

LETTINGS POLICY

**Policy Owner:
Executive Director of Customer Experience**

**Accountable Lead
Head of Lettings**



Policy Control

Policy Level	Operational
Policy Reference	CS/HM(L&S)/008/2012
Link to Strategy	Neighbourhood Services Strategy
Version Control	Nov 2012 - Version of existing policy - policy rebrand to Curo February 2015 – full review and update incorporating Success Plan and Affordable rent issues July 17 – additional exclusion added in 5.8 April 2018 – full review and update Effective from: April 2018 Effective till: March 2021
Approved by	SMT –
Consultation	<ul style="list-style-type: none"> - Happy, safe, popular neighbourhoods SIP - Tenancy Services directorate colleagues - B&NES Homesearch Team
Equality analysis	Completed May 2018
Next review date	March 2021
Legal/Regulatory Framework	Housing Act 1988, Housing Act 1996, Homelessness Act 2002, Homelessness Reduction Act 2016, RSH Consumer Standards
Associated Policies & Procedures	Starter Tenancy Policy, Anti- Social Behaviour Policy Framework, Assignment and Mutual Exchange Policy, Tenure Policy, Affordable Rent Policy, Lettings and Void procedures, Selection of affordable rents procedure, consents Policy.

Policy Statement

When we let our homes our objective is to provide the right home to the right person at the right time and with the right support. At the heart of this is a customer's ability to successfully take on the responsibility of a tenancy including all of the costs of running a home.

1. SCOPE

- 1.1 This policy describes how we make our vacant properties available and who they will be let to. These include applicants who bid under the local authorities' 'Choice Based Lettings' systems, applicants who apply directly, and current Curo customers who require an urgent move.
- 1.2 The policy covers the letting of all properties let by Curo Places. It does not cover the letting of shared ownership and 'rent to buy' homes, or Building Independence Services. These are subject to a separate policies. It does not cover lettings by Curo Market Rent Services.
- 1.3 This policy also links to other policies and strategies, including the Tenure policy, Starter Tenancy policy, Tenancy Audit policy and Anti-Social Behaviour policy, together with the Tenancy Agreement.

2. RESPONSIBILITIES

- 2.1 The Board and Executive, through the Policy Owner, ensure that the policy delivers our strategic objectives and reflects our values.
- 2.2 The Accountable Lead is accountable to the Executive for the effective implementation of the policy in Curo, so that the principles are achieved through appropriate team plans and objectives, and procedures – with appropriate RACIs – translate the policy objectives into practice.
- 2.3 Lettings Negotiators are accountable for the letting of individual homes: delivering the right home to the right person at the right time and with the right support, and ensuring that those homes are safe, healthy, affordable and warm.
- 2.4 All colleagues in the Lettings and Void Works teams have a responsibility to support Lettings Negotiators and have operational accountability for the procedures which underpin this policy and support the efficient letting of our homes.

3. DEFINITIONS

- 'Anti-Social Behaviour'; action or behaviour that has caused or is likely to cause harassment, alarm or distress to another person.
- 'Choice Based Lettings'; schemes operated by local authorities enabling applicants to bid for properties advertised by registered social landlords.
- 'Local Lettings Plans'; variations to standard lettings priorities to meet specific local needs, often at first letting.
- 'Success Plan' – a pre-tenancy assessment of an applicant's ability to successfully sustain a Curo tenancy. 'Passport to Housing' supports potential tenants to prepare for a tenancy and to manage successfully all that a success plan will assess,
- 'Difficult to Let' properties – properties or schemes advertised through Choice Based Lettings which have generated little or no demand, or which have been refused on several occasions because of the type or location of the property or scheme.
- 'Referral Agreements – agreements with support agencies under which we provide a certain number of lettings, or lettings at specific properties, for their clients.
- 'Floating Support' – ongoing, non-residential support for customers with support needs.

*'Vulnerable Applicant' – any applicant who; *'..is or may be in need of services by reason of mental or other disability, age or illness and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or serious exploitation.'*

(*Who Decides', Lord Chancellor's Department 1997.)

For the purpose of this policy this definition also includes applicants with a history of alcohol and/or drugs abuse.

- 'Sensitive Let' – A property which will be allocated with a specific criteria on this one occasion due to the history and tenancy conduct of the former tenant.
- 'Tenancy Fraud' – the occupation of a property by an unauthorised person/persons with the tenant no longer in occupation
- 'Affordable Rent' – homes built or converted under any HCA Affordable Rent funding programme.

- 'Intermediate Rent' – homes provided for a particular client group where a sub-market rent in excess of target rent may be appropriate; for example working households.
- 'MAPPA' – Multi-agency public protection arrangements. Arrangements to assess and manage the risks posed by sexual and violent offenders.

4. PRINCIPLES

In applying the Lettings Policy we will:

- Work closely with local authorities to assist them in fulfilling their statutory duties to secure accommodation for people in housing need.
- Advertise housing opportunities to applicants through local authorities' 'choice based lettings' systems (CBL), provided that they enable us to meet the objectives of this policy and applicable nomination agreements.
- Use other methods for advertising properties where demand cannot be found through normal advertising channels
- Act responsibly when allocating tenancies, ensuring that applicants have the ability, capability and support to successfully sustain their tenancy.
- Have a fair and transparent way of deciding priority when more than one person has expressed an interest in a property.
- Recognise the impact of high tenancy turnover on achieving sustainable communities and operational costs and seek to control it where necessary
- Recognise the role we play in meeting the needs of homeless applicants.
- Operate Local Lettings Plans in agreement with local authorities where this will contribute to community sustainability
- Make lettings in a sensitive way where serious management problems have affected a specific property.
- Ensure that letting decisions support residents to successfully sustain their tenancies and in turn create sustainable neighbourhoods
- Ensure the Lettings Policy is widely publicised and freely available to all applicants.
- Let properties as Affordable rents only to the extent required by our obligations under the Affordable rent programme.
- Have regard to our responsibilities under the Equalities Act; assess monitor and take mitigating actions to ensure that of our policy and procedures do not detrimentally impact on the housing opportunities of minority groups.
- Work closely with specialised support and housing agencies.
- Be transparent, accessible and open in the way we let properties.

5. APPLICATION OF POLICY

5.1 Housing Need

We have only a limited amount of accommodation available and so we cannot help everyone who applies for housing. Where more than one person is interested in a vacant home, we will prioritise applicants on the basis of their housing need.

We consider housing need to be:

- High Priority: for example, people who have no permanent home; who have to move from their home because it is unfit, being demolished or similar; people negatively impacted by welfare reform measures or people whose medical condition or social circumstances (such as domestic abuse or hate crime) makes it impossible to remain in their current home.
- Medium Priority: for example, people who are overcrowded, have medical problems which make their home unsuitable, who are suffering harassment.
- Low Priority: all other applicants.

Where more than one person within a band expresses interest in a vacancy, priority will be based on the length of time people have been waiting.

We have housing in several different local authority areas, and we recognise that each will have different housing needs criteria and different strategic priorities. We will therefore work with each of the local authorities to agree a detailed scheme which meets those needs and priorities as well as the broad principles of our own objectives.

5.2 Affordable Tenancies

We must act responsibly to ensure we are providing the right home to the right person at the right time and with the right support. Allocation decisions will be made taking into account applicants' individual circumstances to ensure our customers have the best possible opportunity to succeed in their tenancies:

- We will undertake a pre-tenancy assessment (Success Plan) of all customers, including existing customers, to understand their ability to successfully sustain a tenancy with or without support, with a view to securing the required support for that individual.
- We will offer wrap around support services to customers where the Success Plan assessment indicates they require support to maintain their homes successfully.

- We may not allocate a home where a prospective tenant is unable to demonstrate they can afford to live in the property. We will offer appropriate assistance and signpost applicants to agencies that can help with their individual issues. This may include a Passport to Housing referral.
- We will restrict the length of our Affordable Rent general needs tenancies to enable a review of customers' circumstances which can identify sustainability issues which could threaten their tenancy.

5.3 Stable Communities and Sustainable Tenancies

When allocating tenancies we seek to make the best use of our housing and to create the best conditions for stable communities and sustainable tenancies. In order to do this we will also consider the following factors and where appropriate may consider the needs of a community or a development over and above the needs of individual applicants. However, we will continue to use the criteria above to determine priority where more than one applicant meets the required criteria.

- On new developments and in agreement with the local authority, we will consider the use of a local lettings plan to achieve balanced, sustainable communities. This may include under-occupation of homes; housing a proportion to customers who are in employment; recognising an individual's contribution to the community; supporting people into work; training and education and providing mandatory tenancy sustainment training
- To manage community sustainability we may; advertise vacant homes to new Homeseekers only (i.e. not existing customers) from time to time; give preference existing customers for properties where there is a reasoned need to do so.
- Where serious management problems have affected a specific property, we may advertise the property as a 'sensitive let'. We identify such problems when, within the past 12 months, a property has been affected by serious issues including:
 - a) drug misuse or drug dealing;
 - b) anti-social behaviour which has directly affected neighbours, caused during the previous tenancy or by another tenant
 - c) hate crime
 - d) domestic abuse
 - e) irresponsible pet ownership, where this has had a significant impact on the neighbourhood
- Where we recognise that developments or communities suffer such problems we will let sensitively to applicants who we consider would not cause any re-occurrence of the problem and

would give confidence to the community. For instance, where serious drug misuse has affected a property we would not consider rehousing an applicant with a recent history of drug misuse

- Where any available housing incorporates specific facilities or support services then we will give preference to people with relevant needs.

We will record and monitor the effect of the above on our lettings to ensure that our policy is fair and that we are using these criteria only where it is appropriate.

5.4 Intermediate Rent

We may develop homes for letting at 'intermediate' rents, with specific objectives in mind, for example to provide homes for local people, or those in employment, who would not normally have access to social rented housing. The principle of letting to those in greatest need of housing remains, subject to achieving the objectives of the development.

We will agree those objectives with the local authority on a scheme by scheme basis, and will agree the appropriate route for advertising vacancies.

5.5 Direct Lets

Existing customers wishing apply to do so through the relevant choice based lettings scheme.

We recognise that sometimes there are good management reasons for giving customers the opportunity to transfer and we may agree to move a tenant, and to giving additional priority for a vacancy, where an existing tenant;

- is under-occupying, is the victim of a hate crime or domestic violence and is at risk of serious harm;
- occupies a property with specific facilities or support services and no longer needs them;
- has a medical need for a transfer to a lower floor and wishes to remain at the same development;
- has asked to move, and we believe that a move would resolve a serious management issue such as a neighbour dispute
- has to be moved either permanently or temporarily to enable emergency, major repairs or re-development to their home.

In these cases we will consider offering a vacancy directly to an existing tenant (Direct Let).

We will not normally consider transferring customers who have outstanding arrears of rent or are otherwise in breach of their

conditions of tenancy, including the conditions requiring the tenant to look after their home. However each case will be assessed against the categories listed in 5.4 above to identify exceptional reasons to support a discretionary move where tenancy breaches are identified.

5.6 Working with local authorities

We work closely with local authorities where we have properties. We will seek to agree a process that delivers our criteria above, and which also meets local needs, so that we can advertise our vacant homes through choice based (or similar) local lettings schemes. We therefore anticipate the need for separate 'nomination' agreements only where we are unable to agree such joint working.

5.7 Eligibility

As a landlord, with charitable objectives, people housed by us under this policy will be primarily those who are unable to house themselves in the private sector. We will let our homes to:

- People who are vulnerable, for example because they are older or disabled
- People whose personal circumstances make it difficult to access owner occupation or private renting (e.g. job insecurity, self-employment)
- People whose financial circumstances mean that they cannot access owner occupation or private renting: we will use our financial assessment procedure to establish eligibility.

Exclusions

We have a duty of care to all of our colleagues, residents and local communities. To meet that duty we will ask about the history and needs of potential customers as part of the Success Plan.

We may not house people for the following reasons:

- Anti-social behaviour caused by the applicant or a member of their household has resulted in formal action including: start of possession proceedings; the serving of a notice seeking possession; a possession order; an injunction; an anti-social behaviour order; a conviction relating to anti-social behaviour.
- Ongoing anti-social behaviour which is being investigated by us or another organisation.
- Where the Success Plan demonstrates that the circumstances of the applicant would be significantly worsened by accepting the property.
- Customers require a level/type of support to live independently and that cannot be secured or is unavailable at point of offer.

- Where a property has been identified for a sensitive let and the applicant's circumstances do not meet the requirements of the sensitive let.
- Arrears, or any other breach of tenancy, which, if they had been our customers, would have resulted in the courts granting an Order for Possession Any subsequent failure to clear / reduce a debt by agreed instalments.
- Unpaid rent arrears or other debts owed to us or another social landlord, unless there is an agreement made through a Success Plan and the applicant can demonstrate an ability to pay
- Damage, caused deliberately or through neglect to a property, requiring extensive repair.
- Acts of physical violence or verbal abuse to colleagues or other residents.
- Where an applicant does not fulfil local lettings or rural exception criteria that apply
- Where an applicant cannot comply with covenants applicable to the location
- The applicant is a sex offender who has not been referred via agreed MAPPA arrangements
- The application is fraudulent or dishonest
- A criminal conviction that incurred a prison sentence of two years or more within the last five years and where there would still be a significant risk to other residents.
- Specific threats of violence or harm have been made by the applicant or a household member against any Curo colleague. We will review this on a case by case basis but no period of exclusion will exceed two years from the threats being made.
- An applicant has a pet for which we would not give consent and is unable or unwilling to re-home the animal

Vulnerable Applicants

Curo will only offer tenancies where identified support needs of applicants can be met and providing that the applicant is committed to accepting the necessary support, including financial support.

Older Persons

We own and manage housing which has specific design features making it suitable for older people. We will let these homes only to people who are:

- i) Aged 55 plus (or aged 50 for some specifically designated individual properties)
- ii) Have a support need

We may consider applicants aged between 50 and 55 for schemes who meet the following criteria:

- Currently in receipt of the middle or high rate of the care and/or mobility component of Disability Living Allowance, ESA or PIP, **and**
- Have a specific need for support services that cannot be delivered to an equivalent standard in general needs accommodation.

Applicants under the age of 50 could only be considered under exceptional circumstances and must meet the criteria above.

All customers of supported housing for older people are expected to engage with the Sheltered Housing Service and will receive at least the minimum level of support.

Extra Care

In addition to our older persons' housing, we also manage Extra Care schemes for older people requiring an element of care as well as support.

Extra Care properties are let to applicants nominated by Sirona. Where there are no suitable nominations, we may advertise Extra Care vacancies through alternative methods including CBL.

Tenancy Fraud

We will take necessary steps to ensure that opportunities for tenancy fraud are minimised by securing sufficient identification from the tenant at the start of the tenancy including:

- Photograph(s) of the tenant(s) (mandatory)
- National Insurance Number (mandatory)
- Last three months' bank statements (mandatory) and at least one of the following:
- Copy of passport/birth certificate and the birth certificates for all children living at the property
- Copy of utility bill (no older than 3 months)
- Copy of child benefit details for all children in household

In addition, credit reference checks will be undertaken prior to an offer being made as part of the pre-tenancy assessment. A poor credit rating will not in itself prevent the offer of a home.

Fairness and Transparency

To ensure fairness and transparency when letting our properties we will not award a tenancy to persons in the following categories:

- a) Board member or employee of Curo without appropriate permissions
- b) A close relative of a person within (a) again without appropriate permissions;

- c) A business trading for profit of which a person falling within (a) or (b) is a principal proprietor or in the management of which such a person is directly concerned.

Exceptions may be made only in accordance with, and subject to the controls of, our Probity policy

5.8 Letting Properties against Household Size

Generally, the criteria for letting properties in a way that best matches household size with property size form part of the allocation criteria agreed under local choice based lettings policies.

We will consider under-occupation by applicants on an individual case basis ensuring they are able to demonstrate their ability to afford all of the rent.

5.9 Difficult to Let Properties

One or all of the following characteristics would mean that a property or scheme falls within the definition of difficult to let:

- Has a re-let time of over 4 weeks
- Has attracted 3 or more refusals
- None or very few bids under the local authorities' Choice Based Lettings schemes, following one advertising cycle.
- An individual property, scheme or property type that demonstrates a history of previous letting difficulty.

The Lettings Manager will endorse 'Difficult to Let' status on a case by case basis. The property may then be let using one of the following mechanisms:

- Identification of any direct let case.
- Asking neighbouring local authorities to advertise.
- Marketing and advertising the property at local, regional or national level, using appropriate media outlets.
- Considering a possible change of use /alteration to the eligibility criteria
- Where a property is to be let as an Affordable Rent property, consider letting at between 70 – 80% of market value if the rent level is deemed a factor in making the property hard to let.

5.10 Local Lettings Plans

Local Lettings Plans (LLPs) will be considered in consultation with local authorities, in response to specific community sustainment issues and on any new build scheme.

LLPs may be used to combat concentrations of social and economic deprivation within specific blocks of flats or densely populated locations, particularly in areas of high levels of anti-social behaviour.

We will work with the Local Authority, to apply specific criteria when advertising through Choice Based Lettings schemes; e.g. age restrictions or banding / grouping restrictions. Alternatively we may consider changing the tenure mix if appropriate to deliver a more mixed community leading to greater levels of sustainability. On new developments, especially mixed tenure, we will look to implement a local lettings plan which aims to provide a balanced community as set out in section 5.3 above.

5.11 Appeals

Appeals relating to common housing register prioritisation will be managed by the relevant housing register appeal process.

Appeals relating to our decisions (for example, direct lets, exclusions, vulnerable applicants above) will be managed internally using our lettings appeals process.

6. Rent on time

- 6.1 New customers will be expected to pay rent on or before the due date from the start of their tenancy in accordance with the terms of the tenancy agreement.

7. Monitoring and Reporting

- 7.1 Residents will be engaged in reviewing this policy and through the Scrutiny Panel, its effectiveness.

8 Procedures

A comprehensive set of procedures implement the principles of this policy; these detail the processes that the Lettings Team follows.

9 Equality

An Equalities Impact Assessment (EIA) has been carried out (May 2018) and has identified the potential for inequalities in the impact of this policy on different sections of the community. Monitoring of the effect of the policy is therefore in place.

We will advertise the outcomes of all our lettings