

1. This policy sets out how we allocate our homes and the criteria we use. This policy applies to all social and affordable rented accommodation owned by The Guinness Partnership Ltd, Guinness Housing Association Ltd, Guinness Homes Ltd and Guinness Care & Support Ltd ('Guinness').
2. This policy does not apply to customers who are required to move as part of a redevelopment or regeneration programme. However, we will take this policy into account when preparing our housing offer to those customers.
3. The types of rent and tenancies we offer is set out in our Rent policy and Tenancy policy respectively.

## **The Guinness Policy**

4. It is our policy that we will:
  - Comply with all legal, regulatory and contractual requirements in the allocation of our homes
  - Co-operate with our local authority partners' strategic housing function, and their duties to meet identified local housing needs. This includes assistance with their homelessness duties and meeting obligations in nominations agreements
  - Offer homes to people who fall within our charitable aims and whose housing needs are not adequately served by the private sector
  - Ensure that our allocation decisions are fair and transparent
  - Have clear application, decision-making and appeals processes
  - Ensure that existing and potential customers can access the allocations service
  - Provide support to customers along with clear and relevant advice about their housing options to enable them to make informed choices
  - Only ask for information necessary to allocate property and will treat all information confidentially in line with the General Data Protection Regulations
  - Make decisions in accordance with the requirements of the Equality Act 2010. This means that we will not discriminate against customers on the grounds of their age, disability, gender reassignment, marriage or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, or sexual orientation.

## **Background**

5. Guinness is a national housing association which provides homes to 66,000 households across 165 local authority areas in England. As a registered provider of social housing, we work with local authorities to provide housing in the areas we operate. We do this by offering a percentage of our available homes to people nominated to us by the local authority. The actual percentage varies. It is agreed with each local authority and then set out in a nominations agreement with each local authority. In most areas, this is 75% of our available homes in the local authority's area. However, in some areas or for new build properties it may be as high as 100%.
6. We are required by the Regulator of Social Housing to let our homes in a fair, transparent and efficient way that takes into account the housing needs and aspirations of tenants and potential tenants. Our lettings should:
  - Make the best use of available housing
  - Be compatible with the purpose of the housing
  - Contribute to local authorities' strategic housing function and sustainable communities.

## Further detail

The content of this policy is organised as follows:

- Section A:** Routes into a Guinness home
- Section B:** Eligibility (including homeowners and Guinness employees)
- Section C:** Other lettings criteria (local lettings and sensitive lettings)
- Section D:** The application procedure (including bedroom standard and offers of accommodation)
- Section E:** Refusing or suspending an application or nomination (including grounds for refusal, and housing violent, sexual and other dangerous offenders)
- Section F:** Your Choice transfer scheme (including bidding, priorities and selection of applicants)
- Section G:** Management moves
- Section H:** Moves due to decanting, redevelopment or a regeneration programme
- Section I:** Allocations through direct marketing
- Section J:** Right to review
- Annex 1** Definitions

### A: Routes into a Guinness home

7. There are two main routes into a Guinness home:
  - i. Potential tenants will be nominated to us by the local authority
  - ii. Existing tenants wanting to move to another Guinness home will use the Guinness “Your Choice” transfer scheme.
8. In addition, other allocation arrangements are in place. These are:
  - Arranging to move an existing tenant in exceptional or urgent circumstances. This is known as a ‘management move’
  - Allocating accommodation for specialist housing. This is done in line with specific allocation agreements
  - Allocating accommodation dedicated to members of the armed forces from a waiting list
  - Advertising a property through a letting agent or internet-based lettings service when all other allocations routes have been exhausted; and
  - Co-operating with the Home Office or other government body to provide emergency or other accommodation.

### B: Eligibility

*General eligibility – applies to all housing applicants*

9. We will accept applications from anyone aged 16 or over provided they have the right to rent and are habitually resident in the UK, or the Common Travel Area (Channel Islands, the Isle of Man or the Republic of Ireland).
10. We will accept housing applications from anyone aged 16 or 17 years provided that a trustee is in place before an offer of accommodation is made. Guinness will not act as a trustee.

11. We will only accept housing applications from someone without mental capacity if the application is for our supported or specialist accommodation and the applicant has a Lasting Power of Attorney (Property) in place or a Court of Protection Deputy has been appointed.
12. We will consider applications from certain people from abroad who have the right to rent and fall into one of the following categories:
  - Person with leave to enter or remain and have been awarded refugee, humanitarian protection or discretionary leave in the UK and is not subject to the condition that he or she cannot have recourse to public funds; or
  - Person who has leave to enter or remain in the UK i.e. has indefinite leave to enter or remain this applies as long as they are not subject to any limitation or control. They must be habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland; or
  - Certain Commonwealth citizens with a right of abode in the UK; or
  - Person who has leave to enter or remain in the UK and is not subject to any limitation or control and who is habitually resident in the UK, Channel Islands, the Isle of Man or the Republic of Ireland; or
  - Person who has been granted humanitarian protection under the immigration rules; or
  - EEA nationals, and their family members, who:
    - Were granted indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme; or
    - Have acquired limited leave to enter and remain in the UK (also known as pre-settled status) under the EU Settlement Scheme; or
    - Are lawfully residing in the UK by 31 December 2020, but have still to apply to, or acquire status under, the EU Settlement Scheme before the deadline of 30 June 2021; or
    - Were frontier working in the UK prior to 31 December 2020.

*Specific eligibility for existing tenants applying to transfer to another Guinness home*

13. The following customers are eligible to use the 'Your Choice' transfer scheme:
  - Those who hold an assured, secure or fixed-term tenancy (which, at the time it was granted, was for a duration of 5 or 6 years)
  - Those who are living in Guinness supported accommodation and hold a licence or an assured shorthold tenancy
14. The following existing customers are not eligible to use 'Your Choice' transfer scheme:
  - Those who are in the starter period of their tenancy
  - Those who hold an assured shorthold tenancy or a licence other than those detailed in the above paragraph
  - Those who hold a demoted tenancy
  - Those who would be ineligible for social housing; and
  - Where we have agreed with the local authority that they may nominate 100% of applicants to us. In these circumstances the customer would need to apply directly to that local authority.

#### *Homeowners*

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

#### *People living in our homes who are not existing tenants*

16. We will not offer accommodation to a person occupying one of our homes who has not accessed social housing via one of the routes detailed in paragraphs 7 and 8 above.
17. Only in exceptional circumstances will we consider offering a tenancy to such a person living in one of our homes. We will only consider this type of allocation if the person is a family member of the tenant or a closely connected person, and:
- They have lived in the property on a permanent basis as their only home for 12 months and
  - They are eligible for social housing and
  - They are in priority need for social housing.

#### *Guinness employees, Board members and their relatives*

18. Guinness will not normally accept direct applications from its employees, Board members and their relatives or any individual with a significant personal relationship with an employee or Board member.
19. Any such application for social housing with Guinness must be made through a local authority nomination scheme. We may make an exception where a direct application is made for a low demand home via an external letting agent or internet-based lettings service. The application will be subject to a greater degree of scrutiny and approval and assessed in accordance with the Code of Conduct for employees and Board.

### **B: Other lettings criteria**

#### *Local lettings*

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

#### *Sensitive lettings*

21. We may class a property, or properties, as requiring a sensitive letting if we need to set a lettings criterion for a property or a specific group of properties. This may occur where there has been an eviction, ongoing anti-social behaviour or where we have received a request from our statutory partners not to house certain individuals at specific locations.

**C: The application process**

- 22. All new and existing customers applicants will be asked to complete an application form and medical assessment form (if applicable) over the telephone. We will also provide application forms on-line or in paper form if required.
- 23. If the application form is not suitable for the needs of the individual, we will provide the information and an appropriate format or language. For example, this would apply to customers with partial or sight-loss, hearing impairment, literacy or learning difficulties.
- 24. All new and existing applicants will be asked to undertake a financial assessment before an offer of accommodation is made. This serves four purposes:
  - i. To ensure our homes are allocated to people who cannot afford accommodation in the private sector
  - ii. To ensure our charitable aims and criteria are met
  - iii. To assess the applicant’s ability to pay the rent; and
  - iv. To offer advice and assistance on the payment of rent where appropriate.

*Household members*

- 25. When assessing the housing application, we will only take the applicant’s household members into account. A household member includes the main applicant’s civil partner, partner or spouse; children (including fostered, adopted or step-children); and close relatives including parent, sister and brother.
- 26. We will consider extended family members provided the applicant can provide evidence that they are permanent members of the household.
- 27. We do not consider a lodger or a person sub-letting (or part sub-letting) as a member of the household.

*Bedroom Standard - applies to all housing applicants*

- 28. The size of accommodation we will offer is determined by the household composition:

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

We will expect that:

- Each married or cohabitating couple will have a separate bedroom;
- Young persons 16 years and over will have a separate bedroom.

We will permit a bedroom to be shared by:

- Persons 10 years of age or over of the same sex;
- Children under the age of 10 years regardless of sex.

We will not permit:

- Children who are 10 years of age and over and are of different sexes to share a bedroom.

29. We will take account of an expectant mother and her child provided there are no other children in the household. In all other cases we will take account of the child when it is born. The calculation of the number of bedrooms required is based on the age and sex of each child.
30. We will not allocate a property where the household composition exceeds the English Housing Survey Bedroom standard (See definition at Annex 1). The exception to this is if we need to accommodate a large household. In these circumstances we may allocate a property provided the limits set out in s.325 and s.326 Housing Act 1985 are not exceeded.
31. We will take into account the need for an additional bedroom where:
- The applicant receives support from carers who do not reside with them but need to stay overnight;
  - The applicant is a current or prospective foster carer or adoptive parent(s); or
  - There are medical reasons for requiring an additional bedroom.

We will ask applicants to provide evidence of their need for the additional bedroom.

#### *Shared parenting arrangements*

32. We will accept children as members of the household where formal shared child parenting arrangements are in place. A formal shared parenting arrangement includes a court order or written confirmation of the shared childcare arrangement from a recognised mediator or solicitor.
33. We would not normally take children into account where an informal shared parenting arrangement is in place.
34. We reserve the right to limit the number of bedrooms allocated to ensure that the best use is made of our homes.
35. We may, subject to availability, offer bigger accommodation in areas of low housing demand provided the customer can meet the affordability criteria.

#### *Number of offers made to applicants nominated by the local authority*

36. Once we receive a nomination, we will verify the information concerning the nominees' identity, housing history and current circumstances to ensure that they are entitled to, and suitable for, the home for which they have been nominated.
37. Where nominated applicants do not meet our criteria, or the local authority does not provide the relevant information required to enable us to fully assess the nominated applicant, we may refuse the nomination and explain our reasons for doing so to the local authority.
38. We will make an offer of accommodation in line with local authorities' nominations and choice-based letting agreements, where they are in place.



39. Where the applicant is statutorily homeless, we will only make one reasonable offer of accommodation in line with the s.193 Housing Act 1996. Where there is a dispute, we will refer the applicant back to the nominating local authority.

#### **E: Refusing or suspending an application or nomination**

40. We will not adopt a blanket ban when refusing or suspending an application or nomination, but will consider all applications individually based on the following:
- The seriousness, nature and age of the incident(s), breach of tenancy or debt
  - The applicant(s) individual and household circumstances, including any disabilities
  - The applicant(s) commitment to paying back the rent arrears or housing related debt where rent arrears or housing related debt apply.
41. We may suspend the application for an existing customer to the 'Your Choice' transfer scheme for any of the reasons mentioned in the above paragraph. We will review suspended applications annually.
42. We will co-operate with the local authority's policy on suspensions from choice-based lettings schemes or other waiting lists.

#### **Grounds for refusal**

43. We would normally refuse an application or nomination in the following circumstances:

##### *Behaviour*

- i. The applicant(s) or a member of the household has been evicted or eviction proceedings have begun by Guinness or any other social housing provider for breaches of the tenancy agreement;
- ii. Legal proceedings for any other breach of tenancy have commenced against the applicant(s) or any member of the household by Guinness or any other social housing provider;
- iii. The applicant(s) or a member of the household has a serious criminal conviction, and it is reasonable to conclude that if housed in that property it would pose a serious or significant risk of harm to employees, neighbours, the public, or contractors;
- iv. If we are satisfied that the applicant(s) or a member household is guilty of unacceptable serious behaviour enough to make them unsuitable to be a tenant. We will consider the following:
  - If there sufficient evidence that on the balance of probabilities (i.e. is it more likely than not) that the behaviour was serious enough to have entitled a social landlord to obtain a possession order, and
  - Whether it is reasonable to refuse the application based on the information provided taking into account the impact this allocation would have on the wider neighbourhood. For example, the person who caused the nuisance may no longer be a member of the household;

- v. If the applicant(s) behaviour amounts to unacceptable customer conduct caused by excessive demands on our service. This includes, but is not limited to, verbal or physical abuse, unreasonably demanding behaviour, vexatious complaints and using slanderous or libellous language;

*Rent, debt and affordability*

- vi. The applicant or the applicant's spouse, civil partner or co-habiting partner has outstanding rent arrears or other outstanding housing related debts owed to Guinness or any other social housing provider. We may however agree to move an existing customer who has been served a Notice Seeking Possession, or is subject to a suspended or postponed possession order if the rent arrears and housing debts are paid in full;
- vii. Where there is no reasonable prospect that the applicant will be able to afford the rent and service charge on that specific property. The applicant may apply for alternative housing or reapply if their circumstances change;
- viii. Where the allocation would not be in accordance with our charitable aims. This means that the gross income, savings and assets exceeds the Guinness financial threshold. In other words, the applicant(s) would be refused if they can afford accommodation in the private sector. For existing tenants their tenancy will not come to an end, but they will not be able to move to another Guinness property.

*Property*

- ix. The applicant(s) does not meet the eligibility criteria for a specific property, such as our older persons or extra care accommodation, or there is a local lettings or sensitive lettings plan in place. This refusal does not mean that the applicant will not be considered for another property;
- x. We will refuse the application if we cannot meet our obligations under any planning agreements or requirements, covenants or other legal restrictions. This refusal does not mean that the applicant will not be considered for another property;
- xi. We may refuse to move an existing customer if they have not kept to the terms and conditions of their tenancy, including but not limited to:
- Serious deterioration in the condition of the property;
  - Refusing access to the property to enable us to conduct a gas safety inspection.

*Support*

- xii. The applicant(s) cannot sustain a tenancy without the support of a third party and inadequate, short-term or no support is available.

We may complete an assessment of the applicants housing needs to ensure that the property is suitable for the applicant's housing needs. We expect tenants to be able to maintain their home and tenancy, to look after their personal care and have the ability to manage their own conduct, especially in relation to antisocial behaviour.

*Identity and fraud*

- xiii. The applicant(s) is not able to provide information to satisfy us of their identity or their right to rent or they are unable to provide us with information to enable us to assess their application;



- xiv The applicant(s) has made a false or fraudulent application either to us or to a local authority or has deliberately placed themselves in housing need;

#### **Violent, sexual and other dangerous offenders**

- 44. We will not exclude high risk offenders including those subject to a Multi-Agency Public Protection Arrangement (MAPPA) from accessing housing unless there is an unacceptable risk.
- 45. When assessing applications our overriding priority is the protection of the public, our residents, employees and contractors.
- 46. We will carry out a risk assessment for high risk offenders including those subject to MAPPA and where appropriate will work with other relevant agencies in assessing the risk. We will refuse an application where measures to mitigate the risk are not sufficient.
- 47. We recognise that high risk offenders may themselves become a target of harassment and other crimes. We will ensure that the health and safety of high-risk offenders and their household are taken into consideration.
- 48. We will ensure that sensitive information is managed securely and will safeguard the rights of individuals regarding confidentiality and privacy. We will only share and disclose information when the law permits and in-line with the General Data Protection Regulations.

#### **F: 'Your Choice' transfer scheme**

- 49. This section describes how Guinness customers wishing to move to another Guinness home will be able to use our transfer scheme called 'Your Choice'. In addition to 'Your Choice' customers may, if the rules permit, also apply to move using a local authority's own allocations scheme.
- 50. If an existing customer wishes to move to an area where we have agreed with the local authority that they are able to nominate 100% of applicants to us, customers will be unable to use 'Your Choice' and will only be able to apply to move through that local authority.
- 51. Customers who wish to use 'Your Choice' will be asked to register for the scheme. The date they register (the 'registration date') will be used, alongside any priority awarded for housing need, to determine the allocations shortlist. The customer with the highest priority who has been registered the longest will be invited to view the property and will have first refusal.

#### *Advertising properties*

- 52. We will advertise vacant properties on our website. The numbers of properties we can advertise will be based on the agreement we have with each local authority. In general, we can list 20% of all our vacant properties on our website.
- 53. Specific lettings criteria are attached to some of our properties. This may include legal restrictions, age restrictions for designated older person's accommodation or where we have introduced a local or sensitive letting policy. If the customer does not meet the necessary criteria they will not be shortlisted.

54. Due to the shortage of properties adapted or developed for people with disabilities preference will be given to those with appropriate needs and advertisements will clearly indicate which persons may express an interest.

#### *Bidding*

55. Customers will only be eligible to express their interest (or 'bid') on vacant properties if they have registered prior to bidding. Customers will be able to bid for a property in any area of their choice.
56. Customers who anticipate having difficulty bidding for a property can arrange for someone to bid on their behalf (a proxy bid). We will support customers who want to access the 'Your Choice' this way (see *Proxy bidding* below).
57. We will advertise properties on the website regularly throughout the week and the bidding will be open for 48 hours per bidding round (referred to as 'the bidding window').
58. There will be no restriction on the number of bids that a customer can make and there will be no restriction on the number of properties a customer can bid for. The exception to this is when a customer has been selected to view a property or is in the process of being offered accommodation. In these circumstances they would not be entitled to bid on any further properties.

#### *Proxy bidding*

59. We know that some customers may find our online transfer scheme harder to use than others. This may include customers who have low literacy skills, language or learning difficulties, mental health illnesses, no access to the internet, are in hospital, or otherwise find the bidding process difficult.
60. To ensure that all customers can access 'Your Choice' we will allow another person to bid on a customer's behalf. Alternatively, if there is no-one available to support the customer, our Applications Team can make bids on a customer's behalf if they wish.

#### **Application and prioritising**

61. At the end of the bidding window we will ask customers to complete an application form and medical assessment form (if applicable).

#### *Supporting evidence*

62. We will ask customers to supply evidence of their housing need. We may conduct a home visit to confirm the information provided in the application form.
63. If evidence is not submitted or the evidence is insufficient for us to be able to award priority or if a home visit has been refused, we will, after 14 days, place the customer in the low or no housing need category. The exception to this is if the customer has a complex medical condition and more time is needed to assess the housing need.

#### *Medical assessment*

64. Customers who have a medical need to move will be asked to complete a medical self-assessment form. If the circumstances are not clear, or the medical condition is complex, we will send the medical self-assessment form to an independent medical assessor.

- 65. Customers will need to be able to demonstrate that their current housing situation is having an adverse effect on their medical condition and that the condition would be substantially improved if they moved.
- 66. We will assess the evidence as a whole and grant the highest priority possible. Two or more categories of need within the same priority will not create a higher priority. For example, where the application indicates both overcrowding by one bedroom and a medium medical need, the customer will fall into the medium need category.
- 67. Where there is evidence of more than one household member having a priority need, the application will be awarded the highest individual priority. For example, if person one is assessed as having a medium priority and person two is assessed as having a high priority then high priority will be awarded.
- 68. Similarly, if more than one member of the household has a medical condition, the medical condition attracting the highest priority will be used when determining the level of priority for the application.
- 69. In exceptional and complex cases, we may consider a management move. This will be reviewed on a case by case basis.

**Priority bands**

- 70. We will prioritise customers in the following way based on the information provided.

<b>High</b>	Customers with significant and serious housing need
<b>Medium</b>	Customers with moderate housing need
<b>Low</b>	Customer with no or low housing need

- 71. To be placed in the **high priority band** one of the following will need to be met:
  - i. The customer needs to move quickly because there is evidence of significant and immediate problems associated with the occupation of their current home. There must be evidence of ongoing personal risk to the applicant or a member of the household, but it does not have to be urgent or imminent or there is a significant and insurmountable problem with the tenant's occupation of their current home.
  - ii. The current housing conditions are having a major adverse effect on the medical condition of the applicant or a member of the household and will be substantially improved by the move.
  - iii. The customer is overcrowded by two bedrooms. Overcrowding will be measured against The English Housing Survey Bedroom standard.
  - iv. The customer is under occupying their current home and wants to downsize by two or more bedrooms. The number of bedrooms being released will be decided by the tenant. They will be permitted to move to a smaller property even if they will be under occupying their new home.

72. To be placed in the **medium priority band** one of the following needs to be met:
- i. The current housing conditions are having a adverse effect on the medical condition of the applicant or a member of the household and will be substantially improved by the move.
  - ii. The customer is overcrowded by one bedroom. Overcrowding will be measured against The English Housing Survey Bedroom standard.
  - iii. The customer is under occupying their current home and want to downsize by one bedroom. The number of bedrooms being released will be determined by the tenant. They can move to a smaller property and still under occupy their new home.
  - iv. The property has been significantly adapted for use by a disabled person and the adaptation is no longer needed. For example, there is a wheelchair standard lift at the property or low-level cupboards.
  - v. Welfare and work. This applies when an existing tenant needs to move to be close to work (full-time or part-time) or to give or receive care on a permanent basis (this includes child care or caring for an elderly family member).
73. All other customers will be placed in the **no or low housing need** band. If the customers circumstances change and supporting evidence is provided, they may be reassessed and where placed in a higher priority

#### *Selection of applicants*

74. Provided they meet the eligibility criteria and pre-tenancy checks the customer with the highest priority will normally be invited to view the property. If they are not eligible or refuse the property, the next person on the list will be invited to view the property and so on.
75. Where two customers have the same priority the customer with the earliest 'registration date' will be invited to the view the property first.
76. In exceptional circumstances we may not invite the customer with the highest priority to view the property. This could occur where a customer has a very specific housing requirement, such as the need to install specialised disabled equipment and facilities.

### **G: Management moves**

77. This section describes how, in exceptional circumstances, we may agree to move an existing customer to another property outside 'Your Choice'. This is called a 'management move' and it is intended to be used when:
- i. A customer needs to move urgently due to the threat of or actual violence or harm. This applies when there is an imminent risk to them or a member of their household if they remain at that property or
  - ii. A customer needs to move in exceptional circumstances. There must be evidence of a significant and insurmountable problem associated with the tenant's occupation of their current home.

78. Where more than one household needs a 'management move' we will hold a waiting list and offer accommodation on a first come, first served basis. The exception is where there is evidence that the household is at immediate and significant risk of harm. In these cases, we may offer this household accommodation first.
79. We will make one reasonable offer of accommodation. If this offer is refused the customer will revert to bidding on 'Your Choice'.
80. A customer would normally remain on the 'management move' waiting list for twelve weeks. However, we may extend this period if, for example,
- We agree that a suitable property has not become available
  - We have received a recommendation from the police, social services or other statutory body
  - Domestic abuse is involved, and the customer is seeking a managed exit from the property.
81. Customers awarded a management move will be offered, if possible, a property of the same size and type. The exception to this is if to do so would result in:
- overcrowding or perpetuate overcrowding
  - the property continuing to have an adverse effect on the customer's medical condition

Where we are unable to offer similar accommodation we will offer accommodation based on the Bedroom Standard as set out in paragraphs 29-36 above.

#### *Refusals*

82. We do not normally allow customers to move to another Guinness property if they are subject to any of the grounds for refusal set out in this policy. In exceptional circumstances we may allow the move if there is clear supporting evidence that the customer or a member of their household is at immediate risk of serious harm.

#### **H: Moves due to decanting, redevelopment or regeneration**

83. Customers may be required to move if their current accommodation becomes uninhabitable, for example due to fire or if we are unable to undertake major repairs when the customer is still living in the property. In these circumstances we will offer temporary accommodation. This is not an allocation and will be arranged outside this policy. See Decant policy.
84. Customers who are asked to move as part of a redevelopment or regeneration programme will be made an offer of accommodation separate to this policy. To help facilitate these moves, we may use either 'Your Choice', or we may use management moves, or a combination of both.

#### **I: Allocations through direct marketing**

85. This section describes how we allocate a home when all other allocation options have been exhausted.
86. We will advertise a property through an internet or locally based lettings service direct to the public when:
- The local authority is unable to provide a nomination for the property;
  - The property cannot be let through a local authority choice based lettings scheme; and

- We are unable to let the property to someone on 'Your Choice' or any of our other waiting lists.

87. We will make it clear in all our advertisements the general nature of who we may let our properties as a registered provider of social housing and the requirement to satisfy our charitable aims.
88. All direct applicants will be subject to the same eligibility and allocations criteria as set out in this policy.
89. Existing customers will be able to apply for housing via direct marketing and they will be prioritised according to housing need as set out in this policy. When there are multiple applicants for a property from within the same priority, we will offer accommodation based on the date the expression of interest was received.
90. Where applicants have no housing need, we will offer accommodation on a first come first served basis.
91. If a Guinness customer applies for housing through the direct marketing route, we will prioritise them over non-Guinness customers.

#### **J: Right to review**

92. We will operate a review process for customers who wish to have an offer of accommodation or an allocations decision reviewed. Requests to review the allocations decision should be made within seven days of being notified of the decision.
93. A review will not be treated as a complaint but is in place to ensure that any decision made is reasonable and justified. The review will be conducted by a senior manager from Customer Services who was not involved in the original decision.
94. Where there is a dispute about an offer of accommodation, we will withdraw the offer and relet the property to ensure that rental loss is minimised.
95. We will ensure that alternative arrangements are made for applicants with impairments, learning difficulties or where English is not their first language. These applicants will not be prevented from making an appeal as a result of any such difficulties.

#### **Monitoring**

96. We will record all lettings as required by the Continuous Recording of Lettings (CORE) system. This does not include personal information.
97. We will publish on the website every quarter the lettings outcome from 'Your Choice'.

#### **Period of review**

98. Our review programme is driven by service improvement initiatives, changes to legislation, regulation, evolving good practice or feedback from customers and other key stakeholders. Typically, we review policies on a three yearly cycle.



### Key legal and regulatory references

- Housing Act 1985
- Housing Act 1996
- Housing and Regeneration Act 2008
- Equality Act 2010
- Regulator of Social Housing Regulatory Standards 2012
- Immigration Act 2014
- General Data Protection Regulations 2018

### Related policies

- Decant policy
- Diversity and inclusion policy
- Home loss and disturbance policy
- Tenancy policy
- Tenancy fraud policy

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<b>Policy approved by</b>	Principles approved by the Executive Team and policy approved by Trafford Wilson Executive Director of Customer Services
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<b>Policy effective from</b>	7 September 2020
<b>Policy review date</b>	July 2023
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<b>Policy owner</b>	Trafford Wilson Executive Director of Customer Services

### Version history

Version number	Review trigger	Brief description of the main changes
1.0	Single Core Systems	This was the first version of the policy.
2.0	Applications and lettings team restructure	To accommodate medical assessments, Change in EU status of Romanians, amendments to accommodate Localism Act.
3.0	Introduction of direct marketing	Direct waiting list closed. Removal of related bandings including homelessness and insecurity of tenure. In addition, removal of priority for welfare reform.

4.0	Introduction of 'Your Choice' scheme	<p>Removal of all waiting lists. Introduction of 'YourChoice' a Choice Based Lettings Scheme for transferring tenants.</p> <p>Additional grounds for refusal for breaches of tenancy and serious unacceptable behaviour plus clarifications around other grounds for refusal.</p> <p>Cyclical review.</p>
4.1	Minor amendments	<p>Removal of offer of like-for-like accommodation for Management Moves.</p> <p>Removal of specific bidding days due to operational changes.</p>
4.2	Post EU regulations	<p>Removal of references to EU rights and insertion of new Immigration regulations.</p> <p>Approved by Trafford Wilson Executive Director of Customer Services 6 April 2021</p>

## Annex 1: Definitions

<b>Term</b>	<b>Description</b>
Affordable rent	Affordable Rent was introduced in 2011. Registered Providers like Guinness can let homes at an Affordable Rent when they enter into a new housing supply delivery agreement with either the Homes and Communities Agency (HCA) or the Greater London Authority (GLA). Affordable Rent is set at up to 80% of the Market Rent for the home. Therefore, it is usually higher than Social Rent.
Allocation	This describes the method of apportioning and prioritising available homes to let for customers.
Applicants	These are new or existing customers applying for housing through the local authority or directly to Guinness.
Asylum seeker	This is a person who has made a claim for asylum and the claim is under review. Asylum seekers are not entitled to social housing.
Charitable aims	This refers to the fact that Guinness is a charitable community benefit society whose aims include the provision of housing to people on low incomes.
Choice Based Lettings scheme (CBL)	This is the general name which is used to by landlords and local authorities to describe a method used to let homes. This is not a waiting list. Properties available to let are advertised at regular intervals and applicants are invited to apply (bid) to be considered for a property of their choice.
Closely connected person	This generally means people who are established members of the household akin to a family member. It may also mean a person who with the tenant akin to a joint tenant. It does not mean a lodger or a person subletting.
Customer	This is a general term used in this policy which includes tenants, members of the household, licensees and members of the public.
Decanting	Where tenants are required to move from their homes on a permanent or temporary basis
English Housing Survey bedroom standard	A standard number of bedrooms is allocated to each household in accordance with its age/sex/marital status composition and the relationship of the members to one another. A separate bedroom is allocated to each married or cohabiting couple, any other person aged 21 or over, each pair of adolescents aged 10-20 of the same sex, and each pair of children under 10. Any unpaired person aged 10-20 is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10.

Family member	Civil partners, partners, spouses, children of the applicant or tenant which include fostered or adopted, step-children; and close relatives including parent, sister and brother, grandchildren, grandparents. It may also include extended family members such as cousins.
Housing need	Housing need is an indicator of lack of housing whether this is a lack of bedroom space or lack of appropriate housing for a household's medical condition. In this policy 'housing' need also refers to need for appropriately sized accommodation or the need to move for a specific reason, such as work or care.
Legal proceedings	For the purposes of this policy legal proceedings are commenced when we serve on you or anyone else living at your home: <ul style="list-style-type: none"> <li>• A Notice Requiring Possession</li> <li>• A Notice of Seeking Possession</li> <li>• A Notice to Quit; or</li> <li>• An Application for an Injunction</li> </ul>
Mental capacity	Mental capacity is the ability to make a decision. If a person lacks capacity, they have an impairment or disturbance that leaves them unable to make a decision.
Priority need	As set out in s.189 Housing Act 1996 <ul style="list-style-type: none"> <li>• A pregnant woman or a person with whom she resides</li> <li>• A person with dependent children</li> <li>• A person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reasons</li> <li>• A person who is homeless or threatened with homelessness as a result of an emergency such a flood, fire or other disaster.</li> </ul>
Refugee	This is a person who has made a claim for asylum which has been accepted and they have subsequently been awarded limited leave to remain in the UK.
Right to rent	A legal requirement for private landlords to check that new tenants have the right to be in the UK before renting out their property.
Serious criminal conviction	For the purposes of this policy a serious criminal conviction is one which is not trifling. It usually means an indictable offence. For example, <ul style="list-style-type: none"> <li>• Offences against the Person Act (threats to kill, grievous bodily harm, actual bodily harm)</li> <li>• Sexual Offences;</li> <li>• Theft (robbery, burglary);</li> <li>• Criminal damage (Threat or actual destruction or damage of property, arson)</li> </ul> Offences not considered serious are, for example, <ul style="list-style-type: none"> <li>• Common assault</li> <li>• Driving offences</li> <li>• Low value criminal damage</li> </ul>
Social rent	Social Rent is used to describe rents that are based on a formula set by Government.

	Social Rents are limited by a rent cap. This is the maximum rent that can be charged on Social Rent properties. The rent cap is set by the Regulations and is based on the number of bedrooms a property has.
Specialist accommodation	This is a general term to cover supported housing, extra care schemes, move-one accommodation or other housing where an applicant must satisfy specific criteria before being housed.
Starter tenancy	This describes the first year of an assured periodic tenancy and is where the tenant holds an assured shorthold tenancy. This means that the tenant has less security of tenure during the first year. We are required to prove grounds in order to bring the tenancy to an end during the starter period. A starter tenancy may be extended for a further six months but no more than a total of eighteen months.
Tenant	This is a legal term for a Guinness customer who lives in a rented home and has signed a Guinness tenancy agreement.
The English Housing Survey	This is a method of deciding what size property is suitable for a household. Under this standard a separate bedroom is allocated to each married or cohabiting couple, any other person aged 21 or over, each pair of adolescents aged 10-20 of the same sex, and each pair of children under 10. Any unpaired person aged 10-20 is paired, if possible, with a child under 10 of the same sex, or, if that is not possible, he or she is given a separate bedroom, as is any unpaired child under 10.
Trustee	This is a person who has been appointed to act on behalf of a person under the age of eighteen years old. They have a legal duty to act in the best interests of that person, but they are not required to act as a guarantor.