

# Allocations Policy

## 1 Purpose

Metropolitan Thames Valley Housing (MTVH) supports local authorities (LAs) with their strategic housing functions and their duties to meet identified local housing needs. We aim to provide safe, secure and affordable homes that meet the needs of each household.

We also develop and build new homes and ensure these are built to meet the needs of the local community. This policy covers the allocation of rented properties; social, affordable, keyworker, intermediate (known as London Living Rent (LLR), Rent to Buy (RTBY), Intermediate Market Rent (IMR), market rental housing and any other rental product in place at any given time.

## 2 Scope

This policy and accompanying procedures apply to:

- MTVH customers
- MTVH colleagues

### **Our Commitment**

When managing the allocation of our properties, we aim to:

- Actively promote local choice-based lettings schemes and local authority housing lists to assist in meeting local housing needs
- Actively promote intermediate rental products to eligible people as defined by Homes England and the Mayor of London
- Ensure access into housing is fair and impartial, and complies with relevant legal, regulatory and contractual requirements
- Ensure properties are affordable at the time of letting
- Agree local letting plans that are scheme specific and promote balanced and sustainable communities
- Ensure customers understand the terms of any tenancy agreement
- Promote customer mobility and make best use of the housing stock
- Ensure lettings are undertaken as quickly and efficiently as possible in the interests of both the applicant and the use of our stock
- Ensure that regular performance monitoring is in place in order to demonstrate compliance with all statutory and regulatory requirements

## 3 Our Approach

This policy sets out our approach to:

- Allocating rental properties to those in greatest housing need
- Working with customers and partner local authorities to minimise potential financial hardship from under occupation due to the 'bedroom tax' and other welfare benefit changes
- Offering continuing support to customers to help them manage their home
- Contributing to the local authorities' strategic housing function and comply with S106 agreements

### 3.1 Definitions

#### **Nominations and Choice Based Lettings Agreements (CBL)**

Choice based lettings is the method used to allocate homes by advertising available properties to eligible applicants, and then shortlisting those interested by their relative priority. This gives applicants' choice about the type of property and area they would like to live in.

We maintain a nomination or CBL agreement in all local authority areas of operation. The agreement sets out the minimum percentage of available vacancies that the authority would be able to nominate applicants from its own housing register to, and how they will do this. These agreements require **at least** 50% of available homes to be offered to the relevant local authorities for such nominations. At limited sites/schemes, 100% nominations apply.

#### **Local Lettings Policies (LLPs)**

We work in partnership with local authorities to develop Local Lettings Policies (LLPs) to promote, enhance, support and sustain balanced communities.

To support and sustain balanced communities, we will consider the economic mix, vulnerability and affordability of incoming customers, and may include specific criteria in response to antisocial behaviour and/or other issues in a particular locality. We will also consider the strategic lettings priorities of the local authority when developing LLPs.

Where LLPs are in operation, they will take precedence over other eligibility criteria detailed in this policy. LLPs will be publicised when a property is advertised.

#### **Transfers**

We seek to achieve better management of our housing stock by promoting customer mobility (customers being able to move) through internal transfers where applicable. Only customers that hold an Assured or Secure tenancy that have a rehousing need, can apply for a transfer.

MTVH is committed to providing a choice of quality, affordable homes that people want to live in, and operates a Choice Based Lettings (CBL) scheme. Customers with a tenancy can register for a transfer if they are able to demonstrate they have a need to move. Offers to applicants will be prioritised in accordance with the banding criteria detailed in **Appendix 1 - Priority Banding Table**.

A panel of senior colleagues (Allocations Panel) will meet regularly to consider and make decisions on various allocations matters which will include:

- An assessment of an applicant's individual re-housing priority on the grounds of safeguarding and welfare needs, based on supporting evidence
- A review of allocations decisions where appeals are made against direct matches
- Complaints where access to MTVH accommodation has been refused
- Complaints regarding an applicant's priority for re-housing
- Complaints about the type of tenancy offered

Each rehousing case will be assessed based on the individual needs and circumstances of the customer.

Properties are subject to availability; MTVH cannot guarantee we will have housing stock meeting the needs of the customer. If we cannot meet the housing needs of our customers through the distribution of our housing stock, we will endeavour to offer appropriate advice and assistance where possible.

Flexibility is required when considering the suitability of a property, in some cases a transfer may be an urgent requirement, therefore we may prioritise property on a like for like basis, despite not meeting the current needs of the customer.

## **Direct Lets**

In areas of low demand and high turnover, we may advertise available homes directly and will assess applications in accordance with our **Appendix 1 - Priority Banding Table**. In these cases, external advertising to private or other social agencies may be considered.

On occasion, there may be a requirement for us to allocate available homes to current customers via a Direct Let on a one offer only basis. This will be agreed by the Allocations Panel before any direct match is made.

There may also be a need to allocate available homes directly to our customers that live in our Later Living and Supported Housing accommodation, who are ready to move on into independent accommodation.

## **Downsizing**

Downsizing enables customers to move from a larger property to a smaller one. Downsizing has benefits for our customers, some examples include being affected by the Bedroom Tax, upkeep and maintenance or cost of utilities. We can provide both financial and practical support to assist customers downsizing. We will promote downsizing to encourage our customers to sustain their homes and communities.

## **Adapted Properties**

We will aim to support customers to remain in their homes if they require aids or adaptations, we will consider requests from customers for assistance on receipt of an assessment from an Occupational Therapist, GP or qualified specialist practitioner.

Where a property is fully adapted for the needs of a disabled person/s, MTVH will try and let the property to customer that requires such aids and adaptations. For more information, please see our **Aids and Adaptations Policy**.

## **'High Risk' Allocations**

Our aim is to support our vulnerable customers by working with third party support providers to provide the best opportunities to sustain their tenancy.

We will expect any nominating local authority to share all relevant recent medical or risk-related paperwork in accordance with data sharing protocols, for the safeguarding of our colleagues and other customers. We reserve the right to refuse to rehouse high-risk potential applicants where all the relevant professional agencies involved do not support the allocation or fail to provide the required paperwork.

In some cases, we may refuse a high-risk applicant for a particular property due to locally specific circumstances but consider them for housing elsewhere. We may seek to interview the potential applicant prior to any offer being made to ensure they are aware that commitment to engaging with support services is integral to their maintaining a tenancy. We will work in partnership with Probation Services and the Police in relation to rehousing applicants subject to Multi Agency Public Protection Arrangements.

## **Section 106 of the Town and Country Planning Act 1990**

There is a planning obligation under Section 106 of the Town and Country Planning Act 1990 which may apply additional restrictions on who can rent a property.

If there are any restrictions on who we can offer a property to this will be indicated on the property advert details. We hold a register of this information for internal guidance.

## **Mutual Exchange**

Our customers with a tenancy have the right to 'swap' or exchange tenancies either with other MTVH customers, or with customers of other social housing providers. We will retain membership of the

Homeswapper national scheme, or an equivalent service, to facilitate these mutual exchanges. For most customers this is the most likely way that they will be able to move. Full details can be found within the **Mutual Exchange Policy**.

### 3.2 Eligibility

The eligibility criteria for applicants requesting to move into our properties is as follows:

- Be 18 years of age or over, in exceptional circumstances we may offer tenancies to 16–18-year-olds
- Where a nomination is provided by a local authority, all appropriate checks to ensure that the nominated household has the Right to Rent in the UK will be carried out by that authority. Where any applicants apply directly to MTVH, we will ensure that this legal standard is met.
- Where local authority partners have set thresholds for earned applicant income, savings and/or asset value, MTVH will adopt these for incoming households. Households exceeding these thresholds will be deemed to have sufficient resources to meet their own housing needs. Non-disclosure of savings, assets or income later identified will be classified as fraudulent and could result in legal action to recover any property let under such pretences.
- Homeowners are not usually eligible to apply but may be considered for Later Living schemes for older people where there is an evidenced need, and they have insufficient equity in their home for any alternative options.
- Other than in exceptional cases, existing MTVH customers are required to have lived at their current property for a minimum of 12 months before they can apply for a transfer. They must also have successfully completed any starter or introductory period of their tenancy.
- Existing MTVH customers must also have maintained their current home to an acceptable standard, as identified by a pre-transfer inspection. Any debt for rechargeable works must be cleared.

Any applicant who has paid money to illegally obtain a tenancy, or otherwise obtained a tenancy by deception; or any applicant who has committed a breach of tenancy that would have entitled the landlord to possession under a Ground listed in schedule 2 of the Housing Act 1988 will not be eligible.

### 3.4 Verification

MTVH will always request and retain a copy of photographic ID for all incoming customers at the point at which they are made an offer of accommodation. We will also take a photo of the customer. This is to guard against future tenancy fraud and to ensure that the applicants' details match those provided by the nominating authority. For direct applicants we will carry out Right to Rent checks in accordance with Home Office guidance. We may also carry out additional checks including, but not limited to,

- Reference checks with current or previous landlord
- Criminal records background check / national fraud initiative data sharing
- Credit check and/or income assessment including benefit entitlement

### 3.5 Marketing and letting of intermediate and market rent properties

Types of intermediate and market rent products are detailed within the **Allocations Procedure**. Intermediate market rent and market rent homes are marketed by the Lettings team through Rightmove, Openrent or the Share to Buy scheme.

London Living Rent (LLR) and Rent To Buy (RTBY) homes are marketed by So Resi (via So Flexi, the brand for these intermediate products) with eligible customers able to access homes and register their interest through [www.soflexi.co.uk](http://www.soflexi.co.uk) and [www.sharedownership.co.uk](http://www.sharedownership.co.uk). Customers will then progress through the application and assessment process to determine individual suitability and affordability.

### 3.6 Offer of accommodation

MTVH will make provisional offers to prospective customers, subject to an evaluation process prior to the signing of a tenancy. This evaluation may include a home visit or assessment of an applicant's needs, an affordability assessment, any other background checks which are required, and the viewing of the property. We may also issue multiple offer letters to prospective customers and arrange an open viewing of an available property.

MTVH reserves the right to withdraw a provisional offer of accommodation at any stage during the re-let process if there are any concerns about the prospective customer's ability to successfully maintain a tenancy, or their requirements are found to be different to those indicated by their application. We may also withdraw a provisional offer of accommodation if the property is not suitable for the customer's needs and a decision has been made that if we were to proceed with the offer, the customer may be at risk.

If an applicant is nominated by a local authority and wishes to refuse an offer of accommodation, we will advise the applicant to seek immediate advice from that local authority as to the consequences this may have for any future housing assistance. If the local authority wishes to enforce the offer, we will allow no more than 5 days for the applicant to reconsider.

### 3.7 Tenancy

A lifetime assured tenancy will be offered to most new customers following satisfactory completion of a starter tenancy.

An assured tenancy will usually be offered to an existing MTVH customer with an assured tenancy, or other qualifying social housing tenant, i.e. an existing assured or secure tenant with another social housing landlord, unless the property meets the criteria for a fixed term tenancy and is charged an affordable rent.

An assured shorthold tenancy will be offered to a qualifying new customer for intermediate and market rent properties.

An assured shorthold tenancy will be offered to eligible and financially assessed applicants on the London Living Rent (LLR) or Rent to Buy (RTBY) scheme on an initial fixed term basis (2 years RTBY and 3 years LLR), customers will be charged a below-market rent of between 60-80% which aims to assist with their aspiration of buying a home, supporting them to transition from renting to shared ownership. There is an obligation on customers to build up savings towards a minimum deposit during the fixed term with an aim to buy from year 2 or 3, or sooner if required.

For some specific properties or arrangements, we may offer a different tenancy agreement. The Allocations Procedure clarifies which agreement type we use for these and any restrictions or time limits which may apply as a result. Further details can be found in **Appendix 2 – Types of Tenancy and Rental Charges**.

### 3.8 Our decision and rights of appeal

We will base our allocation decision on eligibility, affordability, sustainability and housing need. Customer care is embedded in our culture, and we will make sensible and conscientious lets that focus on the right home for the right person at the right time of their journey.

All applicants have the right to appeal against any allocation decision taken by MTVH. This may include where MTVH has decided their application is ineligible, that they do not qualify for accommodation, or an offer of accommodation is withdrawn.

The appeal must be in writing or dictated over the phone to a MTVH colleague, it should be submitted within 5 working days of the refusal. The relevant Manager will investigate the reasonableness of the refusal and will advise the applicant of their decision within 10 working days unless an alternative

timescale is mutually agreed. If the applicant remains dissatisfied with the outcome of the appeal, they should seek independent advice.

Customers should only follow the process in our **Complaints Policy** if they can demonstrate there has been a failing of the organisation to follow this policy. An appeal does not interfere with the applicants right to make a complaint to the Independent Housing Ombudsman or to request an agency or organisation to make the appeal on their behalf.

### **3.9 MTVH Employees, Board Members and Agency Colleagues**

MTVH has adopted the National Housing Federation (NHF) Governance Code 2010 and operates clear codes of guidance relating to the allocation of accommodation. This is to ensure transparency and fairness. As such, employees, Board members and/or their close relatives will not benefit from any advantage if securing accommodation managed by MTVH.

Friends and business associates of employees and/or Board members must disclose their relationship with any employee and/or Board member at the point of application or short listing following the bidding process. For further details, please see our **Provision of Housing to Staff** (related to our Code of Conduct).

MTVH will not provide tied accommodation to agency and/or temporary staff. Where there is a contractual obligation, MTVH may rehouse a former employee who is in tied accommodation.

Employees, Board members and/or their close relatives being considered for an offer of accommodation must have their application approved by the Director of Housing.

### **3.10 Key Workers**

Some properties are developed and designated for key workers. The definition of a key worker differs depending on the local authority or the funding body, but usually covers:

- Workers in jobs that are important to sustain the local economy
- Employees in essential public services without whom those services would operate below optimal levels
- Clinical staff needed to run National Health Service facilities at a particular point in time

Where there is evidence of a lack of demand for Keyworker homes, MTVH will allocate vacancies on an intermediate rental basis.

### **3.11 Reporting Requirements**

MTVH participates in the national CORE system of recording lettings reported through to the Regulator of Social Housing. Regular reporting is provided to local authority partners upon request, to demonstrate compliance with nominations, choice-based lettings agreements and the Capital Funding Guide. Regular performance monitoring is in place to ensure compliance with all legislative and regulatory requirements.

### **3.12 Working Together in Partnership**

We are committed to working in partnership with specialist services. We will work with the Police, Social Care teams, Health and Local Safeguarding Children or Adult Boards (LSCB and SAB) or their equivalent Strategic Partnership Boards in accordance with their local procedures, thresholds, and information-sharing protocols.

### **3.13 Third Party Organisations**

We have several third-party contract arrangements with landlords, support providers, contractors, and suppliers. Our contract specifications will require our partners to comply with this policy and accompanying procedures and for this to be reflected in their own policies and procedures.

### **3.14 Confidentiality and Information Sharing**



This policy is written in accordance with the principles of the Data Protection Act. Personal information will not be passed on without permission and all information will be securely stored. It is recognised there may be occasions where appropriate information may be shared with the relevant authority, with or without the consent of the individual. The safety and interests of the individual we are supporting must come first, therefore the information we share will be relevant and proportionate.

#### 4 Background Legislation

This policy complies with the Regulator of Social Housing’s (RSH) Tenancy Standard, Home Standard and Affordable Rent Framework. It also complies with the following legislation:

- Housing Act 1996
- Local Government Act 2000
- Homelessness Act 2002
- Housing Act 2004
- Localism Act 2011
- Welfare Reform Act 2012
- Immigration Status Act 2016
- Equality Act 2010
- Homes England Capital Funding Guide
- Homes for Londoners Capital Funding Guide
- RSH’s Tenancy Standard and Home Standard 2012
- RSH’s Affordable Homes Programme Framework 2021-2026

#### 5 Our commitment to Equality, Diversity, and Inclusion

In implementing this policy, MTVH will not discriminate against any colleague, customer, or stakeholder on the grounds of their sex, sexual orientation, gender reassignment status, ethnic origin, age, religious belief, disability, marital status, and pregnancy/maternity.

An Equality Impact Assessment has been completed for this policy and is retained by the Policy Team.

#### 6 Key Policy Information

Policy Owner	Director of Housing
Author	Head of Lettings & Commercial
Approved by	Customer Services SLT
Effective from	December 2024
Approach to review	This Policy & associated Procedures will be reviewed as required by the owner for changes in legislation, regulation, and operational need. Any amendments will be appropriately consulted on and signed off before being clearly communicated to customers and colleagues. Next expected review is 5 years from the ‘Effective date’ of this document.
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