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## **LETTINGS POLICY**

### **1. Introduction**

Sutton Housing Society (SHS) is a charitable Housing Association registered with and regulated by the Homes and Communities Agency (HCA). SHS provides affordable rented housing for those in need in the London Borough of Sutton.

The Lettings Policy sets out the way in which SHS will meet housing need when letting its properties, as well as working to create sustainable communities.

The majority of our stock is older peoples housing, and we have a small number of units for single people and families.

The Community Housing Services Manager (CHSM) and designated staff from the Housing team are responsible for ensuring adherence to this policy on a day to day basis; overall responsibility sits with the Operations Director.

### **2. Legal and Regulatory Framework**

SHS' Lettings policy takes account of the requirements of our regulator, the HCA. SHS adheres to the Tenancy Standard (where relevant) and meets the HCA requirements in the following ways:

- We let our homes in a fair, transparent and efficient way taking into account the housing needs and aspirations of tenants and potential tenants
- We co-operate with the local authority's strategic housing function, and their duties to meet identified local housing needs including assisting with local authorities' homelessness duties and meeting obligations in nominations agreements
- We develop and deliver our allocations process in a way which supports the effective use by the full range of tenants 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
- We minimise the time that properties are empty between each letting
- We record all lettings as required by the Continuous Recording of Lettings (CORE) system
- We provide tenants wishing to move with access to clear and relevant advice about their housing options
- We subscribe to an internet based mutual exchange service
- We take reasonable steps to publicise the availability of our mutual exchange service to tenants; we provide reasonable support in using the service to tenants who do not have access to the internet.

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- We offer tenancies which are compatible with the purpose of the accommodation, the needs of individual households, the sustainability of the community, and the efficient use of their housing stock
- We meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements
- We ensure that the home continues to be occupied by the tenant in accordance with the requirements of the tenancy agreement, for the duration of the tenancy, allowing for regulatory requirements about participation in mutual exchange schemes
- We develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions
- We grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 came into force, and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord.
- We grant tenants who have been moved into alternative accommodation during any redevelopment or other works, a tenancy with no less security of tenure on their return to settled accommodation.

### **3. Scope**

This policy applies to the letting of our empty homes, new build properties and relets, across all types of SHS housing.

There are some exceptions to the Lettings policy in terms of our approach and these are:

- Veterans Nominations Scheme
- Community Sponsorship Scheme
- Commercial lettings
- Garages/parking spaces

More information about these exceptions is included in section 6 of this policy.

### **4. Access to Housing**

Access to housing is through two main categories - Local Authority nominations and the SHS Waiting List. In both cases it is mandatory that SHS complies with the Right to Rent scheme.

#### Right to Rent

The Right to Rent scheme was introduced in February 2016 and applies to all tenancies let after 1 February 2016. It places a responsibility on Housing Associations to ensure that they only let their accommodation to people that have the right to live in the United Kingdom.

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For direct lets from our waiting list, SHS must check that a tenant can legally rent our property. (This also applies to tenants with lodgers; they too have the responsibility to check that their lodger has the right to reside in the UK). This applies not just to the tenant but also to any occupiers aged 18 and over, even if they are not named on the tenancy agreement.

SHS need only use the Home Office Landlord Checking Service if we have tried to check the person's right to rent by looking at their documents but need verification from the Home Office because:

- the person has an application or appeal outstanding with the Home Office
- the Home Office is currently holding the person's documents.

For nominations from the Local Authority, it is the Local Authority's responsibility to ensure the people they nominate to SHS have the right to reside in the UK.

#### Local Authority nominations

The Local Authority generally has 50% nomination rights to our 1 bed Older People's accommodation (75% for Kent Court) and 75% nomination rights to our 2 bed Older Peoples accommodation. They also have 50% nomination rights to our Extra Care housing scheme, Cloverdale Court, although in reality this is 100%.

All applicants nominated to us, have to meet SHS' own criteria before being accepted for housing e.g. they will have to have a satisfactory history (where applicable), and provide an up to date Care Plan at the nomination stage. In addition they will need to complete SHS's housing application form.

If the Local Authority, under its nomination rights, are unable to refer suitable applicants within 3 working days of close of advertising of a request then in this instance the LA must give permission to revert to applicants on SHS waiting lists

All other vacancies in our general needs and supported housing are let to people referred to us by the Local Authority.

If the Local Authority provides two set of unsuccessful nominations, SHS may revert to applicants on its own waiting list/transfer list.

#### SHS Lets

SHS has 50% nomination rights for our Older People's studio and 1 bedroomed accommodation (25% at Kent Court) and 25% nomination rights for our Older People's 2 bedroomed accommodation. We accept applications from men and women aged 55 years and over.

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SHS will firstly offer suitable vacancies to new applicants in need of housing and secondly to internal transfers, in order of banding. We positively encourage people to consider other housing options, such as mutual exchange, and will assist our tenants to find alternative suitable accommodation by way of mutual exchange, where needed.

SHS will use its nominations rights to include the following:

- Lettings to a qualifying successor/assignee who we move to more suitable accommodation
- Management moves
- Lettings on a discretionary basis (e.g. non qualifying person succession)

#### Lettings to SHS Staff and Board Members

SHS staff or Board Members may be nominated to us for housing by the Local Authority or they may apply to join our Waiting List, subject to meeting the qualifying criteria.

The staff member must complete a Declaration of Interest form when applying directly to SHS for housing and they must update this if housed by SHS. A review to ensure compliance with our Governance arrangements will also be carried out.

No preferential treatment may be given to staff in need of housing. Any direct application to our Waiting List must be approved by the Chief Executive.

Any nomination from the Local authority which includes a member of our staff, or any direct let, must be approved by the Operations Director and the Chief Executive.

## **5. SHS Waiting List**

Applications will be considered from people who are over 55 years of age for our Older Peoples accommodation. Apart from those included in our Exceptions list (see section 6 of this policy,) applicants:

- Must live in the Borough of Sutton or are in need of support from relatives or friends living in the Borough
- May be facing homelessness
- Must be able to live independently or look after themselves with relevant external community support
- Applicants for wheelchair standard flats need not be over 55 years of age but must require this special accommodation
- Priority for larger one bedroom flats is given to couples as is priority for 2 bedroomed accommodation or to individuals with the need for an overnight carer on site
- The tenant is not the owner of a property elsewhere or is in the process of selling the property. (Cap for homeowners being eligible for joining SHS list for a 1 bed, no more savings or assets than £250,000 and for a 2 bed, no more savings than £300,000.)

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- Have permanent leave to remain, therefore complying with the right to Rent requirement
- There may be exceptional circumstances not covered above which will be considered on merit by the CHSM and the Operations Director.

## **6. Lettings Policy Exceptions**

SHS is committed to ensuring that it contributes to the Local Authority's strategic housing aims and those of the Government. On occasion "one off" schemes are put in place that SHS may wish to be part of and which, potentially, falls outside of our own Lettings policy.

SHS is aware of four areas where this can occur:

- Veterans Nominations Scheme
- Community Sponsorship Scheme
- Commercial lettings
- Garages/parking spaces

### Veteran's Nomination Scheme

The Housing Operations Committee (HOC) approved the direct letting of up to two homes a year from our Older Peoples accommodation, to ex-servicemen/women. Whilst they still need to be on our Waiting List, they do not need to be resident within the London Borough of Sutton.

This scheme is managed by Stoll; they have assured SHS that they would provide all support necessary for the clients that we house and that they verify the needs and any associated risks of the individuals.

### Community Sponsorship Scheme

This scheme is part of the Government's Syrian Refugee Resettlement Programme. A local church group in Sutton is leading on this scheme and SHS is keen to help. SHS has committed to assisting one older individual with housing from our Older Peoples accommodation. (At the point of approving this policy, the Scheme has not yet been finalised. However, SHS is supportive in principal to assisting.)

### Commercial Lettings

SHS lets parts of its main office to two other organisations. These lettings are on a commercial basis and outside the scope of this policy.

SHS lets a flat at Cloverdale Court, Wallington to the Care provider based on site at Cloverdale Court and we also lets a 2 bedroomed flat at Cloverdale Court (former Scheme Manager's flat) on a non- social housing let, which is therefore outside the scope of this policy.

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### Garages/Parking Spaces

Tenants with garages or allocated parking pay separately for the use of these facilities and do not form part of their tenancy agreement. Garages and parking spaces are subject to separate agreements and therefore outside the scope of this policy.

## **7. Tenancy Agreements**

SHS will grant all nominations from the Local authority when accepted for housing, an Assured Tenancy.

For all SHS waiting List applicants, apart from existing home owners, SHS will grant an Assured Tenancy.

For existing home owners offered housing by SHS, they will be granted an Assured Shorthold Tenancy for 12 months. Within 9 months of the tenancy being granted, proof of the sale of the home must be provided. If proof is not provided as the home has not been sold, the CHSM will review the situation with the Operations Director. It is likely that a renewal of the Assured Shorthold Tenancy is given although there is the potential for SHS to instigate possession proceedings. Should possession proceedings be the way forward, this must be recommended by the Operations Director and approved by the Chief Executive.

For the Veteran's Nomination Scheme, the first year of the tenancy will be an Assured Shorthold Tenancy. Assuming the tenancy is conducted satisfactory, an Assured tenancy will be offered.

For the Community Sponsorship Scheme, any lets will be via an Assured Shorthold Tenancy for a period of up to five years. A review will be carried out each year and their status updated in terms of their right to reside in the UK. After a five year period, assuming the tenant has indefinite leave to remain in the UK, an Assured Tenancy will be issued.

## **8. Rent and Service Charges**

SHS will increase the rent and service charges, following the issuing of appropriate Notice, in line with the tenancy agreement, usually at the beginning of April each year. The rent would usually increase or decrease, with service charges fluctuating to reflect actual costs.

SHS increases the rent for all new lettings by an agreed percentage each year. SHS rents for non- commercial lettings are social rents.

SHS expects all tenants to pay their rent in advance and to make a payment of two weeks rent in advance at the tenancy sign up meeting.

## **9. Reciprocal Arrangements**

SHS may enter into a reciprocal arrangement with another social landlord or with the Local Authority to re-house a tenant of the Society on the understanding that a tenant of that landlord will be re-housed by the Society. This will be subject to a recommendation by the CHSM and approval by the Operations Director.

## **10. Vetting New Applicants and Nominees**

The system in place for vetting applicants and nominees to ensure that there is a right to reside, no history of rent arrears, anti-social behaviour or criminal activity, will be carried out through the completion of the housing application form. Photographic ID evidence will be required for all applicants.

In our Older Peoples accommodation and in our extra care housing, an initial pre-allocation assessment form will be completed also to ensure that the applicant(s) is suitable for the accommodation. This will generally be carried out by the relevant Community Housing Services Officer (CHSO) or by the Housing with Care Manager. SHS will carry out a home visit if they feel it is necessary.

## **11. Prioritisation of applicants**

Prioritisation of Local Authority nominations will be carried out by the Local Authority through their Choice Based Lettings system as per our nominations agreements.

All SHS Older Peoples properties are let based on the highest need, firstly considering waiting list applicants and secondly considering transfer applicants and then date order.

All SHS's applicants will be prioritised using the 'banding' system set out below and in this order:

- urgent
- priority
- routine

Applicants must inform SHS when their circumstances change and the banding may be reviewed at that point.

### **Urgent**

The urgent band includes the following circumstances:

- **Serious Medical Need:**  
Very severe; the applicant's current housing circumstances are seriously detrimental to their condition and the applicant cannot reasonably continue to live at the property (i.e. they have become a wheelchair user and are currently on the 2<sup>nd</sup> floor with no lift and therefore cannot leave the property).

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- **Under-occupation:**  
Where someone lives in a property that is larger than they need, by one room or more and they are willing to move to a smaller property
- **Decants (management transfer):**  
This priority is given when an internal move is needed urgently due to unforeseen circumstances e.g. a flood from the flat above rendering the property uninhabitable. This also applies when an SHS tenant will need to move out in the next 12 months for major repairs/remodelling as the work cannot take place with the resident in occupation.
- **Anti-Social-Behaviour (ASB)/Harassment:**  
SHS will try to help victims of ASB or harassment where there is supporting evidence. (However, for general needs and supported housing this will be referring the resident back to the Local Authority and supporting their application.)
- **Homelessness or pending homelessness, evidence must be supplied.**

In all of the above situations, SHS will take account of evidence from other agencies such as the police, social services and health services etc. when making a decision to assign an applicant to the urgent band.

### **Priority**

The priority band includes the following circumstances:

- **Decants identified for next year:**  
This priority is given when we know that an SHS tenant will need to move out in the next 18 – 24 months for major repairs/remodelling
- **Medical Need:**  
The applicant's housing circumstances are adversely affecting their condition or causing serious difficulties, and whose condition will be improved by a move.
- **Financial circumstances:**  
The applicant's financial situation is adversely affecting their current housing circumstances. They can no longer keep up mortgage or private rented payments and re-possession or eviction is in progress.
- **Veterans nomination Scheme/community Sponsorship Scheme:**  
Applications received under these schemes will be considered a priority.

In all of the above situations, SHS will take account of evidence from other agencies such as the police, social services and health services etc. when making a decision to assign an applicant to the priority band.

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### **Routine**

This will include any resident wishing to register for a move, but who does not qualify for the other two bands.

#### Approval of allocations for SHS Lists

The banding of an applicant will be assessed by the CHSA with the approval of the CHSO. Where a decision cannot be reached, it will be referred to the CHSM or in their absence, the Operations Director. All supporting evidence will be summarised in a report for the Operations Director to aid the decision.

No allocation will take place without the approval of the CHSM (or in their absence the Operations Director).

Any allocation to a SHS staff or Board Member must be approved by the Chief Executive.

## **12. Offers and Refusals of Accommodation**

### Local Authority Nominations

Local Authority nominees will be offered a viewing for the property for which they have been nominated. As the Local Authority operates a Choice Based Lettings system it is likely that the viewing will be with more than one applicant, multiple viewings to be held, with no more than 2 applicants at a time. The applicant will be sent a SHS housing application form to complete and to bring with them to the viewing.

The applicant will be advised by SHS to bring photographic ID to the viewing. The viewing will not proceed if this is not provided. If this situation occurs, SHS reserves the right to move onto the next nominee (who under multiple viewings will be present).

An offer of accommodation will follow that day, or as soon as possible after the viewing, unless it is discovered the information regarding their existing housing conditions is incorrect, there is a concern relating to any risk assessment and/or there are other exceptional circumstances.

Where an applicant is nominated by the Local Authority as suitable, the Society reserves the right to undertake its own investigation and risk assessment and to refuse nominees if there is evidence to suggest that the applicant would be unsuitable. Such a refusal would be supported by appropriate evidence and endorsed by the CHSM. The matter will be brought to the Local Authority's attention, before the nomination is refused; the Local Authority is responsible for informing the applicant.

If the nominee refuses the property, they will be referred back to the Local Authority and the next nominee under the Choice Based Lettings system will be offered the property. Any Local Authority nominees have no right of appeal to the Society.

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All rejected applicants will be referred to the London Borough Housing Advice Service on 0208 770 5800 or to visit the Housing Centre based at Civic offices who may refer an applicant to the Homeless Services Unit. Other agencies for rejected applicants that can offer advice include, Sutton Citizens Advice on 0208 405 3552 and Shelter's Housing Aid Centre on 0808 800 4444.

### SHS Direct Lettings

#### Waiting List

Waiting List applicants will be made two suitable offers. If they refuse these two offers, their application will be suspended for one year.

All rejected applicants will be referred to housing advice agencies.

#### SHS Transfers

Transferring tenants will be made two suitable offers. If these two reasonable offers are refused, their application will be suspended for one year. There is no right to appeal this decision with SHS.

Where tenants are transferring internally they must ensure that their property is in a good and lettable condition. Wear and tear based on length of time the tenant has been in occupation will be taken into consideration.

An Approval to Transfer form must be completed by the CHSO and approved by the CHSM. This approval is based on the pre-void inspection carried out by the CHSO and/or the Property Officer.

#### Decants

Tenants in need of a decant will be made two reasonable offers. If they refuse these two reasonable offers, SHS reserves the right to take legal action to require the resident to move.

### **13. SHS Lettable Standard**

All properties (apart from homes let via a mutual exchange, succession arrangement or urgent decant and management move) offered will meet SHS' published Lettable Standard; this covers both internal and external spaces.

#### Mutual Exchanges, Successions, Urgent Moves

Properties let through a mutual exchange, succession or an urgent move scheme will be let in the same condition they were left by the previous occupant. SHS will ensure all mandatory checks are carried out before the tenant moves in (if not already in occupation).

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Any repairs required will be carried out under SHS repairs policy and landlord obligations

#### **14. Sensitive Lettings/Sensible Lettings for Sustainable Communities**

SHS will let properties sensibly taking into account the nature and make up of its schemes, together with any relevant HCA requirements,

Where there is a need for a more sensitive letting, generally this would be agreed with the Local Authority if their nomination is required. A Local Lettings Plan can be introduced where more than one sensitive letting is required. This must be recommended by the CHSM and approved by the Operations Director.

An application will be rejected if there is:

- A risk of re-offending
- The allocation of a property is in contravention of any probation conditions
- Existing tenants' human rights may be jeopardised
- Existing and new tenants will be unreasonably put at risk
- Other risks are identified that cannot be reasonably managed by SHS.

To ensure that decisions are made fairly and objectively, SHS will participate in information sharing protocols with both the Local Authority and the Police.

A report stating the reasons for rejection will be placed on the applicants file.

#### **15. Matching Household and Property size**

Local Authority nominees will be accepted for accommodation of a size which matches their current needs, and the housing needs of the local authority.

Applicants to the Society' Waiting List will be considered only for accommodation whose size matches their current and near-future housing needs.

An adult member of a household who is not part of a couple will not be expected to share a bedroom (for example, a carer)

<b>Household size</b>	<b>Property size (4 bed max)</b>
Single person	Room, Bedsit/studio, 1 bed
Couple	1 double
Single person with carer	1 double & 1 single
Couple with carer	1 double & 1 single

For tenants moving by way of a mutual exchange, they are entitled to one extra bedroom over and above what would usually be permissible. However, these tenants

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need to be aware of any financial constraints which may apply such as the Under Occupation penalty and Benefits Cap.

#### **16. Choice of Area / Scheme (SHS Waiting List only)**

Applicants will be able to exercise choice over which area/scheme and what floor level they would accept.

On occasions applicants may be offered a property which does not meet their specified choices as stated. Refusal of such an offer will not be deemed to have been suitable and will be reviewed by the CHSM.

#### **17. Appeal**

All applicants other than those nominated by the Local Authority or who form part of our Exceptions criteria, have the right to appeal if they believe that any offer of accommodation was unsuitable or they were refused access to the SHS Waiting List.

This appeal will be responded to by the CHSM (or where a decision has been made the by CHSM, the Operations Director).

Any appeal must be made in writing within 5 days of the refusal of the offer. The appellant must state clearly the reasons for the appeal and what decision they wish to be made.

The CHSM/Operations Director will review the appeal and any additional information before making a decision. The CHSM or a member of the team may speak to the appellant to clarify any outstanding queries before making a final decision.

The CHSM/Operations Director will notify the applicant in writing within 5 working days as to the outcome of the appeal. In the exceptional case where the Operations Director cannot determine an outcome of an appeal, then the appeal will be brought to the Chief Executive.

If an appeal is based on an unsuitable offer, the said property will not be held over for the duration of the appeal. Where an appellant is successful in their appeal they will be offered the first available property of the same nature, as long as their needs have remained the same.

For all other appeals, the property offered will be placed "on hold" until the outcome of the appeal is known.

A right of appeal to any decision made by the Operations Director under this policy will be granted and will be managed by the Chief Executive who will be expected to respond in writing within 5 working days.

If a decision is within the basic policy (e.g. the applicant does not meet the eligibility criteria) there will be no further appeal process.

### **18. Confidentiality**

If an applicant either refuses offers of accommodation or is not re-housed by SHS, the application form and additional material will be destroyed within 12 months of the application being made by the Community Housing Services Assistant.

### **19. Monitoring and Reporting**

A review of performance relating to lettings is considered by the Housing Operations Committee at each meeting. The Operations Director attends these meetings and can respond to any queries raised.

The following areas will also be monitored at Senior Management Team annually and, from 2018, will be presented to the Housing Operations Committee:

- Any sensitive letting decisions
- Assessment of bandings made by the CHSM
- Annual Review of SHS's Waiting List
- Number and percentage of applications by BME groups
- Number and percentage of lettings to BME groups and types of properties
- Complaints made regarding lettings
- Number of applicant and SHS refusals and reasons
- Number of appeals received

### **20. Equality and Diversity**

SHS recognise that tenants of all races, ages, religions, gender, sexual orientation, literacy levels and disability should be treated equality and fairly and we will not discriminate in implementing this policy and procedure.

SHS will be sensitive to tenants' individual needs and will tailor our services and approaches accordingly.

SHS advertises its older peoples housing stock so that referrals and nominations are made that reflect the diverse population mix of the local borough. We also advertise our Waiting List on our website. We also advertise in the Older Peoples directory managed by the Local Authority.

All tenants/applicants have access to this document upon request.

Equality, Diversity and Inclusion training is mandatory for all SHS staff.

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## 21. Risk

We have identified the following risks associated with the implementation of our Lettings policy:

- Loss of rent income if we fail to let homes efficiently
- Increase in failed tenancies if inappropriate lettings are made
- We are subject to a fine if we do not follow the Right to Rent rules for direct lettings
- Housing an inappropriate person if adequate checks are not carried out
- Poor partnership working with the Local authority if we fail to engage appropriately with them
- Poor customer satisfaction if we do not meet our Lettable Standard
- Reputational risk if we are, or perceived to be, failing to let our homes in a fair and transparent manner.

**NB: Please refer to [Office Procedure 4.50 for Right to Rent Document Checks information](#)**