



## 1. Purpose and scope

This policy covers all of Selwood Housing's affordable and social rented homes.

The policy has regard to the Housing Act 1996 Part IV and the Regulator of Social Housing's Tenancy Standard 2012.

## 2. Underpinning principles

The focus of this policy is to deliver three objectives:

### 1. Selwood Housing's core purpose:

*'Provide housing to people in housing need. Around this core purpose we provide other services and invest in enterprises and initiatives which will help improve our customers' homes and communities that they live in.'*

### 2. The Regulator of Social Housing's required outcomes:

- (a) make the best use of available housing
- (b) are compatible with the purpose of the housing
- (c) contribute to local authorities' strategic housing function and sustainable communities

### 3. Selwood Housing's charitable objectives:

(an applicant must satisfy one of these)

*'providing Houses or Hostels and any associated amenities for persons in necessitous circumstances upon terms appropriate to their means'*

*'providing for aged, disabled (whether mentally or physically) or chronically sick persons in need thereof Houses or Hostels and any associated amenities specially designed or adapted to meet the disabilities and requirements of such persons;*

*'the relief of poverty amongst the residents of the local authority areas in which the Company owns or manages housing stock;'*

## 3. Policy details

### Nomination agreements

Our default position is to advertise our empty homes via the relevant local authority's choice-based lettings scheme.



# Lettings policy

Maximising the use of our nomination agreements makes best use of our housing and demonstrates cooperation with local authorities' strategic housing function.

## **Local lettings plans**

For the first let of a development or to support management of anti-social behaviour, we may work with a local authority to create a local lettings plan. The plan will aim to meet local need, reduce impact on Selwood's housing management function and will do this by introducing additional restrictions to the lettings process. Homes may occasionally be subject to planning restrictions. We will advertise our homes clearly with any s106 planning requirements.

## **Sheltered housing**

Applicants aged over 55 and who would benefit from the amenities and support of sheltered accommodation will be given priority over other applicants. Applicants under 50 will generally not be considered for sheltered accommodation. In instances of joint applicants where one party is below the qualifying age, a sole tenancy will be granted to the qualifying applicant. Applicants who have children that are either a) dependent and/or b) would not benefit from the property themselves will not be considered.

## **Assessing support**

During the lettings process, an assessment of an applicant's needs, both affordability and support, will be undertaken. Prior to a tenancy being granted, we would normally expect that support plans are in place and other identified needs are being met.

## **Pets**

Whether you can keep a pet or animal at a property will be determined by the conditions of tenancy, our pets and animals' policy, your personal circumstances, the way you conduct your tenancy, and any restrictive covenants.

## **High risk applicants**

We will endeavour to support the re-housing of applicants who may pose a risk to the community to enable rehabilitation, and provided that in such cases appropriate support and monitoring is or will be given by other agencies. A multi-agency approach will be taken, and a decision will be



based on the information collected and support offered to ensure if a property is offered, it is suitable and that the risk to others is minimised.

## **Non-traditional households**

We will offer tenancies in line with our tenure policy. Selwood will use its discretion and may occasionally grant tenancies outside of the tenure policy, if it assists the local authority with discharging an exceptional housing duty. For example, granting a joint tenancy to those not in a relationship to enable complex support needs to be met.

We will consider an application that would create a House of multiple occupation from a trusted partner, if we have been involved in the consultation process and mutual agreement reached prior to its application.

## **Minors**

Young people are unable to hold the legal interest in a tenancy until they turn 18 years of age. Prior to an offer of accommodation to a minor a trustee will need to be identified to hold the legal tenancy on trust. Generally, an offer will only be made where all of the following apply:

- The applicant's support needs have been assessed and they are considered to be:
  - (i) able to maintain a tenancy without support, or
  - (ii) able to maintain a tenancy with support, and support arrangements are in place.
- The applicant has or will have the financial means to cover the rent.

Where a minor is a successor to an existing tenancy, a trustee will need to be identified to hold the legal tenancy on trust for the minor until they turn 18 years old.

## **Refusals**

We are committed to ensure our communities and tenancies are sustainable. On occasions, where we refuse accommodation, we will use the reasons set out in **Appendix E**.

## **Appeal process**



Any applicant can appeal our decision to refuse to offer a tenancy. The appeal should be made in writing within 14 days of being informed of the decision.

Empty (and available) homes will not be held empty for the outcome of the appeal process.

The applicant does not have the right to instigate our complaints process if they remain dissatisfied.

## **Direct lets and management moves**

In some cases, we will let a home outside of our nomination agreement. This will be to support a local authority to discharge a rehousing duty (a direct let), to assist a customer in demonstrable exceptional circumstances, or in support of our anti-social behaviour and domestic abuse policies, our disposal strategy and regeneration initiatives (a management move).

Where management moves are being used to support the regeneration of a neighbourhood, customer moves will be prioritised on criteria that will be published in the consultation process.

These are approved at the discretion of the Income and lettings manager.

## **4. Signposting**

The statutory framework for this policy includes:

- Equalities Act 2010
- Homelessness Act 2002
- Housing and Regeneration Act 2008
- Housing Act 1988
- Housing Act 1996 (part VI and VII as amended)
- Human Rights Act 1998
- Localism Act 2011
- Welfare Reform Act 2012
- Immigration Act 2014 (as amended) and ancillary regulations
- Regulator of Social Housing - Tenancy Standard 2012

Other policies and guidance documents which are linked to this are:

- Anti-social behaviour policy
- Domestic abuse policy



# Lettings policy

- Decant policy
- Adaptations policy
- Rent arrears collection procedure
- Empty homes policy
- Tenancy fraud policy
- Tenure policy
- Disposal strategy



## Decision-making record

<b>Date</b>	<b>Meeting/Minute Reference</b>	<b>Version /Amendment</b>
May 2008		New policy approved by Board
19th March 2009		Minor updates to take account of Homes4wiltshire
10th May 2009		Minor update to reflect local connection required for 1-9 Woodpecker Close
8th July 2010		Review of policy approved by exec
1st March 2011		Minor update to reflect Sainsbury's development
8th January 2012		Review of policy approved by exec
15th February 2012		Review of policy approved by exec following introduction of Council's 'help to live at home' service.
December 2012 and January 2013	Executive Team	Review of policy in preparation for the introduction of Welfare Reform initiatives
March 2013	Board of Management	Review of policy for



# Lettings policy

		introduction of welfare reform initiatives
November 2013	Diane Hall, Adrian Walshe, Verena Buchanan	Amendment of policy following implementation of Bedroom Tax
May 2015	Barry Hughes/Adrian Walshe	Temporary amendment pending full policy review to reflect charitable objectives when doing direct lets of difficult to let homes as recommended by solicitors.
July 2016	Board of Management	Reviewed and amended Lettings Policy
December 2017	Verena Buchanan	Light touch review following welfare reform changes
October 2019	Board of Management	Review of Policy approved by the Board
August 2023		New template; inclusion of risk-based lettings items; Inclusion of non-traditional household item; firming of sheltered housing; procedural items moved to appendices.



# Appendix A – Policy detail

## Authorisations

Every Letting will be investigated and approved by a letting's coordinator or equivalent member of staff.

Lettings under exceptional circumstances will be approved by the income and lettings manager or lettings supervisor and the appropriate neighbourhood service manager or senior neighbourhood manager in their absence.

A monthly audit of 10% of lettings will be done retrospectively to ensure compliance with the Policy and procedure.

## Rent in Advance

Applicants will normally be required to make a payment of 2 weeks' rent in advance plus any licence fee before the tenancy can commence.

## Eligibility and Immigration Status

We will comply with all legislative requirements regarding eligibility and immigration status when letting our homes.

## Under 18-year-olds

We will consider applicants under 18 years of age.

## Pre-Tenancy Interviews

We will undertake suitable checks prior to offering a home to ensure affordability and sustainability of the tenancy.

## Support Needs

When support needs are identified, and the applicant is involved with a statutory or voluntary agency, an appropriate support package should be in place before an offer can be made. This can be an interim support package.

## Adapted Homes

Selwood Housing wishes to be flexible about how we manage and let our adapted homes and this policy aims to compliment the adaptations policy.





# Appendix A – Policy detail

## Under Occupation

We will aim to maximise the occupancy of our properties; this means ensuring that under occupation is used in only limited circumstances.

## Transfers

We will support transfers where there is an identified housing need and will encourage transfers through the relevant choice-based lettings scheme. We will consider making a direct let if the circumstances meet the criteria detailed in **Appendix D** and there are no outstanding breaches of tenancy.

## Management moves

These cases will require an exceptional circumstance to be evidenced in support of urgent rehousing.

## Armed forced covenant

As signatories to the Armed Forces Covenant, we will support local authority partners to improve access to social housing for veterans and their families.



## Appendix B – Housing need categories

There is a housing need if a move to one of our properties will improve the living condition of the applicant and their family, the quality of their lives or the lives of someone they are supporting.

Below is a list which includes examples of what would constitute a housing need (non-exhaustive):

- Medical need – (physical or emotional) a move to alternative housing will improve the medical condition of the applicant or a member of their household.
- Support needs – to give or receive support which will improve quality of life and independent living.
- Statutory homeless.
- Tenancy succession when the property is not suitable, more extensive or has adaptations that are not required for the needs of the remaining household.
- No fixed accommodation.
- Insecurity of tenure – under notice to leave.
- Under occupation.
- Overcrowding (based on our eligibility criteria in appendix C).
- Sharing facilities with people who are not part of the household.
- Lacking basic facilities such as a kitchen or bathroom.
- Harassment.
- Affordability issues – Struggling to afford to run the current home, look after the household and to maintain financial responsibilities and a move will alleviate poverty.
- To move from supported accommodation to independent living accommodation.
- Applicant is at risk of violence, emotional abuse, or exploitation in current accommodation.
- To sustain employment or take up stable (secured fixed term or permanent) employment or, training or education.
- Leaving the care system.
- Social isolation.
- Housing in disrepair when it is unlikely the condition will or can be improved.
- Special circumstances such as witness protection or refugee programme.



## Appendix C – Property eligibility

Maximum occupancy for each property will be considered in line with the tenancy agreement to prevent overcrowding.

The types of accommodation that will usually be offered to different sized households are set out below. Exceptionally we may offer accommodation with an extra bedroom for the household's needs where the applicant is not in receipt of basic working age benefits and can afford to pay the spare room subsidy, and/or depending on the ages and sex of any children within the household.

<b>Applicant</b>	<b>Accommodation</b>
Single person	Studio 1 bedroom flat 1 bed house
Couple	1 bedroom flat 1 bed house
Joint applicants, (separate households e.g. 2 adult siblings or friends) or applicant with an adult child	2 bed flat or bungalow if one of them meets the relevant supported living accommodation criteria.
Single person or couple with 1 child	2-bedroom flat 2-bedroom house
Single person or couple with 2 children of same sex under the age of 16	2-bedroom flat 2-bedroom house
Single person or couple with two children of same sex where one is above the age of 16	3-bedroom house
Single person or couple with 2 children of different sex under the age of 10	2-bedroom flat 2-bedroom house
Single person or couple with 2 children of different sex where one child is over the age of 10	3-bedroom maisonette/flat 3-bedroom house



## Appendix C – Property eligibility

Single person or couple with 2 children and are expecting their third child, or already have 3 children	3-bedroom maisonette/flat 3-bedroom house 3-bedroom parlour type house (separate dining room)
Single person or couple with 4 or more children	Suitability will depend on bedroom sizes and maximum occupancy allowances. 3-bedroom house (large bedrooms) 3-bedroom parlour type house

General needs bungalows will be advertised to all applicants on the housing register, in the first instance. Where applicants with level access needs are identified then these will be given priority over applicants in the same band. If no suitable applicants are found, then the difficult to let strategy will be implemented.

- We will not normally offer a house with a garden to an applicant unless they have at least 1 dependent child because this would not be best use of our stock unless due to their household size or specific circumstances other types of accommodation are not available or suitable. We consider a dependent child to be aged under 18 years old.
- We generally do not allocate an upstairs flat within a general needs block of flats or a sheltered scheme to someone who cannot manage stairs and who would need to rely on a lift to access their flat.
- An extra bedroom will be allowed for an overnight carer or a disabled child where the need is evidenced, or for a fostered or adopted child and the property is deemed affordable.
- Properties at Navigator Close, Towpath Road, and Harford Street in Trowbridge will only be allocated to a household with a child under the age of 10 because the size of the second bedroom is small. Each vacancy will also need to be assessed to determine whether the first bedroom can be occupied by one or 2 adults.
- Properties that are significantly adapted for disabled occupants or which have been purpose built for the disabled should be advertised for an applicant requiring the facilities at least twice. Contact with local occupational therapists should also be made to identify potential applicants.



## Appendix C – Property eligibility

- Properties that have limited adaptations i.e. ramps or walk in showers should be advertised in the first instance for an applicant that will benefit from the alterations. If there are no bidders requiring the specific adaptation it can be offered to someone else who has applied on this shortlist or be re-advertised to normal categories on the second advert. The successful applicant must be happy to accept the adaptation as part of the home. Applicants still need to meet the basic criteria for the property type e.g. age or medical need for a bungalow.
- We will follow the local authority's criteria for extra care housing unless the vacancy is designated as difficult to let when normal sheltered housing criteria will be applied.
- An expected baby will be considered when assessing minimum bedroom requirements. For example, an applicant expecting their first child will need a 2-bedroom property. An applicant expecting their third child will require a 3-bedroom property. However, the property also needs to be suitable in terms of affordability.
- A child can only be considered for accommodation purposes providing they are residing permanently with the applicant who is their main carer. Where care is shared the main carer is the parent or guardian who receives the child benefit.



## Appendix D – Direct lets

We will make direct offers of accommodation in the following situations:

- In line with our Anti-social behavior Policy incorporating Domestic Abuse Policy and Harassment and Hate Crime Policy.
- In line with our succession policy when a successor or household member is required to move to more suitable accommodation by way of a direct let.
- When a tenancy is going to end leaving someone in the property who has lived at the address for some time but does not have the legal right to remain and who is vulnerable and less able than most to secure suitable alternative accommodation. This will assist the local authority in preventing homelessness.
- When an existing customer has an urgent need to move – for example by taking up a hospital bed because their accommodation is unsuitable.
- For lettings and move on from special housing projects such as the under shared accommodation pilot.
- Where an applicant or existing customer has been successful in an appeal against an earlier decision to refuse accommodation
- When an applicant or existing customer has been offered a property, but the property is no longer available, and they have suffered a loss as a result.
- To an existing customer who requires significant adaptations to their current accommodation (over £5000 or several elements of the property will need to be adapted) or an applicant with specific needs which are best met by a direct let.
- To a customer who no longer requires the adaptations in the property they live in and a suitable household has been identified who would benefit from the adaptations.
- To an applicant on the Council's housing register who has complex needs and requires a significantly adapted property.
- When a property has been purpose built for an applicant or customer.
- For a significantly adapted property to a homeless applicant as temporary accommodation until a suitable household can be identified.



## Appendix D – Direct lets

- To make best use of our properties. Examples would include if they are under occupying a home which is in demand.
- An existing customer of Selwood Housing who is subject to the spare room subsidy, is in rent arrears and meets the criteria set out in the Lettings policy.
- To an existing customer whose children are subject to child protection plans and housing has been identified as having a significant impact on the future safety and welfare of the family.
- In exceptional circumstances where appropriate approval has been given.
- Customer needs to be decanted from their home temporarily or permanently due to repairs required or to support development, refurbishment, redevelopment, disposal of stock, change of use of a site/scheme.
- To applicants for schemes with specialist support which are not advertised through choice-based lettings e.g. Rowan House.
- Requests by the Council to assist with the provision of permanent or temporary accommodation in emergency situations such as fire or flood or exceptional cases of acute housing need (homelessness when temporary accommodation is not available or suitable or very urgent medical cases).



## Appendix E – Refusals

Offers of accommodation can be refused, or delayed for the following reasons:

### Housing debt:

The applicant, or their partner owes us any form of debt. This includes statute barred debt. All debts must be paid before an applicant can be considered (except where the local authority have confirmed they will clear the debt).

If the applicant owes housing debt to an existing or previous landlord, we will expect them to have maintained a repayment plan for a minimum of 6 months for each debt. This is reduced to 3 months for applicants in acute housing need (band 1 or equivalent).

### Anti-social behaviour:

Any current or former Selwood customer (rented, leaseholder, shared owner) or a member of their household if they have been responsible for anti-social behaviour in the last 2 years. If the anti-social behaviour was longer ago than 2 years, we will want to see demonstrable evidence of changed behaviour and ability to maintain a tenancy. An offer of accommodation will not be in the same locality as where any anti-social behaviour was perpetrated.

### Criminal offending:

Any current or former Selwood customer (rented, leaseholder or shared owner) or member of their household or their visitor has been convicted of a serious criminal offence (within the meaning of Schedule 2A Housing Act 1985) within the last 5 years.

### Applicant fails to engage in the letting process:

Applicants who fail to respond to requests, offers of support around accessibility or attend appointments will be refused.

### Unacceptable behaviour to staff:

Applicants who behave in an unacceptable way towards colleagues and contractors will be refused and will not be rehoused by Selwood Housing. This can include verbal abuse, physical aggression or behaviour that makes staff feel uncomfortable.

### Unsuitable property

Property is in our opinion unsuitable for the applicant. This will include but is not limited to its location or when significant adaptations will be required, and it is deemed unreasonable or other properties would be more suitable.

### Inadequate or inappropriate support available





## Appendix E – Refusals

The applicant does not have the appropriate support needs available or inadequate information to make the assessment.

### Affordability

The applicant cannot afford to pay the rent and run the home, or if they refuse to provide details of their financial circumstances (including authorisation for us to complete a credit check).

### Application

The details provided are inaccurate, misleading, or missing which would impact the applicant's housing need. A failed landlord reference and/or fraudulent information.

We will withdrawal an offer of accommodation if any of the refusal reasons are identified, after the offer has been made.

### Social housing fraud:

We will take all social housing fraud seriously. A number of Acts make it a criminal offence to engage in social housing fraud, including the Fraud Act 2006. If an applicant (whether new or an existing tenant) provides false information, withholds information or allows a third party to provide false information on their behalf, we will support any local authority criminal prosecution, may withdraw any offer of accommodation, recover possession of any tenancy obtained and where appropriate seek an order that a tenant repay any unlawful profit made.