

Neighbourhood Services

Policies & Procedures



Access to Housing Policy

1. Policy Objective	
1.1.	At Watford Community Housing (WCH) we want our customers to be able to live in a home which is appropriate to their needs by offering suitable homes in sustainable communities. This Policy sets out how current and prospective customers can access affordable homes through WCH.
1.2	<p>There are a range of legal agreements in place which inform, and provide a framework for, our approach to housing allocation:-</p> <ul style="list-style-type: none"> • Our original Stock Transfer Agreement with Watford Borough Council (WBC) under which we commit to ensuring that 75% of all vacant WCH homes subject to the stock transfer are made available to prospective general needs customers nominated by WBC from its housing register. The remaining 25% of WCH homes may be 'direct let' by WCH. These are generally allocated via application to WCH or WBC for WCH's Housing for Older People or Internal or Managed Transfers (as defined below); • Our core Nominations Agreements with Watford Borough Council, Three Rivers District Council, Hertsmere Borough and County Councils, and Dacorum Borough Council. Nominees are proposed through the 'Choice Based Lettings' system according to their housing need. This is the main route to accessing WCH housing; and • Our Nominations Agreements for joint venture partners Harts Homes and Three Rivers Homes under which we agree to let homes to applicants nominated by the relevant local authority.
1.2.1	An overarching agreement is in place between WBC and the various social housing providers across the borough of Watford. This provides that WCH will be offered a minimum of 30% of available properties advertised on Choice Based Lettings.
1.3	This Policy aims to combine our social purpose with the need to manage our business economically, efficiently and effectively in accordance with the Regulator's Value for Money Regulatory Standard.
2. Legislative & Regulatory Requirements	
2.1	<p>Legislative</p> <ul style="list-style-type: none"> • Housing Acts 1996 (section 160A), 2004 • section 160A of the Housing Act 1996 (social housing eligibility) • Localism Act 2011 • Homelessness Act 2002 • Prevention of Social Housing Fraud Act 2013 • Homelessness Reduction Act 2017

	<ul style="list-style-type: none"> • Homeless Reduction Act 2018
2.2	Regulatory
2.2.1	<p><u>Tenancy Standard (2012)</u> (para 1.1): “Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings :</p> <ul style="list-style-type: none"> (a) make best use of available housing; (b) are compatible with the purpose of the housing; (c) contribute to local authorities’ strategic housing function and sustainable communities. <p>There should be clear application, decision-making and appeals processes”.</p>
2.2.2	(para 2.1) : “Registered providers shall co-operate with local authorities’ strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities’ homelessness duties, and through meeting obligations in nominations agreements”.
2.2.3	(Para 2.3): “Registered providers’ published policies shall include how they have made use of common housing registers, common allocations policies and local lettings policies. Registered providers shall clearly set out, and be able to give reasons for, the criteria they use for excluding actual and potential tenants from consideration for allocations, mobility or mutual exchange schemes”.
2.2.4	(para 2.1.4) : “Registered providers shall develop and deliver allocations processes in a way which supports their effective use by the full range of actual and potential tenants, including those with support needs, those who do not speak English as a first language and others who have difficulties with written English”.
2.2.5	(para 2.1.6) : “Registered providers shall record all lettings and sales as required by the Continuous Recording of Lettings (CORE) system”.
2.2.6	(para 2.1.7): “Registered providers shall provide tenants wishing to move with access to clear and relevant advice about their housing options”.
2.2.7	<p><u>Value for Money Standard (2019)</u> (para 1.1d) : “Registered providers must...ensure that optimal benefit is derived from resources and assets and optimise economy, efficiency and effectiveness in the delivery of their strategic objectives”.</p>
3.	Scope and Definitions
3.1	Scope
3.1.1	<p>This Policy applies to all general needs, Housing for Older People and Flexicare customers (i.e. customers who let properties at a social or affordable rent) and who:</p> <ul style="list-style-type: none"> (i) make a housing application through the relevant Local Authority; (ii) make a housing application through a joint venture local authority such as Harts Homes or Three Rivers Homes; (iii) are existing WCH tenants making an internal transfer application; (iv) are existing WCH tenants involved in a managed transfer; or (v) are new tenants as a result of a reciprocal management arrangement between WCH and another landlord.

3.1.2	These tenants are referred to as 'customers' throughout this Policy.
3.1.3	The Policy therefore excludes shared owners and private market rent customers.
3.1.4	This Policy should be read and understood by all staff working for or on behalf of WCH and by the Housing Options, Neighbourhood Services, Scheme Officers and Tenancy Support teams in particular.
3.1.5	Mutual exchanges and Successions are not dealt with under this Policy. Please see the separate Mutual Exchange and Succession Policies.
3.2	Definitions
3.2.1	<u>Choice Based Lettings</u> : a scheme allowing a housing applicant to bid for a council or housing association property advertised as available by a participating local authority. The 'Home Connections' scheme is operated by Watford Borough Council and Three Rivers District Council. The 'Locata' scheme is operated by Hertsmere Borough Council. WCH also advertises properties through Dacorum Borough Council's waiting list and allocation system. All of these schemes cover Hertfordshire. The aims of these schemes are to: meet the legal requirements for social housing lettings; make the best use of existing Hertfordshire property stock; offer broad housing options to those seeking affordable housing; provide a consistent lettings process to let properties in a fair and transparent way and promote social inclusion to support sustainable communities.
3.2.2	<u>Direct Let</u> : the allocation of WCH housing to a non-WCH customer (usually of a Hard to Let property) from WCH's 25% stock allocation by the WCH Housing Panel.
3.2.3	<u>Equitable Tenancy</u> : a tenancy granted to a person under the age of 18 but with sufficient capacity to understand the tenancy's rights and obligations. The tenant does not hold a legal interest in the tenancy, only an equitable one and so it may be granted to a third party on the tenant's behalf.
3.2.4	<u>Hard to Let accommodation</u> : WCH properties which have been advertised on at least two occasions without success on Choice-Based Lettings. Often this accommodation tends to be bedsits with shared facilities.
3.2.5	<u>Local Lettings Plan</u> : an agreed local plan for the allocation and letting of homes within a specific area across property / tenancy types with the aim of encouraging sustainable and balanced communities according to locally agreed priorities. Local Lettings Plans are agreed between local authorities and local housing providers.
3.2.6	<u>Internal Transfer</u> : a process by which existing WCH customers bid for an alternative property through the relevant Local Authority which then allocates properties according to housing need.
3.2.7	<u>Managed Transfer</u> : the process undertaken of WCH offering and allocating an alternative home to an existing WCH customer in exceptional circumstances where the customer's priority for a move warrants their transfer. Managed transfers are generally approved by the WCH Housing Panel and carried out in specific circumstances as set out below. These will be taken from WCH's 25% stock allocation.

3.2.8	<u>Nominations Agreement</u> : a contractual agreement negotiated between a local authority and a social landlord guaranteeing the local authority's ability to access the social landlord's accommodation for applicants on the authority's housing register, often via Choice-Based Lettings scheme.
3.2.9	<u>WCH Housing Panel</u> : an internal panel of a minimum of three WCH staff members comprised of at least two managers, which meets weekly to review and consider Internal Transfer applications and Managed Transfers.
4. Access to Housing Principles	
4.1	<p>In operating our allocations policies we will:</p> <ul style="list-style-type: none"> • Provide good quality housing services to existing and prospective customers by offering them a choice of home, while giving reasonable priority to those in housing need; • Let our homes to appropriate applicants, taking into account the size and adaptations of the property – therefore making best use of our housing stock; • Work in partnership with local authorities and other relevant agencies in tackling housing need and homelessness, thereby assisting them to meet their strategic housing function / duties and local housing needs; • Work with partners in implementing appropriate Local Lettings Plans reflecting locally agreed priorities; these may be considered and developed in consultation with the GMT for all larger new WCH developments; • Let vacant properties promptly in a way that is fair, transparent and which reflects the diversity of our communities in accordance with the Diversity and Inclusion Policy; • Work towards creating sustainable and stable communities by providing or encouraging from the outset the sustainment of tenancies as set out in our Tenancy Policy; • Help facilitate housing choice and mobility within our local authority areas through Choice Based Lettings and our Transfer Incentive Scheme and Mutual Exchange policies; • Involve residents in developing our housing and housing-related policies; • Ensure information about housing options is readily available to customers and prospective customers; • Communicate to customers via our Gateway Membership Team and to our Operations Committee data relating to lettings profiles to provide feedback on our allocation decisions; and • Ensure that no applicant receives less favourable treatment in relation to housing allocation decisions on the grounds of sex, gender reassignment, religion/belief, marital/civil partnership status, age, disability, race/ethnicity, pregnancy/maternity or sexual orientation.
5. Allocation Through WBC Nomination	
5.1	As provided at section 1.2 above, WBC has nomination rights to 75% of vacant WCH properties. If WBC fails to nominate a prospective customer from its housing register to a vacant WCH property within the terms and timescales of the Nomination Agreement, WCH may allocate the property of its own accord without the allocation being counted towards its 25% remaining proportion for Direct Lets. Where this situation arises the property will be offered to the customer with the highest priority for that property.

5.2	As the majority of allocations are as a result of the WBC Nominations Agreement, representatives from WBC and WCH meet on a quarterly basis to monitor housing register allocations under the Nomination Agreement.						
5.3	Where WCH acquires or develops new properties, new Nomination Agreements are entered into with the relevant local authorities as appropriate.						
5.4	Eligibility						
5.4.1	<p>Watford Borough Council</p> <p>The majority of WCH housing allocations come through WBC. To be eligible for WCH housing through WBC nomination, applicants must demonstrate that:</p> <table border="1"> <tr> <td>1.</td> <td>They comply with national eligibility criteria for social housing (such as satisfying right to rent checks which WBC will carry out).</td> </tr> <tr> <td>2.</td> <td>They do not have existing 'sufficient resources' to meet their own housing need such as owning or having an interest in a property. WBC will carry out a full financial assessment of an application before adding the applicant to the housing register.</td> </tr> <tr> <td>3.</td> <td> <p>They meet WBC's eligibility criteria which are (currently) as follows :</p> <ul style="list-style-type: none"> • They are aged 18 or over; if under 18 we will need a guarantor in place in respect of the applicant's rent obligations and we will offer an Equitable Tenancy until the customer turns 18. • They are living in Watford at the time of the application, unless we are relying upon the 'Hard to Let' exception at section 6.1.2. • They have lived in the borough for 5 out of the last 6 years. • They are not subject to immigration control and are not applying from abroad. • They have a housing need such as being homeless or living in overcrowded conditions. • They are not directly or indirectly involved in anti-social behaviour and have not engaged in domestic abuse. • They do not have a conviction or closure order for using their home for illegal/immoral purposes (e.g. drug-dealing or prostitution). • They have not have allowed the condition of their previous council/housing association home to have deteriorated and have not obtained a tenancy fraudulently or have unlawfully sublet their property. • They have not been the subject of rent arrears, anti-social behaviour or another breach of their tenancy conditions. </td> </tr> </table>	1.	They comply with national eligibility criteria for social housing (such as satisfying right to rent checks which WBC will carry out).	2.	They do not have existing 'sufficient resources' to meet their own housing need such as owning or having an interest in a property. WBC will carry out a full financial assessment of an application before adding the applicant to the housing register.	3.	<p>They meet WBC's eligibility criteria which are (currently) as follows :</p> <ul style="list-style-type: none"> • They are aged 18 or over; if under 18 we will need a guarantor in place in respect of the applicant's rent obligations and we will offer an Equitable Tenancy until the customer turns 18. • They are living in Watford at the time of the application, unless we are relying upon the 'Hard to Let' exception at section 6.1.2. • They have lived in the borough for 5 out of the last 6 years. • They are not subject to immigration control and are not applying from abroad. • They have a housing need such as being homeless or living in overcrowded conditions. • They are not directly or indirectly involved in anti-social behaviour and have not engaged in domestic abuse. • They do not have a conviction or closure order for using their home for illegal/immoral purposes (e.g. drug-dealing or prostitution). • They have not have allowed the condition of their previous council/housing association home to have deteriorated and have not obtained a tenancy fraudulently or have unlawfully sublet their property. • They have not been the subject of rent arrears, anti-social behaviour or another breach of their tenancy conditions.
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5.4.2	CBL assesses the applicant against the criteria at 1 and 2 above. Applicants who do not meet these criteria would not be nominated by WBC under the CBL system.						
5.4.3	The system matches the applicant to suitable properties and the applicant can then bid for vacant properties. WCH will then validate the match which the CBL system has undertaken.						
5.4.4	<p>Other Local Authorities</p> <p>Three Rivers District Council – eligibility criteria can be found in the Council's Housing Allocations Policy at www.threerivers.gov.uk.</p>						

	<p>Hertsmere Borough Council – eligibility criteria can be found in Hertsmere Borough Council’s Choice Based Lettings Housing Allocations Policy found at www.hertsmere.gov.uk.</p> <p>Dacorum Borough Council – eligibility criteria can be found in the Council’s Housing Allocations Policy on their www.dacorum.gov.uk.</p>
5.5	Affordability
5.5.1	We will review the financial circumstances of applicants nominated for housing in order to assess their ability to afford the relevant rent and service charges, with a view to sustaining their tenancy.
5.5.2	Applicants will meet our affordability criteria where they have a positive budget and the rent does not exceed a set percentage of their income unless the housing costs will be paid by a relevant benefit agency.
5.5.3	Where it is identified that a person may have difficulty managing their finances, WCH will offer support to that individual or refer them to other agencies for advice and support. WCH reserves the right to reject a nomination if the applicant does not meet the affordability criteria above.
6.	Direct Let for Older Persons’ Housing
6.1	Eligibility
6.1.1	Applicants for Older Persons Housing will need to demonstrate that they meet the following eligibility criteria : <ul style="list-style-type: none"> (i) Are aged over 50; (ii) Are able to live independently; and (iii) Have a local connection i.e. have lived in the Watford area for 5 of the last 6 years unless the property they have applied for is Hard to Let (see section 6.1.2).
6.1.2	<u>Hard to Let Accommodation</u> Where an applicant applies for Direct Let of Older Persons accommodation the WCH Housing Panel may exercise discretion to somewhat relax the local connection criteria at (iii) above. These cases would be dealt with on a case by case basis.
6.1.3	Where a joint application is made with a spouse or partner, at least one of the applicants must meet all of the above criteria.
6.2	Applicants may also be refused in the following circumstances:- <ul style="list-style-type: none"> (i) where they have a level of care and/or support needs which cannot be met within this type of accommodation; (ii) where applicants’ particular circumstances might place them at undue risk e.g. due a customer’s personal history being known to existing residents; or (iii) where the applicant’s circumstances might interfere with others’ quiet enjoyment of their home e.g. as a result of mental health needs.
7.	Direct Let for Flexicare Accommodation
7.1	Flexicare accommodation is accommodation specifically designed, built or adapted to support people with greater care and support needs. Customers have access to care and support 24 hours a day on-site or nearby. This type of accommodation is also known as ‘Extra Care’ housing.

7.2	Allocations to Flexicare accommodation are outside our local authority nomination agreements and are made by way of direct application to WCH or referral from other agencies such as local authority Adult Care Services.
7.3	Eligibility
7.3.1	Applicants for Flexicare accommodation must meet basic eligibility criteria as follows: <ul style="list-style-type: none"> (i) Have sufficient and suitable housing and support needs; (ii) Have a clear care need with allocated care in place of at least 3 hours per week; (iii) Be registered on the WBC housing register; (iv) Be aged 50 or over or outside of this age range but otherwise eligible for the accommodation (this will be considered on a case by case basis); (v) Have a sufficiently close connection with Watford i.e. be resident in Watford at the time of the application or to wish to move to Watford to be closer to family or benefit from medical provision or social support networks.
7.3.2	In a joint application with a spouse or partner at least one of the applicants must meet all of the criteria above.
8.	Internal Transfers
8.1	As provided at section 1.2 above, 25% of WCH housing stock may be offered to eligible applicants through Internal Transfers of existing WCH customers via Choice Based Lettings. Applicants register an application on CBL and are then prioritised for a new home according to the relevant local authority's criteria. Existing WCH customers may apply for a transfer if: <ul style="list-style-type: none"> • They are not within their Starter Period; • They have maintained a clear rent account for the preceding 13 weeks; and • They have not breached their tenancy conditions.
8.2	Existing customers may generally only apply for properties appropriate to the size of their household as set out at Appendix 1. However, under the WCH Transfer Incentive Policy the WCH Housing Panel will consider families moving from a larger property (e.g. four bedroom home) to a smaller property as eligible for Internal Transfer.
8.3	Where a permanent move is required to carry out major improvements, an Internal Transfer application will be required. The WCH Decant Policy & Procedure would also apply.
9.	Managed Transfer
9.1	On occasion WCH may identify circumstances where a priority move warrants a Direct Let from our 25% housing stock under a Managed Transfer. Managed Transfers are generally approved by the WCH Housing Panel to ensure cases are approached consistently and following the considerations set out in the Housing Panel Guidance Notes.
9.2	Appropriate Cases
9.2.1	Managed Transfers may be made in cases of urgent or extreme housing need as follows:- <ul style="list-style-type: none"> • Victims of domestic abuse; • Victims of Harassment or hate crime;

	<ul style="list-style-type: none"> • Victims of Serious anti-social behaviour; • Where there is an urgent medical need; • There is another significant threat to a person's safety or wellbeing; • Where there is a permanent decant situation (see the Decant Policy & Procedure); • To facilitate the move of non-statutory successor from unsuitable accommodation (see the Succession Policy & Procedure); or • Where a customer in extreme housing difficulty would be considered statutorily homeless without alternative accommodation and suitable accommodation is available within WCH housing stock.
10.	Under Occupation
10.1	WCH has housing in areas of high demand. We are committed to making the best use of our stock to meet the clear need for affordable housing across our local communities and the regulatory requirements of the Value for Money Standard. We offer financial incentives to current WCH customers wishing to rightsize their existing property. Incentives are also available to customers affected by the 'spare room subsidy' (bedroom tax).
10.2	Customers willing to move to smaller accommodation may also receive higher additional priority under the Choice Based Lettings Scheme.
10.3	The WCH Transfer Incentive Policy should be referred to for further detail and guidance.
11.	Customers with Additional Support Needs
11.1	WCH will work with our local authorities, social and health professionals, partner and voluntary agencies to identify and accommodate additional support needs with a view to enabling the customer to sustain their tenancy. The WCH Vulnerable Customers Policy also contains further detailed guidance in this area.
11.2	We may refuse to accept a local authority nomination unless appropriate support is in place for the customer concerned, or the level of support required undermines our ability to appropriately support other customers.
12.	Adapted Housing
12.1	Where possible adapted housing will always be used appropriately. Where allocated to applicants who do not require the adaptations and there are major adaptations, these will normally remain in the property for their serviceable life. Where a property is pre-allocated to a person requiring adaptations, a joint assessment will be carried out by a WCH staff member and an Occupational Therapist to ensure the property will be suitable.
12.2	Customers who have had major adaptations to their existing property within recent years may not be considered for Internal or Managed Transfer unless there is an exceptional reason and the adaptations are appropriate for an incoming customer.
13.	Housing Board, Board Committee & GMT Members, WCH Employees and their Close Relatives
13.1	Applicants who are Board, Board Committee or GMT members, WCH employees or close relatives of these individuals should declare the relationship on their application for housing and again when accepting an offer of tenancy. They will receive equal treatment to all other applicants in the allocation of housing (including Internal and Managed Transfer applicants), and the consideration of the application will be open, fair and transparent.

13.1	Any decision to allocate properties, re-house or transfer Board, Board Committee or GMT members, employees or their close relatives must be approved by a member of EMT.
14.	Succession
14.1	Rights of succession are set out by law. For more information see the WCH Succession Policy.
15.	Fraud
15.1	Where a tenancy has been obtained as a result of fraud or false/misleading information, we will apply to the courts for repossession and/or prosecute under the appropriate legislation. We will also take action in conjunction with the relevant local authority under the Prevention of Social Housing Fraud Act 2013.
16.	Appeals
16.1	Choice-Based Lettings
16.1.1	Customers can appeal their allocated banding under Choice Based Lettings. Appeals should be logged with the local authority where the applicant is registered to that authority's housing register.
16.2	Internal Transfer and Managed Transfer applicants are also able to request a right of review of a WCH Housing Panel decision except in relation to Hard to Let accommodation. A review must be requested within 28 days of a Panel decision. Further guidance is set out in the Housing Panel Guidance Notes. The review would be dealt with at Stage 2 of the Customer Feedback Procedure.
17.	Monitoring & reporting
17.1	We will monitor: <ul style="list-style-type: none"> • actions taken by WCH and our local authority partners to ensure that the requirements of our relevant Nomination Agreements are being met; • actions taken by WBC to ensure that up to 30% of Choice-Based of social housing in Watford are for WCH customers as under section 1.2.1 above; and • Internal and Managed Transfer allocations by full demographic information.
18.	Policy Consultation
18.1	This Policy has been developed in consultation with our Gateway Membership Team and Watford Borough Council with feedback incorporated accordingly.
18.2	Policy issued to WBC for consultation: 10 July 2019
18.3	Feedback received from WBC: 8 October 2019 and taken into account in final draft.
18.4	Policy issued to GMT for consultation: 13 th November 2019
19.	Related documents
	<ul style="list-style-type: none"> • Mutual Exchange Policy & Procedure • Succession Policy & Procedure • Older Persons & Flexicare Housing Allocations Policy & Procedure • Transfer Incentive Policy • Decant Policy & Procedure • Diversity & Inclusion Policy • Housing Panel Guidance Notes • Customer Feedback Policy & Procedure

	<ul style="list-style-type: none"> • New Customer Sign-Up Procedure • Vulnerable Customers Policy
20.	Appendices
	Appendix 1 – WCH Household Size & Eligibility Criteria
21.	Approval
	Approved by: GMT and EMT
	Dates of approval: GMT 22 Jan 2019 EMT 11 Feb 2020
	Review date: Feb 2023
	Policy 'owner': Head of Customer Relationships

Appendix 1 – WCH Household Size & Eligibility Criteria

Household Size	Number of Bedrooms
Single Person	Bedsit/ 1 bedroom
Couple	1 bedroom
Single person expecting first child	1 bedroom
Single person with staying access to children	1 bedroom
Parent (s) plus 1 child	2 bedrooms
Parent (s) plus 2 children, same sex (where under 16 or one or more is over 16 but the age gap is less than 7 years)	2 bedrooms
Parent (s) plus 2 children of opposite sex (under 10 years)	2 bedrooms
Parent (s) plus 2 children of opposite sex (over 10 years)	3 bedrooms
Parent (s) plus 2 children, same sex where there is an age gap of 7 years or more and one child is 16 or over	3 bedrooms
Parent (s) plus 3 children	3 or 4 bedrooms depending on ages and gender
Parent (s) plus 4 children or more	3 or 4 bedrooms depending on ages (limited number of 4 bedroom properties)