



## ACCESS TO HOMES POLICY

**This document outlines Westfield Housing Association's policies  
in respect of the allocation of tenancies**

<b>Version History</b>		
April 2015	Slight amendment to Section 12 - 12.10 and removal of Section 12 - 12.11	GH
November 2015	Slight amendment to Section 17 - 17.10 include specific criteria for the Cockermonth parish as per ABC's Local Lettings Policy	LC
October 2016	Amendments to Mutual Exchange (Section 4) due to Localism Act 2011 and updated Policies and Procedure	LC
July 2017	Slight amendment to Transfer 3.4	GH

# 1. MAIN PRINCIPLES

- 1.1 Westfield Housing Association aims to provide good quality homes at reasonable rents for those people in the greatest need and who are least able to solve their own housing problems.
- 1.2 Anyone aged 16 or over can apply to be registered on the Association's housing waiting list. In providing homes and housing services, we aim to ensure that everyone is treated fairly and has equal opportunities. We will not discriminate on such grounds as age, race, ethnic group, colour, gender, marital status, sexual orientation, nationality, religion, physical disability, or H.I.V. status.
- 1.3 In deciding the priority of applicants, we look closely at the housing needs of each case.
- 1.4 In assessing applications for the waiting list, the income, capital, savings, employment status or tenure status of the applicant's household is not taken into account. Furthermore, the ability of an applicant to pay rent and any other charge will not be taken into account. However, the ability of a household to solve its own housing problems will be a relevant factor in the allocation process.
- 1.5 The Association is committed to tackling homelessness and will assist local authorities in meeting their duties towards the homeless.
- 1.6 The Association is committed to consulting and co-operating fully with local authority partners.
- 1.7 The Association is committed to responding to tenants' requirements for mobility and participates in national and local mobility and exchange schemes.
- 1.8 The Association welcomes referrals from other agencies; for example, social services, health authorities, probation services or voluntary groups.
- 1.9 The Association considers it has a responsibility to existing tenants. Transfer applicants are considered for all suitable accommodation requested when such property becomes available.

- 1.10 In deciding the priority of applicants, no account is taken of the date of application, except in the very rare case of those applicants considered to have an identical degree of housing need.
- 1.11 Wherever possible, the Association visits an applicant in their existing home environment in order to ensure that all applicants are being assessed on essential and comparable information.
- 1.12 Only in exceptional circumstances (for example, where a clear arrangement has been made to repay the debt) will an applicant with an outstanding debt to this Association, or to another housing association or local authority, be allocated a tenancy.
- 1.13 In allocating its properties, the Association seeks to ensure the best use of its housing stock by avoiding excessive under-occupation; i.e. two or more bedrooms surplus to household requirements. Where under-occupation is likely to occur, either immediately or in the foreseeable future, the sustainability of the tenancy (given potential restrictions to welfare benefit) may be a consideration in the allocation decision.
- 1.14 Applicants with large pets, such as a cat or dog, will not be allocated a tenancy of a flat with an entrance shared with other flats, except in the following circumstances:
- a) the applicant does not intend replacing the pet when it dies; or
  - b) the pet is a guide dog.
- 1.15 Only in exceptional circumstances will a household with a child under 10 years of age be allocated a tenancy of a flat above ground floor level.
- 1.16 In order to allow flexibility in dealing with local housing or social conditions, elements of the lettings policy may be amended or refined. For example, where an area is identified as suffering from severe “social” problems (such as crime, harassment, vandalism) a particular approach to allocations may be adopted to allow greater sensitivity to be exercised in the allocation decision.

- 1.17 The Association will respect any “local lettings policy” of a local authority which may advise that to qualify for a property in certain areas (for example Cockermouth) the housing applicant must satisfy at least one of the criteria. The criteria will be listed in the “local lettings policy”.
- 1.18 Applicants have a right to see any information we have recorded about their application, although information provided by a third party (for example, a doctor or social worker) cannot be disclosed without that third party’s approval. All information given by or on behalf of the applicant is treated in the strictest confidence.
- 1.19 The Association has established appeals and complaints procedures for those applicants who are dissatisfied with decisions made or the service they receive.

## 2. ASSESSMENT OF APPLICATION/HOUSING

### NEED

- 2.1 All applicants are issued with a housing application form together with guidance notes.
- 2.2 Following the receipt of a fully completed application form and assuming all necessary and appropriate information has been provided, the housing need of the applicant is assessed and a Priority Category awarded:

A: high level of need;

B: medium level of need;

C: low level of need.

This is designed to ensure that the most urgent cases receive priority consideration in the allocation of a tenancy.

- 2.3 The Association is determined to avoid giving “false hope” to applicants. We will, therefore, reject those applicants with relatively low housing need when they have no realistic chance of

being assisted. This will usually happen where an applicant is seeking a home in an area where demand for our houses is very high.

- 2.4 Existing or previous tenants may be asked to provide a reference from their current or previous landlord. Where an applicant has not held a tenancy, a character reference may be requested from a professional person who has known them for at least two years. Where an applicant cannot provide a reference, information may be sought from the police through the information sharing protocol.
- 2.5 Where an applicant indicates that they have an unspent criminal conviction, further information may be sought about the offence from the police. Information gained will not automatically result in the applicant's exclusion but will be used to make an informed decision about any offer of a property.
- 2.6 The Association aims to notify applicants of acceptance onto the waiting list within 14 days of the receipt of the application form, although this cannot be guaranteed when further information has to be sought.
- 2.7 The Association reviews its waiting list on a regular basis to make sure it is up to date.
- 2.8 All rejected or cancelled applications are retained for 28 days pending an appeal against the decision. Such appeals should be directed to the Operations Manager. A further appeal may be made to the Director, and thereafter, to the Neighbourhood Investment Committee.
- 2.9 The Association has a detailed Complaints Procedure, a copy of which is available. This procedure should be used if an applicant is dissatisfied with the service or responses given.

### 3. TRANSFERS

- 3.1 As part of its responsibility to existing tenants, the Association accepts all transfer applicants onto its waiting list and such applicants are considered for all suitable accommodation requested.
- 3.2 Transfer applicants tend to have lower levels of housing need than direct applicants and, therefore, a simple comparison between the two categories of applicant is not justified. Rather, applicants are compared within their relevant category (i.e. a transfer applicant is compared with other transfer applicants on the basis of housing need, but not with direct applicants).
- 3.3 With regard to racial and other harassment, wherever possible, efforts will be made to resolve the situation without transferring the victim as detailed in our Anti-Social Behaviour Policy and Procedure. As a general rule, the Association will seek to move the perpetrator of any harassment rather than the victim. In serious cases of harassment, eviction of the perpetrator will be considered.
- 3.4 Only in exceptional circumstances and with the agreement of the Director will a tenant with rent arrears or with any other debt to the Association, or with a suspended possession order against their current tenancy, be included on the 'initial list' of applicants for consideration for a vacant property (see Allocation Process).
- 3.5 All transfer applicants included on the initial list for an allocation will receive a home visit and be advised of any repairs or re-decorations which need to be carried out before they can be granted a new tenancy. Such works will relate to the tenant's obligations in respect of internal decorations and repairs as detailed in the tenancy agreement. In addition, the Association may withhold consent to a transfer because the tenant has failed to fulfil any other obligation or requirement of the tenancy agreement.

## 4. MUTUAL EXCHANGES

- 4.1 All tenants of the Association have the right to exchange their home with another tenant of the Association, local authority or other housing association, providing the Association agrees in writing.
- 4.3 It is important to recognise that applicants may lose their current statutory rights as per the Localism Act 2011. Further details are in the Mutual Exchange Policy and Procedure.
- 4.4 Before a mutual exchange can take place, an application form must be completed in respect of those moving into an Association property. In addition both partners to the exchange will be visited by the Association, where possible, and a report will be obtained from the incoming tenant's landlord where appropriate.
- 4.5 No exchange can take place without the approval of the Association in writing. Such approval will clearly advise the incoming tenant that they are, in effect, taking over the outgoing tenant's responsibilities in respect of any breaches of the tenancy agreement. In particular, the Association will accept no responsibility to repair damage caused by the outgoing tenant's misuse or neglect. It is, therefore, the responsibility of the incoming tenant to ensure that the property is in good repair before accepting the tenancy.
- 4.6 The Association may withhold consent to an exchange until the Association's tenant has fulfilled an obligation or requirement of the tenancy (for example, to keep all internal fittings in good repair).
- 4.7 The Association may refuse consent to an exchange in, for example, the following circumstances:
- a) the tenant or proposed exchange partner has a possession order outstanding against them or a notice of seeking possession still in force;

- b) the incoming tenant would substantially under-occupy the property (i.e. by two or more bedrooms);
- c) the property is not suitable to the needs of the incoming tenant, including accommodation size;
- d) the accommodation is provided for disabled people or people with special needs and the incoming tenant does not meet the established criteria.

## 5. HOMELESSNESS AND LOCAL AUTHORITY

### NOMINATIONS

- 5.1 The Association is committed to working closely with local authorities and seeks to participate fully in any liaison groups or partnership arrangements. The Association has a Service Level Agreement with Allerdale covering nomination arrangements.
- 5.2 The Association is determined to contribute as fully as possible to the fight against homelessness and gives the highest priority to applicants classified as statutorily homeless.
- 5.3 Applicants will only be classified as statutorily homeless if they have been assessed as such by the local authority and formally nominated to the Association.
- 5.4 Statutory homelessness is defined in the Housing Act 1996. In simple terms, applicants must fulfil all of the following criteria to be classed statutorily homeless:
  - a) they must be currently homeless or about to become homeless within 28 days;
  - b) they must be in priority need, i.e. -

- (i) have lost their home through an emergency; or
  - (ii) have dependent children; or
  - (iii) be pregnant; or
  - (iv) be sick, elderly or disabled; or
  - (v) be otherwise vulnerable.
- c) they must not be 'intentionally' homeless.

5.5 Defining applicants as homeless is not easy. However, it is likely that the following types of applicant would be so defined:

- a) applicants with no accommodation they are entitled to occupy (including those describing themselves as 'of no fixed abode');
- b) a hostel/institution resident requiring 'move-on' accommodation;
- c) an applicant who has accommodation but who cannot gain entry to it, or where occupation would put the applicant at risk of violence;
- d) an applicant living in emergency/temporary accommodation (e.g. women's refuge, bed and breakfast);
- e) an applicant who has been or is about to be evicted from their current accommodation;
- f) a family who are normally together but who, due to lack of suitable accommodation, are forced to live apart;
- g) an applicant whose accommodation is movable (e.g. a caravan or houseboat) and there is nowhere to place it;

h) an applicant who has accommodation but it is not reasonable to continue to occupy it (e.g. due to physical condition, overcrowding, type of accommodation, costs or security of tenure).

5.6 In order to minimise delays in re-housing, where a local authority nominates an applicant as statutorily homeless (or so threatened) the Association will not necessarily require a home visit to be carried out as part of the housing need assessment.

5.7 The Association has the right to refuse to accept any nomination if such a nomination would be contrary to this Access to Homes Policy with the exception of nominations made in respect of Homeless Priority Needs Households, as determined in the Council's Housing Allocations Policy.

All nominations made in respect of Homeless Priority Needs Households will be accepted by the Association unless accepting the nomination will put at risk from violence or harm either the applicant or member of the immediate community where the applicant is to live.

Evidence of such risk will need to be provided by the Association and to have been verified by the Police.

5.8 The Association also gives a degree of priority to applicants who are homeless or threatened with homelessness within 3 months, but who have not been formally nominated by the local authority as statutorily homeless – such applicants being classified as 'other homeless'. The Association recognises that a large proportion of the single homeless are likely to fall within this non-statutory category.

## 6. MOBILITY SCHEMES/AGENCY REFERRALS

6.1 The Association accepts a responsibility to support national and local mobility for tenants as well as to support statutory or voluntary agencies dealing with clients who may experience housing need.

- 6.2 As in the case of local authority nominations, it is essential that referrals fall within the Association's Access to Homes Policy and are in housing need.
- 6.3 Referral agencies dealing with clients who need support are required to provide that support after the client has been housed. In the case of applicants aged under 18, agencies should provide a rent guarantee.
- 6.4 Referrals which may be considered to fall within the "Care in the Community" regime should be allocated a tenancy only when a Support Agreement has been established for that referral. The Association must be identified as a key participant within any Care Plan (which should also form part of the Support Agreement).
- 6.5 The Association will not normally grant a tenancy to anyone aged under 18 without an appropriate support package being in place.

## 7. ELDERLY PERSONS

- 7.1 The Association provides schemes for the more active elderly who should be aged 55 or over.
- 7.2 On occasions, people below the minimum requirement age may be left in sole occupation of a property which has been specifically provided to meet the needs of the elderly. When this occurs the Association may seek to re-house the "under-age" occupier(s) in order that the property may be re-allocated to people over the minimum requirement age.
- 7.3 The issue of the re-housing of "under-age" occupiers will be treated with extreme sensitivity by the Association. Prior to identifying any suitable alternative accommodation, the question of a move will be raised with the occupiers and their needs and preferences discussed. The Association will endeavour to ensure that any move is made by mutual agreement.

## 8. MEDICAL ISSUES

- 8.1 Applicants who indicate that their housing need is increased by medical condition will be awarded priority if it is considered that re-housing would improve the medical condition or relieve stress and make the illness or disability more manageable.
- 8.2 Where the illness or condition is degenerative/terminal, the suitability of a property to the long term needs of the applicant will be an important factor in the allocation decision. The possible future need for accommodation to provide space for a carer, or for medical equipment, will be taken into account.
- 8.3 The Association has a number of properties adapted to meet the needs of disabled people and, in allocating these properties, the tenancy will generally be granted to the disabled applicant(s). On occasions, able-bodied people may be left in sole occupation of such a property. When this occurs, the Association may seek to re-house the able-bodied occupier(s) in order that the property may again be available to meet the needs of disabled people.
- 8.4 The issue of the re-housing of able-bodied occupiers will be treated with extreme sensitivity by the Association. Prior to identifying any suitable alternative accommodation, the question of a move will be raised with the occupiers and their needs and preferences discussed. The Association will endeavour to ensure that any move is made by mutual agreement.

## 9. BOARD MEMBERS, STAFF MEMBERS AND CLOSE RELATIVES

- 9.1 The Association aims to be scrupulously fair in the allocation of its properties to Board members, members of staff, and their close relatives (being defined as spouse, parent, grandparent, child, grandchild, brother or sister).

9.2 Accordingly, where such an application is received:

a) the decision to accept the applicant onto the waiting list is made by the Operations Manager, following a review of the initial assessment of the housing application; and

b) the permission to grant a tenancy to the applicant will be given by the Association's Board.

9.4 Throughout the assessment and allocation processes, the person in question will receive exactly the same consideration, in respect of their housing need, as any other applicant.

## 10. EQUAL OPPORTUNITIES

10.1 In providing homes and housing services, the Association aims to ensure that everyone is treated fairly and has equal opportunities. We will not discriminate on such grounds as age, race, ethnic group, colour, gender, marital status, sexual orientation, nationality, religion, physical disability, or H.I.V. status.

10.2 In order to ensure the maintenance of equal opportunities, ethnic records are kept so that performance may be monitored at certain stages in the application and allocation process.

10.3 Applicants are requested to indicate on the housing application form their ethnic origin and their colour. Failure to provide this information will not affect the assessment of the application.

10.4 The classification system adopted in respect of ethnic monitoring is that used in the 'CORE' system for recording lettings and is:

### **Ethnic Origin**

### **Colour**

Asian

Black

Caribbean	White
African	Other
South East Asian	Mixed
British/European	
Irish	
Other	
A Combination	

## 11. HOME VISITS

- 11.1 Wherever possible, the Association visits applicants in their existing home environment in order to ensure that all applicants are being assessed on essential and comparable information.
- 11.2 The structure to the home visit is provided by the Home Visit Report form which enables an officer of the Association to check elements of housing need and also prompts further investigation to guide the final allocation decision.
- 11.3 The primary objective of the home visit is to assess the housing need of the applicant. Any additional information gained through such a visit is essential in the final comparison of applicants which precedes the allocation decision.
- 11.4 The home visit also provides the opportunity to more fully explore any alternatives open to the applicant to resolve or ease their housing difficulties, often without having to move home.
- 11.5 Whilst the initial assessment of any application does not involve consideration of income, capital, savings or employment status, the home visit provides the opportunity to explore fully the ability of the applicant to solve their own housing problems. Clearly, in this regard any equity which can be realised through the sale of the applicant's current property (if they are the owner) may be highly relevant.

- 11.6 A further objective of the home visit is to explain the aims and objectives of the Association and how it is achieving them in the area. The suitability of the Association's stock to the applicant's requirements should be fully discussed, as should financial matters such as Association rent levels and possible welfare benefit entitlements.
- 11.7 It is important to recognise that the home visit may identify subjective issues such as life style or degrees of cleanliness. Such issues do not affect the assessment of housing need, although they may well be relevant factors in the allocation decision (for example, it would be poor management practice to allocate a flat above a quiet elderly tenant to an applicant with a clearly disruptive lifestyle).

In certain cases, the home visit may prompt the involvement of statutory or voluntary agencies (e.g. social services) in the provision of support to the applicant.

- 11.8 Following the home visit, the priority category of the applicant will be reviewed and, where appropriate, revised. Applicants who are found to have deliberately provided misleading information may have their application cancelled.

## 12. ALLOCATION PROCESS

- 12.1 As a tenancy becomes available for allocation, the Association will produce an 'initial list' of applicants for consideration. These applicants will consist of those with needs, requirements and preferences which appear to match the available property. They should also include any nominations made by the local authority for that specific, or type of, property.
- 12.2 In compiling the initial list, the Association will consider those transfer applicants and direct applicants with the highest priority. It is important to note that, because transfer applicants are likely to have lower levels of housing need than direct applicants, a simple comparison between the two categories of applicant is not justified. Rather, applicants should be compared within their own category only (i.e. a transfer applicant should not be compared with a direct applicant on the basis of priority category alone).

- 12.3 In addition to those applicants with a high priority, the Association will also be mindful of the need to meet arrangements or targets made in respect of the following:
- a) local authority nominations;
  - b) local lettings policies;
  - c) mobility scheme/agency referrals; and
  - d) equal opportunities, if appropriate.
- 12.4 The final composition of the initial list of applicants should reflect the considerations in 12.2 and 12.3 above and will normally comprise between three and six applicants.
- 12.5 Home visits, where appropriate, will be carried out on all those on the initial list who have not recently been visited.
- 12.6 Following the home visits, an offer list will be produced to include all those applicants who remain in housing need.
- 12.7 Consideration of the offer list will decide the order of priority to be attached to each applicant based on the degree of housing need being experienced, the applicant's requirements and the suitability of the property available.
- 12.8 In considering the suitability of the property available to an individual applicant, the Association will be mindful of the need to ensure its communities remain stable and without social conditions that put at risk either residents or the value or lettability of its houses. In particular, the Association will seek to ensure that it does not create concentrations of people who may either have difficulty in sustaining their tenancy or indicate the risk of anti-social behaviour.
- 12.9 Also, with the aim of community stability, priority may be given to someone with a local connection to the particular area. Local connection means, for example, currently residing or working in the area or with a close family or historical connection.

- 12.10 The ability of an applicant to pay rent and any other charge will not be taken into account at any time in the allocation process other than as part of the discussion with the applicant at the point of offer of accommodation.
- 12.11 In line with decisions taken, an offer of accommodation will be made to the selected applicant.
- 12.12 If an offer of accommodation is refused, the Association will consider whether or not the offer was of suitable accommodation and whether or not the reasons for refusal were reasonable. If it is decided that an offer of suitable accommodation has been unreasonably refused, the application may be cancelled and the applicant informed accordingly.

## 13. EXCLUSION OF APPLICANTS

- 13.1 In exceptional circumstances, the Association may exclude applicants from entry onto its waiting list and/or consideration for certain properties, for example:
- a) if there is evidence that the applicant or person(s) named on the application for housing has:
    - i) engaged in anti-social behaviour;
    - ii) had serious rent arrears;
    - iii) abandoned or wilfully damaged the property;
    - iv) caused racial or other harassment; or
    - v) given false information that the Association would rely upon in reaching their decision to grant a tenancy.

- b) if the applicant or a member of their household has threatened or committed acts of violence against staff or other members of the community;
- c) if the applicant will be unable to meet the conditions of the tenancy agreement without additional support and the support needed is of a type or level which the Association cannot provide and has been unable to encourage another body to provide.

## 14. ACCESS TO INFORMATION/APEALS AND COMPLAINTS PROCEDURES

- 14.1 The Association acknowledges that applicants will need to submit detailed and sensitive personal information in support of their application and undertakes to treat such information as strictly confidential.
- 14.2 Applicants (and tenants) have a legal right to check any information they have provided themselves in support of their application. In addition, the Association gives applicants the right to see any information we have recorded about their application (including information held on computer). However, the Association will not be able to disclose information provided by a third party (for example, a solicitor or doctor) without that third party's approval.
- 14.3 Applicants wishing to view information held should give the Association at least 40 days notice and should bring proof of identity in order to ensure confidentiality is preserved. This information will be provided at a cost to the applicant of £10.
- 14.4 In order to ensure fairness, applicants are free to appeal against decisions at all stages of the application and allocation process. Such appeals should be directed, in the first instance, to the Operations Manager. If an applicant should continue to be unhappy with a decision made, or explanation given, then a further appeal should be made to the Director and, thereafter, to the Association's Neighbourhood Investment Committee.

14.5 In addition to the above appeals procedure, the Association also operates a detailed Complaints Procedure which allows complaints from tenants or applicants to progress, in stages, to the Association's governing body. A copy of the Complaints Procedure is available at the Association's office.

**October 2016**