act 2011 gave more freedom to Local Authorities and Social Landlords to establish local rules for re-housing homeless applicants and relaxed the right to a lifetime tenancy.

- The Immigration Act 2016

The Immigration Act 2016 focusses on illegal migration and sets out punitive measures for those who don't "play by the rules".

- The Homelessness Reduction Act 2017

The Homelessness Reduction Act 2017 places a legal duty on Local Authorities so that everyone who is homeless or at risk of homelessness will have access to meaningful help as long as they are eligible. We will work in collaboration with Local Authorities through nominations agreements to support their legal duty within this act.

- The Data Protection Act 2018

The Data Protection Act 2018 sets out how we must handle personal data.

## **2. POLICY STATEMENT**

### **How we let our homes**

#### **2.1 We let our homes in two ways:**

- At least 50% will be offered via local authority nomination in areas where we have homes; and
- Remaining percentage (50%) will be re-let via our own housing register, which includes existing whg customers (transfers) and direct applicants.

### **Local Authority Nomination**

2.2 At least 50% of our available vacant homes will be offered to our local authority partners for them to allocate via their own housing registers. For our new build homes, this may increase to 100% on first let.

2.3 Due to the scale of demand for social housing and the pressures being placed on local authorities through homelessness and the use of temporary accommodation, we recognise that nominations are generally, although not exclusively, for applicants with the greatest housing need. This includes, but is not limited to;

- Homeless households where the local authority has accepted their duty under the Housing and Homelessness Regulations Act 2006.
- Households fleeing domestic abuse.
- Households who are severely overcrowding their current accommodation.
- Where there is an urgent medical priority.

2.4 The percentage of vacancies that we offer to our local authority partners may vary, but we will not fall below 50% as per our responsibilities under our Nominations Agreements. For example, we may offer more than 50% of our vacancies to a specific local authority where we do not have many homes and/or we do not hold our own local housing register.

2.5 Applicants nominated to us by a local authority will still need to pass our eligibility and exclusion criteria as set out in this Policy.

### **Homes allocated directly by us**

2.6 In recognition that our local authority partners will predominantly be nominating to us those households with the greatest housing need, the remaining percentage (50%) of our available vacant homes will be used to meet the needs of existing whg customers (transfers) and households with a lower housing need. This approach is important to ensure that our allocations are balanced across the full range of housing need and helps us to create balanced and sustainable communities.

2.7 Direct applicants with a lower housing need will be able to join our housing register if it is open and they meet all eligibility criteria. Eligible direct applicants must also be able to demonstrate that they cannot afford to rent or buy in the private sector.

2.8 Affordability is defined by household income and savings levels; the threshold of what is considered affordable in the private sector is adjusted to local authority area. Some applicants who meet this definition may still be ineligible to apply or are excluded. Details of who is eligible and excluded are listed below at point 3.

2.9 We have kept the process of selecting a successful applicant as simple as possible. All eligible applicants who have expressed an interest in a property will be prioritised by length of time on the housing register. Those who have been waiting the longest will be given the greatest priority.

2.10 Exceptions to this include:

- It is later found that the applicant is not eligible for the property, or is excluded;
- The applicant does not engage in the lettings process or meet requirements such as rent in advance.

## Eligibility Criteria

2.11 To be eligible to apply for whg accommodation applicants (both direct applicants and nominations) will need to be able to demonstrate that they can sustain a tenancy prior to an offer of accommodation being made.

2.12

- Applicants over 18 who meet UK residence requirements and all other relevant criteria will be eligible.
- Applicants under 18 will only be allowed to register if they are nominated to us and have an approved rent guarantor and, where appropriate, a confirmed support package. This will be the case unless agreed otherwise as part of a formally agreed initiative. Each nomination will be considered on a case by case basis.
- If the current tenancy held by the applicant is a starter tenancy (or equivalent), they will not be eligible to register. If the household is an existing whg tenant, we may consider setting this aside if the circumstances have changed since the tenancy was offered and the home is no longer suitable.
- Any other person as prescribed to be eligible or ineligible by government.
- Applicants serving a custodial sentence will not be eligible to join the housing register. However, if the Local Authority nominate an applicant who is currently in custody but has a confirmed release date within seven days, we will review the nomination on a case by case basis in line with the eligibility within this policy.
- Full time students not eligible for housing related benefits will not be eligible to join the housing register.
- To include an additional adult on an application other than a partner, whg would need to be satisfied that the adult either is, has been in the past, or will be in the future reasonably expected to reside as a member of the household. An example of this would be to assist with or take up caring responsibilities. Documentary evidence maybe required when making a decision.
- To ensure family homes are allocated to households with dependent children, applicants must be in receipt of child benefit in order to qualify for a house.

## Transfers

2.13 Existing whg customers that are adequately housed will not be eligible to transfer, unless they can evidence additional needs that cannot be met by their existing accommodation.

Existing whg customers without additional need will be expected to seek a mutual exchange. Additional needs will usually mean:

- The tenant is under-occupying or is overcrowded.
- The property is not affordable and an alternative would be more appropriate.
- The tenant lives too far from their work or education to reasonably commute (1 hour travel time).
- The tenant needs to be closer to provide care or receive care.

The tenant has medical needs as defined below:

- Is unable to return home from hospital due to it not being suitable.
- Is unable to gain access to or from their home, due to medical condition/disability.
- Is unable to leave their home un-assisted due to a medical condition or disability.
- Their home requires adaptations, but this is not reasonable or possible.

2.14 To ensure that we can effectively manage our resources the maximum percentage of vacancies open to transfers will not normally exceed 25% of all properties that become available for re-let. There may be an exception to this, such as for our Wellbeing Schemes for people over 55 years old where transfers may actively help us free up family accommodation which is in greater demand. Director level leads will closely monitor this and may vary the percentage where it is necessary to do so.

### **Special rehousing**

2.15 Special rehousing is where a whg customer is required to move and we are facilitating this outside our housing register to directly allocate them a home.

Circumstances which could require a managed move include (but not exclusively limited to);

- There is a risk to life
- The existing home is uninhabitable
- The existing home has been marked for demolition and the customer served a demolition notice
- The move would significantly improve the wellbeing of the household and/or the community around them
- An occupant who has a legal right to succeed a tenancy of a home but is prepared to accept an offer of a property which is more suitable to their requirements
- An unauthorised occupant where it would be appropriate for us to rehouse
- A high demand home will be released as a result of the move.

Special rehousing approvals, which are formally documented, are at the discretion of the Director of Housing and Customer Services and will be assessed on a case by case basis. These moves will be considered within the percentage allocated to transferring customers.

### **Downsizing**

2.16 If a whg customer expresses a desire to down-size their home or has a need due to under-occupation, we may direct match the household to a more suitable home for their needs. We would generally only explore direct matching if the home they would be releasing is in high demand, for example a house.

### **Advertising and shortlisting**

2.17 Available homes will be advertised on our portal which can be accessed via our website. We do not advertise homes that are being direct matched. Homes that are advertised on our website will be done so in predominantly two ways.

- We will advertise the home on our portal and specify a closing date that the advert will close or when applications reach a maximum number. Once the advert is closed, a shortlist will be created. We will prioritise applications strictly by the date/time their application was registered.
- If a home has already been advertised but was not offered due to lack of demand, we may choose to advertise this home using the 'fast-track' process. This home will be advertised on our portal and clearly marked 'fast-track' and will be allocated on a first come, first served basis.

## Assistance and auto apply

2.18 We understand that applying for homes via our digital channel may be challenging for some people. We will first aim to support these applicants and provide guidance on using the system appropriately. If an applicant needs more support or the capability to manage their account consistently, we will offer to activate the auto-apply process. Auto-apply will only be activated for those we consider that cannot manage their account online.

We will support the applicant to provide us with their preferences and if a home is advertised to them, the system will place an application on the home. This registers their interest so they will not miss the opportunity. We will allow these applicants to withdraw their interest or refuse a home during the shortlisting process if the home is unsuitable.

We understand that some applicants may find the process of registering or applying for a home challenging. Where an applicant contacts us requiring support, we will ensure that they are signposted to the most appropriate service to help. The most appropriate service could be us or an external partner depending on the needs of the applicant.

## Short supply, adapted and age restricted homes

2.19 We aim to make the best use of our homes. When allocating a home we aim to ensure it is offered to the most appropriate household. There may be instances where a home has been marked as age-restricted, therefore, we will only advertise this home to applicants that meet the criteria specified. We may also prioritise households with other circumstances, such as those with children or with a medical need where the available home will be able to accommodate these circumstances. In such cases, we will only advertise to households that meet these criteria.

Due to the limited supply of larger homes or homes that would meet specific needs of applicants we may not advertise these properties; we may choose instead to directly offer these to the most appropriate household. Generally, this will be the household that meets the criteria specified and who has been waiting the longest for this property type.

Adapted homes and ground floor flats will generally be offered or advertised to households on the housing register who need this type of accommodation, for example, those with a physical disability who need ground floor. Depending on the home and the demand, we may directly offer a home to an applicant with those needs. This is to ensure those with specific medical needs have the most suitable home offered to them. If a household does have specific needs such as internal lifts, their requirements may take priority over their position on the housing register and the home may not be offered to the applicant who has been waiting the longest. If we advertise adapted homes to those who need the adaptations, but a suitable match is not found, the property may be allocated to an applicant who does not have the specific requirements for an adaptation.

## Bedroom need

2.20 We make the best use of our homes by applying the rules used by the Government and their definition of overcrowding using the bedroom standard. This is not a legal definition of overcrowding; however, we use this bedroom standard to assess how many bedrooms a household will need to accommodate their bedroom need. We may on occasion need to allocate homes outside of this if the home needed is unlikely to become available and we can offer another home that will improve the current situation. This would generally only be the case if the household required a home with four bedrooms or more where waiting

times are long due to low availability. Our one bedroom homes are also low availability and high demand and therefore we may allocate a two bedroom home to a household with a one bedroom need. This allocation must not result in the household being more than one bedroom deficient or more than one bedroom under occupied.

Homes with a set permitted persons occupancy through planning approval may also be allocated outside of this bedroom standard.

The calculation used to assess the number of bedrooms is below.

- A person aged 16 or over will get their own room.
- An adult couple (by marriage, civil partnership or cohabiting) will be required to share a room.
- An adult who is at least 28 weeks pregnant with their first child will be eligible for two rooms in preparation for when the baby is born.
- Two children under the age of 10 will be required to share a bedroom irrespective of sex. There is a maximum of two children per bedroom and therefore if there are three children under the age of 10, one child will be required to have their own room.
- Two children under the age of 16 that are the same sex will be required to share a bedroom. There is a maximum of two children per bedroom and therefore if there are three children under the age of 16 that are the same sex, one child will be required to have their own room.
- Two children of different sex where one is at least aged 10 will require two bedrooms.

For example, if a household has an adult couple and one child, their bedroom need is one bedroom for the adult couple plus one bedroom for the child equalling to a two bedroom need.

There will be instances where a household will be required to have additional bedrooms as a result of their circumstances. In order to obtain the additional bedroom this requirement must be evidenced. Depending upon the circumstances, the following evidence can be used; evidence of carers allowance in payment and the requirement of overnight care, , documentation from a medical specialist, supporting documentation from the Local Authority, MATB1 for expectant mothers, direct child benefit payment and evidence of a child arrangement order for children residing in the home for 50% of the week.

The criteria of bedroom need is largely based on the above guidance but due to demand for homes there may be some exceptions which will be reviewed on a case by case basis.

## **Immigration Status**

**2.21** We are required by law to ensure that all people 18 years and over have the right to rent and live in one of our homes. We will verify this before any home is offered and may do relevant checks as early as first registration.

If an applicant does not have recourse to public funds (as classified by the Secretary of State) they will not be able to apply for housing as social housing is classed as a public recourse.

## **Criminal convictions**

2.22 All applicants will be asked to disclose any history of criminal convictions. This does not apply to any convictions that are legally spent or are covered by the Rehabilitation of Offenders Act 1974. We will seek advice from the Police and Probation Service regarding any applicant convicted of serious criminal offences to assess whether it is safe and/or appropriate to house them in a location. Due to the nature of the crime and any risk assessment, there may be occasions where housing cannot be offered to the applicant.

All applications will be considered on an individual basis.

We may, to assist Local Authorities, consider housing sex offenders. We will work with relevant agencies to make a full assessment and carefully consider any risks before deciding whether to accept the housing application or offer a home, subject to Multi-Agency Public Protection Arrangements (MAPPA).

### **Anti-social behaviour**

2.23 Where an assessment on an application shows a person may pose a risk to their household, neighbour or community, we reserve the right to restrict their access to our homes. This may be due to tenancy breaches, local intelligence or legal action taken against the household or its visitors. This would apply to nominations from the Local Authority or directly from our housing register.

To make a thorough assessment, we will gather information from all available sources to make this decision. Sources may include (but are not limited to), Probation services, Police, previous/current landlords or the Local Authority.

We have a zero tolerance approach to inappropriate behaviour towards our colleagues, contractors and any other whg representatives. If an applicant, household member, visitor or persons accompanying the applicant behave in a way that is unacceptable, we will restrict access to the housing register in line with the Restricted Access Policy.

### **Housing related debt**

2.24 We will only allow an applicant who is not a current customer of whg on the housing register if they, a member of their household or a joint applicant, hold no current or former housing-related debt. Evidence of the debt being cleared will be required to gain access to the housing register.

If a current whg customer is in rent arrears, we will work with the household to clear the arrears in full or have evidence that the debt has significantly reduced with a consistent arrangement over at least six months. A decision to allow the household to apply will be made on a case-by-case basis dependent on the payment behaviour over the tenancy's entire life or the household's circumstances. We may take a more flexible view if the household is downsizing, and their financial circumstances would improve by doing so.

### **Property condition**

2.25 If a whg home has been neglected, damaged or had unauthorised and/or poor-quality alterations, we would normally restrict the customer from the housing register.

During the application process, evidence will be required to support the application. If it has been determined that it is appropriate to carry out a home visit to a non-whg

customer prior to a home being offered, we will assess their current home as part of the offer decision making process. If the condition of the home gives us reason to believe there is a risk to the whg home being offered, we reserve the right to withdraw the offer. If the poor condition of the home is significant enough, we may potentially restrict the applicant from the housing register.

### **Current and former homeowners**

2.26 Applicants who own a home (including where the property is rented out) either in the UK or outside of the UK will not be eligible to join the housing register. If a household is nominated to us by a Local Authority and they are a homeowner we will review the application and make an assessment of the circumstances on a case by case basis. The Director of Housing and Customer Service must approve this nomination.

If an applicant has sold a home within the last two years, they will be required to provide information to determine whether they are eligible to join the housing register in line with equity thresholds. The required information for us to assess will be established on a case by case basis. If, upon investigation, we have reason to believe equity has been disposed of to become eligible to join the housing register, we reserve the right to restrict the applicant from joining the register.

### **Fraud**

2.27 We have a zero tolerance approach towards individuals attempting to deceive the system to obtain a home. Social housing fraud is a criminal offence. Any individual found to have deliberately provided false, incomplete or misleading information during the application process will be restricted from the housing register, and we reserve the right to cancel the application or withdraw an offer at any stage. Examples of tenancy fraud include, but are not limited to:

- Deliberately not updating an application with a change of circumstances whilst on the housing register, which result in them no longer being eligible.
- Deliberately putting incorrect or withholding information when completing or updating the application.
- Attempting to gain a tenancy with the intent of not living in the home or to sublet.
- Not accurately including household members who you intend on moving into the home after a tenancy has started.

In such cases, we may also inform other relevant parties, including the Local Authority and /or the Police.

### **Income, equity and affordability**

2.28 We will allocate homes to those who are unable to either buy or rent on the open market. This could be a result of age, circumstances or income levels. Due to us operating in many areas where property prices and rent levels vary considerably, the maximum amount of income and equity will be set in line with what we deem reasonable considering current market conditions, which could be subject to change. Initially we will set the maximum gross income levels at £40,000 for singles and £50,000 for couples. We will review the market each year and therefore these levels may be subject to change. Any changes to the income thresholds will require approval from the Director of Housing and Customer Services. If an applicant is refused on the grounds of earning higher than the thresholds, they will be notified immediately upon registering.

If an applicant has equity or savings which we deem high enough to either buy or rent on the open market they may not be eligible to join our housing register.

Equity and savings will be assessed on a case-by-case basis and will be used to judge whether someone has the ability, using their equity and savings, to solve their own housing need.

There may be instances where an applicant has income or equity higher than this criteria where it is appropriate to allow them on the housing register. This will be managed on a case by case basis taking into account the circumstances of the household.

Before any housing offer is made, financial checks will be undertaken to evidence information provided in the application. This may involve obtaining bank statements, other forms of evidence of income and credit checks. Credit checks may be undertaken to gather information about a customer's current financial circumstances and to highlight any unmanaged debt that may impact a tenancy being sustained.

It may be appropriate for us to undertake affordability assessments to understand whether there are any risks to the tenancy being sustained. Where possible and reasonable, we will look to support an applicant during the offer process to improve their current financial position with welfare, debt and budget advice. Where a tenancy is not affordable, and the tenancy is unlikely to be sustained, or there is a lack of engagement from the applicant during this process, we may withdraw an offer.

## **Local Connection**

**2.29** Applicants who do not currently live in a whg home will be required to have a local connection to the local authority area they want to live in. You will be considered to have a local connection if you fall into one of the below criteria:

- You currently live or were born there.
- It is where you are employed.
- You have close family who live there.
- There are special circumstances.
- 

If we have a home that attracts no demand from those with a local connect we may offer the home to someone without.

## **Rent in advance**

**2.30** Applicants will be required to pay the equivalent of one rent payment in advance before their tenancy starts. The payment is dependent on the frequency they intend on paying their rent. For example, if an applicant is going to pay weekly, one week in advance is required, if monthly, one month is required. This requirement is a condition of the tenancy agreement and includes customers who are in receipt of full benefits and who have come via the Local Authority nominations process. If payment is not made an offer may be withdrawn.

## **Access to the housing register**

2.31 Demand for social and affordable housing is far outstripping supply nationally and demand for our homes is no different; the numbers of homes that we have available to let each year is low compared to the level of demand that we are seeing. Applicants can be waiting for a very long time, in some cases years, before they may even be considered for accommodation. To avoid unnecessary frustration and to help us manage demand effectively, we will open our housing register to new applicants when the number of existing applicants has reduced sufficiently to enable us to do so. This is a dynamic process; our housing register will open and close depending on specific property characterises (e.g. 1 bed flats and older person accommodation have more availability than family housing and will therefore be open more often to new applicants), or for specific property locations where demand might be lower. The process for determining whether to open our housing register or not for specific property types / locations has been built into our housing register and automated based on our demand data and property availability.

## **Evidence**

2.32 During the application process, evidence will be required to support the application and any further queries we may have for all household members on the application. The evidence required will be determined case-by-case, depending on the circumstances. Evidence required may be, but not limited to:

- ID such as passport or driving licence
- Medical information
- Proof of address and address history
- Financial documentation such as bank statements or proof of income
- A landlord reference
- A home visit to the current address
- Proof of child benefit
- Proof of local connection

If the required evidence is not provided by the time a home is ready to be offered, we may not offer the home to the applicant even if they are at the top of the shortlist. When we request evidence, we will provide a precise date the evidence is required to be provided by in order to be clear and transparent.

## **Application inactivity**

2.33 If an applicant is on the housing register but is no longer looking for a home, we will encourage the applicant to delete their account to ensure our register reflects those applicants actively looking to move. To ensure we maintain the housing register, we may request that an applicant confirm they still want to remain on the register every six months via the portal. We may delete the application automatically if the applicant does not verify their interest within 28 days of the request. Once an application has been deleted the applicant will lose their position on the housing register and will have to reapply and obtain a new registration date if they wish to be considered for a whg home.

## **Pre tenancy requirements**

2.34 It is essential that all applicants, whether they are already living in a whg home and wanting to move or want to become a whg customer, understand what is expected when they are a whg customer and how to sustain a tenancy and live in the community. We may provide customers with tasks which will need to be completed to allow them to proceed to be offered a home during the registration process. This may involve online information, which will be supplied, or an appointment with a housing professional. If we deem that engagement during this process indicates an individual will not be prepared to work with us, then we reserve the right to withdraw an offer or not advise the applicant of any available homes.

### **Applicant refusals**

2.35 Social and affordable housing is a scarce resource. We must ensure that homes are only applied for by applicants where the applicant is prepared to accept the home if it is offered. We understand that not all homes offered will be the first choice for applicants; applicants therefore have the right to refuse an offer made by us. However, refusing offers on multiple occasions whilst continuing to apply for properties creates unnecessary work and wastes resources, and preventing other applicants from being able to consider homes in a timely way. Applicants are expected to fully review details within an advert prior to applying for the home. It would also be encouraged for the applicant to research the area the home is in during the advertising period, so they are able to withdraw their application if the home is not suitable without risking being restricted due to a refusal.

It is for this reason that we will consider restricting applicants who have refused multiple offers from the housing register for a minimum of 12 months. We consider two refusals to be reasonable. Once the third offer has been refused we will consider restricting applicants from the housing register. We will provide the applicant with a notice before a restriction to the housing register is applied and will only do so if a third offer has subsequently been refused. The refusal will not apply to those where whg have activated auto-apply.

Please note, separate rules apply regarding refusals from nominations put forward by Local Authorities which are set out in the nominations agreement with the relevant Local Authority.

### **Local lettings plan**

2.36 Local lettings plans are a useful tool as they help us to create more balanced and sustainable communities through our allocations. This can be specific to new build communities where a number of vacant homes are being occupied for the first time and it is desirable to create a balanced new community; or they can also be applied to an existing community where there are specific local challenges that we are dealing with. This can include, but is not limited to, where we have experienced high turnover and/or issues with anti-social behaviour. Where appropriate, we will collaborate with the Local Authority to ensure adherence to the nominations agreement.

When a local lettings plan is in place, the specific criteria will be clearly outlined in the property advert and a successful applicant will need to meet these specific criteria.

### **Partnership working**

2.37 Due to various registered providers of social housing (RPs) working in the same

geographical areas there may be instances where another RP will have a household with a critical housing need that they are unable to remedy due to lack of availability. In cases such as this the RP may reach out to other RPs to see if they are able to provide a home for the household. We will review any such requests we receive on a case-by-case basis taking into account factors such as eligibility, current demand and availability. We will communicate with the RP directly whether they can support the request or confirm the request is rejected.

### **Section 106 restriction**

2.38 A section 106 agreement (S106) is a planning obligation of the Town and Country Planning Act 1990 which outlines restrictions laid down in the planning permission for the current and future use of the affordable homes being developed. For example, a restriction can be put in place to ensure the affordable homes can only be allocated to people who have an existing or past connection to the local area where the homes are built. All S106 restrictions are clearly set out in the advert of the home.

### **Employees of whg and their relatives**

2.39 Employees and their relatives will be required to meet the same standards of eligibility in order to join our housing register and will not be given any preferential treatment. If they are selected for a home through our normal allocation's procedures, the Corporate Director of Operations and IT, or if delegated, the Director of Housing and Customer Services, must give authorisation prior to any contractual agreement being entered into.

2.40 We would not normally consider Executive and Non-Executive Directors eligible to join our housing register. Exceptions must be approved by our Board Chair.

### **Decision not to offer a home to an applicant**

2.41 We aim to support customers into housing. However, there will be occasions where we decide we are unable to offer a home to a direct applicant or nomination applicant, either because the home is not suitable or because the applicant is not suitable at that time.

When this decision has been made we will let the applicant know and give a full explanation of the reasons behind the decision. Where appropriate we will suggest actions that the applicant could take to remedy the reasons for the refusal. The applicant will be given this decision in writing. If the applicant has come from the Local Authority via a nomination, we will provide the decision directly back to the Local Authority including the reason behind the decision.

### **Appeals**

2.42 Customers can appeal against a decision made under this policy. Appeals must be made in writing within 28 days of the date of the notification of decision, and any additional evidence the customer wishes to be considered must be received with the appeal request. We will not consider appeal requests or evidence received after 28 days unless there are mitigating circumstances. The case will be reviewed by a colleague more senior than the one who made the original decision, and an outcome will be provided within 14 days. If a customer feels there had been a service failure in respect of the

appeal process, e.g. whg did not respond within the timescales outlined above, they can make a formal complaint, please see the Customer Complaints Policy.

## 3.0 POLICY DEFINITIONS

### 3.1 Applicant

A general term for anyone wanting to, is or has applied for housing. This will be used when the conditions apply for both whg customers and non whg customers.

#### Direct Applicant

An applicant who has applied directly for accommodation via our housing register. This term will be used to refer to non-whg customers who are not living in a whg home or an adult in a whg home who is not named as the main or joint tenant on the tenancy agreement.

#### whg customer

An applicant that currently lives in a whg home. One member of the housing application must be named as a tenant or joint tenant on the tenancy agreement for the application to be classed as being a whg customer.

#### Nomination

A nomination is a term defined in the Housing Act 1996; it is an allocation made in accordance with the allocations scheme of the relevant local authority and is therefore governed by the relevant local authority's publish allocations scheme.

#### Lower housing need

Those in 'lower housing need' could be due to the household's financial circumstances, or they are not in a suitable geographical location, or the home itself is not ideal for other reasons, excluding those falling within the definition of 'housing need'.

#### Affordable Rented Accommodation

This accommodation is for specified eligible households whose needs are not met by the market. Rents are set at 80% of market rents for the relevant local area.

#### Social Rented Accommodation

Is typically the most affordable form of social and affordable housing. This accommodation is for specified eligible households whose needs are not met by the market.

## 4. PERFORMANCE MEASURES

### 4.1 **We will monitor the effectiveness of this Policy via indicators such as:**

- Length of time to let our homes at each stage of the void process.
- Meeting the minimum requirement with Local Authorities in line with nominations agreements.
- Tenancy sustainment.
- Number of complaints and appeals.
- Number of special rehouses cases.
- Number of applicants
- Number of transfers
- Average time for rehousing

## 5. EQUALITY AND DIVERSITY

5.1 An Equality Impact Assessment (EIA) has been completed on this Policy. We are regulated by the RSH to ensure allocations are fair and transparent. We will allocate appropriate homes to those depending on their circumstances and housing need. We have provisions in place, such as a fully translatable portal to ensure people who do not speak English as a first language and others who have difficulties with written English can access and apply for housing if they meet the eligibility set out in this Policy.

## 6. TRAINING AND DISSEMINATION

6.1 This Policy will be disseminated to all colleagues and will be accessible on our website and intranet for customers and colleagues to access at any time. Training will be provided to all colleagues who require an understanding of the Allocations Policy to fulfil their duties and provide a service to customers.

## 7. MONITOR AND REVIEW

7.1 This Policy will be monitored by the Director of Housing and Customer Services and reviewed every three years by the Policy Group and approved by the Customer Service Oversight Committee and Board.

## 8. ASSOCIATED DOCUMENTS, POLICIES AND PROCEDURES

8.1

- Restricted Access Policy
- Rent to Buy Policy
- Fraud Prevention Policy
- Clearance Area Lettings Policy
- Acceptable Behaviour Policy
- Complaints Policy
- Income Collection Policy

<b>Document author</b>	Assistant Director of Housing- Customer
<b>Document owner</b>	Director of Housing and Customer Services
<b>Version and status</b>	v1.1 LIVE
<b>Legal advice</b>	Due to minor amendment, will not be required until full Policy review
<b>Consultation</b>	Due to minor amendment, will not be required until full Policy review
<b>Approved by</b>	V1.0 - whg Board- November 2023
<b>Review Date</b>	November 2026
<b>Transformational Programme</b>	<ul style="list-style-type: none"><li>• Data-driven decisions</li><li>• Forward-thinking services</li><li>• Making places</li></ul>
<b>Equality Assessment</b>	Due to minor amendment, will not be required until full Policy review
<b>Key changes made</b>	v1.0 - Full policy has been reviewed in response to the Local Authority establishing their own housing register.

	<p>v1.1 - Appeal and complaints information updated.</p> <p>V1.2- Minor amendments to;</p> <ol style="list-style-type: none"><li>1. Adding a clause about an additional adult onto an application</li><li>2. Adding the permitted persons calculation on bedrooms</li><li>3. Clarifying that the income threshold is gross income</li><li>4. Removal of the 'leaving care' bullet point from the local connection section</li><li>5. Removal of 'occupational therapist's report' from section 2.20</li><li>6. Adding that an applicant must have at least one dependent child to apply for a house. One of the applicants must be in receipt of child benefit for the dependent child</li></ol>
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