



Allocations Policy

(Including Transfers)

Responsible Team	Landlord Services
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Next review date	

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1 Introduction

- 1.1 Cartrefi Conwy wishes to achieve a balance in allocating properties, by attempting to give priority to the needs of the applicant whilst maximising choice. It will also consider the needs of the community at large and, on occasions will give consideration to sensitive lets in areas where there is a need to try and gain a community balance.
- 1.2 Cartrefi Conwy aims to provide good quality homes at affordable rents for those of limited incomes and in housing need. Everyone who applies for housing will be treated fairly and impartially.
- 1.3 We also want to give advice to people we cannot house in order to help them find suitable alternative accommodation.

2 Policy statement

- 2.1 Cartrefi Conwy will allocate its properties to eligible persons on the basis of housing need. Housing need is assessed by a person's eligibility for housing and their current housing circumstances. Cartrefi Conwy will also assist the local authority in discharging its statutory duties under the Housing Act 1996 (as amended by the Homelessness Act 2002)
- 2.2 When considering applications for housing, Cartrefi Conwy will abide by relevant statutory provisions and its Equality and Diversity Policy, which aims to ensure the need to achieve equality of opportunity or outcomes by treating people in accordance with their needs, and to promote equality of opportunity without discrimination or prejudice based on a person's class, gender, sexual orientation, race, ethnic origin, nationality, religion, age, disability or illness.
- 2.3 All applicants will be requested to complete an equal opportunities monitoring form, when completing their application for housing.
- 2.4 Cartrefi Conwy will re-let homes promptly to minimise the time they stand empty.
- 2.5 Incentives may be provided for tenants who wish to buy homes on the open market as a means of releasing homes for re-letting, dependent on available funding.
- 2.6 Cartrefi Conwy will take into account multiple categories of need, so as to reach a composite assessment of the needs of the applicant.
- 2.7 All lettings are to be made in a fair and transparent manner

3 Legal Requirements

- 3.1 Cartrefi Conwy will ensure that its lettings policy complies with all relevant legislation and policies of the National Assembly for Wales.

- 3.2 Cartrefi Conwy will follow guidance of the Housing Act 1996 (as amended by the Homelessness Act 2002) (the **1996 Act**) in retaining the principle that priority should be given to those most in need.

4 Who is Eligible for an Allocation?

- 4.1 The following are the main categories of applicants to whom Cartrefi Conwy may allocate accommodation taking into account of nationality and immigration status.
- 4.1.1 **Existing Tenants** None of the provisions relating to the eligibility of tenants with respect to their immigration status is to affect the eligibility of an applicant who is already a secure tenant of a local authority or an assured tenant of registered social landlord. It is therefore the case that where such a tenant applies for an allocation the relevant local housing authority and /or registered social landlord need not question eligibility and an allocation can be made regardless of immigration status or habitual residence.
- 4.1.2 **British Nationals Habitually resident in the Common Travel Area (CTA)** Where a British National arrives from abroad, as with all nationals of an European Economic Area (EEA) country, he/she must establish habitual residence in order to be eligible for an allocation, even in cases where he/she was born in the CTA.
- 4.1.3 **European Economic Area (EEA) Nationals** – These are the Nationals of the European Union (EU) countries plus Iceland, Norway and Liechtenstein. They are eligible for an allocation if they are habitually resident in the CTA, are a worker, or have a right to reside in the UK.
- 4.1.4 **Persons subject to immigration control prescribed as eligible** – Generally, persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are not eligible for housing accommodation. However, the National Assembly for Wales has prescribed classes of person who are to be considered eligible. These are:
- 4.1.4.1 **Refugees** – A person is granted refugee status when his/her request for asylum is accepted.
- 4.1.4.2 **Exceptional leave to enter or remain (ELR)** – Someone who has failed in their request for asylum, but nonetheless have been given leave to remain, or someone who has been granted leave to remain where there are compelling, compassionate circumstances. However, it may be the case that when ELR was granted it was on condition that the applicant should not be a charge on public funds. If that is the case, the applicant is not eligible for an allocation.

4.1.4.3 **Indefinite leave to enter or remain (ILR)** – Someone who has permission to remain in the UK for an indefinite period and is regarded as having settled status. In order to be eligible however, the applicant will still have to establish habitual residence in the CTA. It is also the case that if ILR status was obtained as a result of sponsorship, five years must have elapsed since the person's arrival in the UK or the date of the sponsorship undertaking, whichever is later. However, where a sponsor dies within the first five years, the applicant will be eligible provided he/she can establish habitual residence.

4.1.4.4 Persons subject to immigration control who are nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter (ESC) – Such persons have to be lawfully present in the UK as well as habitually resident in the CTA. This means that the applicant must have leave to enter or remain in the UK.

4.2 The National Assembly for Wales may prescribe other classes of persons from abroad who are ineligible for an allocation of accommodation, (ie .the Allocation of Housing (Wales) Regulations 2003 (S.I. No 2003/239)). Those regulations can be made either in respect of local authorities generally or in respect of any particular local housing authority.

5 Qualifying Criteria for Acceptance on to Cartrefi Conwy's Housing Register

- 5.1 Applicants will be accepted onto the Housing Waiting List if they are aged 16 years or over.
- 5.2 Cartrefi Conwy's property is allocated to households on the Housing Waiting List on the basis of housing need. Applications will be given preference, although this DOES NOT mean that a property will be automatically allocated if household circumstances are described in one of the categories below.

6 Reasonable Preference

- 6.1 Cartrefi Conwy must ensure that reasonable preference is given to all of the following categories of people, as set out in the s.167(2), of the 1996 Act:
- 6.1.1 People who are homeless (within the meaning of Part 7 of the 1996 Act);
- 6.1.2 People who are owed a duty by any local authority under section 190(2), 193(2) or 195(2) of the 1996 Act or who are occupying accommodation secured by any housing authority under section 192(3) of the 1996 Act.

- 6.1.3 People occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- 6.1.4 People who need to move on medical or welfare grounds (including grounds relating to a disability); and
- 6.1.5 People who need to move to a particular locality in the area of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

7 Additional Preference

7.1 Under Section 167(2) of the 1996 Act Cartrefi Conwy has the power to give additional preference to particular descriptions of people who fall within the reasonable preference categories and who have urgent housing needs. Examples of people to whom Cartrefi Conwy will consider giving additional preference within this allocation policy include:

7.1.1 Those owed a homelessness duty as a result of violence or threats of violence likely to be carried out and who as a result require urgent re-housing, including:

7.1.1.1 Victims of domestic or other violence;

7.1.1.2 Victims of racist incidents. Such incidents will include crimes and non-crimes in policing terms and will cover victims of racist violence and racist harassment of any kind;

7.1.1.3 Victims of sexual abuse;

7.1.1.4 Same sex couples who are victims of harassment amounting to violence or threats of violence;

7.1.1.5 Witnesses of crime, or victims of crime, who would be at risk of intimidation amounting to violence or threats of violence if they remained in their current homes. We will liaise with the North Wales Police as appropriate in the above circumstances.

7.1.2 Those who need to move because of:

7.1.2.1 urgent medical reasons;

7.1.2.2 key working;

7.1.2.3 young persons leaving care.

7.1.3 An applicant with a reasonable prospect of an accommodation offer within a relatively short period who suddenly loses their existing home as a result of a disaster.

- 7.2 This list is not exhaustive and each case will be considered on its merits as regards the urgency of the need for re-housing. In such cases, Social Needs points will be awarded (maximum of 60). Such cases will be considered by the Head of Landlord Services.
- 7.3 Should a vacancy arise and two or more applicants are equally pointed, priority will be given to the applicants in date order (chronological order).

8 Determining Priorities

- 8.1 Where people are entitled to reasonable or additional preference Cartrefi Conwy may take into account financial resources, behaviour and local connection in determining priorities:
- 8.1.1 The financial resources available to the applicant to meet his/her housing costs. This for example, would enable Cartrefi Conwy to give less priority to an applicant who was financially able to secure alternative accommodation at market rent or purchase for him or herself; and
- 8.1.2 Any behaviour of an applicant (or a member of his /her household) which affects his /her suitability to be a tenant (this could include a previous history of rent arrears or anti-social behaviour);
- 8.1.3 Local connection is defined as a connection, which the applicant has with an area:
- 8.1.3.1 Because he or she is normally resident there, and that residence is of his or her own choice, or
- 8.1.3.2 Because he or she is employed there (i.e. the applicant actually works in the area rather than that the area is the site of his or her employers' head office), or
- 8.1.3.3 Because of any special circumstances (e.g. the need to be near special medical or support services which are available only in particular area).

9 Allocation of Properties

- 9.1 The allocation of properties is the responsibility of the Area Housing Managers.
- 9.2 Under S160A of the 1996 Act, enables Cartrefi Conwy to reserve the right to sensitively reject to allocate an applicant where it is satisfied that the applicant is ineligible, ie on grounds of anti-social behaviour, or other extreme circumstances dictate the necessity to do so, for the benefit of the estate and the wider community. This may include the establishment of Local Lettings policies where appropriate.

10 Applicants Deemed Ineligible for preference on the Housing Waiting List

10.1 Serious Unacceptable Behaviour - Cartrefi Conwy may deem an applicant, ineligible for preference on the Housing Waiting List where they or a member of an applicant's household have been guilty of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant of the authority, taking into account the circumstances at the time, of the applicant. In cases such as these the application will be dealt with using the penalty points described in the pointing procedure.

For the purpose of this policy, the only behaviour that may be regarded as unacceptable (under the 1996 Act) is behaviour by the applicant or by a member of his or her household that would, if the applicant had been a secure tenant of a local authority at the time – have entitled the authority to a possession order (which is not a suspended order) under s.84 of the Housing Act 1985 or the grounds (except ground 8) set out in Schedule 2 of the Housing Act 1988 (the 1988 Act).

The 1988 Act details the discretionary grounds for possession, which include the following:

10.1.1 Rent arrears or breach of tenancy;

10.1.2 Behaviour which is a nuisance or annoyance to those in the locality of the dwelling, or conviction for using the dwelling for immoral or illegal purposes or committing an arrestable offence in or in the locality of the dwelling house;

10.1.3 Tenancy induced by a false statement;

10.1.4 Domestic violence causing a partner or other family member to leave the property;

10.1.5 Deterioration of the dwelling-house due to waste, neglect or default.

10.2 Eligibility Test - If Cartrefi Conwy has reason to believe that the applicant may be treated as ineligible for preference by reason of unacceptable behaviour (under paragraph 10.1 above), there is a test to apply before it can reject such applicants.

The test is as follows:

10.2.1 Is Cartrefi Conwy satisfied that an applicant or a member of his household has been guilty of unacceptable behaviour serious enough to render the applicant or a household member unsuitable to be a tenant?

10.2.2 In the circumstances, at the time of the application is considered, he is unsuitable to be a tenant of Cartrefi Conwy by reason of that behaviour?

10.3 Once Cartrefi Conwy is satisfied on all these aspects, it can then exercise its discretion to treat an applicant as ineligible for preference on the Housing Waiting List and shall notify the ineligible applicant of its decision in writing. Each case will be considered on its own merit.

10.4 Ineligibility Criteria

Criteria	Definition	Timescale
Eviction	Applicant who has been evicted from a dwelling for any reason other than debt.	Applicant ineligible for preference up to 2 years
False or Misleading Information (Re Ground 17 of Part 2, Sch 2 of the Housing Act 1988)	If an application is found to contain a false statement made knowingly or recklessly or knowingly withheld information which Cartrefi Conwy have reasonably required the applicant to give by either; the applicant, any other person included in the application or as a result of someone acting on the applicants behalf.	Applicant ineligible for preference for 12 months.
Former Tenancy Debts	If the Applicant is a former tenant of another housing association or council and has former tenancy debts outstanding, of an amount that would have been sufficient for Cartrefi Conwy to obtain immediate possession of the property (i.e. not a suspended possession order	Applicant ineligible for preference until the debt has reduced to such a level that Cartrefi Conwy would no longer be able to obtain a possession order for the property. Review 3 monthly.

Criteria	Definition	Timescale
Anti-Social Behaviour	Where a conviction or successful legal action has been taken against the applicant (or member of household) by Cartrefi Conwy in connection with violence, harassment, racial harassment, threatening behaviour or any other form of anti social behaviour including misuse of drugs, alcohol, solvents and the use of accommodation for illegal or immoral purposes or any physical or verbal abuse or threats of violence towards Cartrefi Conwy staff, contractors or agents.	Applicant ineligible for preference for up to 2 years.

10.5 In determining the timescales, each case will be dealt with on its own merits.

10.6 Notification - Where Cartrefi Conwy decides that an applicant is ineligible for preference for an allocation, it will notify him / her of the decision and the grounds for the decision. See also Section 17 (below) Right To Review.

11 Type of Tenancy

11.1 All new tenants will receive an Assured Shorthold Tenancy. An Assured Shorthold Tenancy will last for at least 12 months (the trial period or probationary period). Assured Shorthold Tenants have fewer rights than Assured Non Shorthold Tenants. Assured Shorthold Tenants can, for example, be evicted more easily, especially with regard to rent arrears or breach of tenancy regulations relating to anti-social behaviour.

11.2 If the tenant has conducted their tenancy satisfactorily throughout the trial/probationary period they will be given an Assured (Non Shorthold) Tenancy.

11.3 The Tenancy Agreement sets out the obligations of both the landlord and the tenant for the occupation of the dwelling.

12 Joint Tenancies

12.1 The National Assembly for Wales considers that joint tenancies can play an important role in the effective use and fair allocation of housing.

12.2 Cartrefi Conwy may grant a joint tenancy where household members have long term commitments to the home, for example;

12.2.1 Partners

12.2.2 Friends

12.2.3 Unpaid live-in carers

12.3 There are legal and financial implications and obligations of joint tenancies, including the implications for succession rights of partners and children.

12.4 In the circumstances of an existing joint tenancy, where a tenant dies and another household member (who does not have succession rights to the tenancy) has:

12.4.1 Been living with the tenant for the year prior to the tenant's death; or

12.4.2 Been looking after the tenant; or

12.4.3 Accepted responsibility for the tenants dependants.

12.5 Cartrefi Conwy may, where suitable, consider granting a tenancy to the remaining person or persons, either in the same home or in suitable alternative accommodation.

12.6 NB: Cartrefi Conwy will not allocate housing to two or more people jointly, if any one of them is a person from abroad who is ineligible or is a person who is ineligible due to unacceptable behaviour.

13 Transfers

13.1 Transfer applicants will be dealt with on the same basis as other applicants in accordance with the provisions set out in this policy and will:

13.1.1 be assessed under the same criteria as new applicants.

13.1.2 be entitled to the same “reasonable preference”, if the applicant falls into the appropriate category or categories.

13.1.3 enjoy the same rights to information and review of decisions.

14 Incentive Scheme

14.1 Where Cartrefi Conwy tenants are under occupying a property and are willing to move to a smaller property in order to release a family unit, Cartrefi Conwy will pay that tenant £250 together with removal costs as an incentive. This will increase the turnover of stock and release family properties for new tenants.

15 Mutual Exchanges

15.1 Mutual exchange or, swapping, is another way for Cartrefi Conwy tenants and /or another assured periodic or secure tenant of a housing association or local authority to move to a different property if we cannot help you through the Housing Register. For some people this may offer the best chance of moving to another home. You can exchange your home with another Cartrefi Conwy tenant or other assured periodic or secure tenant but you **MUST** get Cartrefi Conwy’s permission before you agree anything with the other tenant. No premiums will be charged or accepted by Cartrefi Conwy in relation to exchanges.

16 Review of Applications

16.1 All outstanding applicants for accommodation will be reviewed every 12 months. It is the applicants’ responsibility to inform us of a change of address or any other important change in circumstances that may alter their points.

- 16.2 If we are not informed of a change in address or the applicant does not reply to a review letter, the application will be removed and the applicant will not receive an offer of accommodation from Cartrefi Conwy.

17 Right to Review

- 17.1 Cartrefi Conwy has an obligation to notify you of its decision(s) and reason(s) in writing either:

- 17.1.1 Not to give you any preference on the Housing Waiting List, or,
- 17.1.2 To remove you from its Housing Waiting List other than at your own request, or,
- 17.1.3 To provide on request any decision on the facts of your case which is likely to be or has been taken into account in considering your application.

- 17.2 The letter giving this decision will also state that you can request a review within 21 working days from the day on which you are notified.

- 17.3 Reviews will be carried out by an Appeals Panel made up of Senior Managers.

18 Warden Controlled Accommodation (Sheltered Housing)

- 18.1 This type of accommodation is usually allocated only to persons of pensionable age who are in poor health and who need the benefit of a warden. However, in certain circumstances, it may be offered to severely disabled persons under pensionable age without young children providing there is no risk of right to buy.

19 Homes Adapted For People with a Disability

- 19.1 From time to time homes adapted for the disabled become available for re-letting. The applicant at the top of the list will often not have any need for the adaptations. Considerable expense can be incurred in again converting kitchens (raising surfaces) and bathrooms (removing walk in showers). Other than features such as stair-lifts, ramps and handrails can be removed for storage and re-used elsewhere.

- 19.2 To make the best use of such homes, it is proposed that an offer be made to an applicant:

- 19.2.1 Whose application falls within the top half of the list
- 19.2.2 Whose application has been granted medical points
- 19.2.3 Where it can be demonstrated that either the applicant or a member of the applicant's household would benefit from the adaptations

20 Special Needs

20.1 Cartrefi Conwy will endeavour to meet the requirements of those with special needs for housing accommodation. It is considered to be good practise for joint assessments to be carried out, with social services regarding the housing, care and possible support needs.

21 Publicising the Allocation Policy

21.1 Cartrefi Conwy will take positive steps to publicise this Allocation Policy. Cartrefi Conwy will publish a summary of the Allocation Policy and where requested, provide a copy of the summary free of charge. Cartrefi Conwy is also required to make the allocation policy available for inspection at our local area housing offices and to provide a copy of the allocation policy, on payment of a reasonable fee, to any member of the public who requests one.

22 Data Protection

22.1 In administering the allocation scheme, Cartrefi Conwy must comply with the Data Protection Act 1998, which replaced the previous legislation. It came into force on 1st March 2000 and refers to the processing and storage of personal data, including sensitive personal data, held either manually or on computer. You are entitled to find out what information is held about you on computer and on some paper records. Applicants have the right to inspect their personal information and to correct any incorrect information.

23 Confidentiality

23.1 Cartrefi Conwy is prohibited from divulging to other members of the public that you are an applicant for social housing, unless they have your consent and therefore personal information about your application will always be kept confidential.

24 Proportion of Allocations

24.1 Cartrefi Conwy aims to allocate 75 % of its properties to nominations from Conwy County Borough Council. Other priorities will be given to referrals from Voluntary and Statutory Agencies (through Move On), to present tenants, to direct applications, and mobility schemes.

25 Charitable Status

25.1 Cartrefi Conwy has charitable status and should not house applicants where to do so would cause it to act outside its charitable objects.

26 Monitoring performance

- 26.1 Quarterly reports will be made to the Board of Management identifying performance against key targets with interim monitoring on a monthly basis being carried out by the responsible officers.
- 26.2 It is essential that Cartrefi Conwy monitor allocations to determine, for example, the success of letting plans and whether they are meeting equal opportunities obligations. Service reviews under the Wales Performance Indicators will also provide valuable feedback on services provided and whether reasonable preference has been given. Given the increased emphasis on the choice agenda, it is particularly important that Cartrefi Conwy monitor applications and lettings outcomes to gain an understanding of winners and losers and to assess whether an appropriate balance between choice and need is being achieved.
- 26.3 Cartrefi Conwy, will in conjunction with our RSL partners, draw up systems to monitor information about persons applying for and being allocated social housing accommodation. This can be used as a basis for policy review and development and to help establish whether practice outcomes are in line with allocation scheme objectives.

27 Consultation and review

- 27.1 Cartrefi Conwy will consult with its tenants on any major proposed changes to this policy and will review it on an annual basis to ensure that objectives and targets are being achieved. It will ensure that any review reflects good practice and complies with relevant legislation and National Assembly for Wales' Policy (as amended from time to time).
- 27.2 When an alteration is made to a policy reflecting a major change in policy, Cartrefi Conwy must ensure that those most likely to be affected by the change are notified of it within a reasonable period and have reasonable opportunity to comment on the proposals.
- 27.3 In making this Policy Cartrefi Conwy has considered the National Assembly for Wales' Code of Guidance for Local Authorities on Allocation of Accommodation and Homelessness and recognises that Allocation policies can be subject to frequent amendments that reflect changing local circumstances and national requirements. Therefore it is appreciated that it would be unrealistic to inform every potential applicant of every policy change, as this would entail disproportionate costs.
- 27.4 Although it is not a statutory requirement, the National Assembly for Wales considers that Cartrefi Conwy should also consult Social Services Departments, Health Authorities, Supporting People Teams, Voluntary Sector Organisations, and other recognised referral bodies. Such joint working should result in the provision of effective solutions that address not only housing need but other aspects of social deprivation.

28 Equal opportunities

- 28.1 We will ensure that this policy is applied fairly and consistently across all sectors. We will not directly or indirectly discriminate against any person or group of people because of their race, age, religion, gender, marital status, sexual orientation, disability, age, medical status or any other grounds set out in our Equal Opportunities policy.
- 28.2 Cartrefi Conwy must comply with statutory requirements relating to Equal Opportunities and relevant codes of practice of the Equality and Human Rights Commission, the Race Relations Act 1976 and The Race Relations (Amendment) Act 2000. Regular monitoring of applications and nominations will be carried out in order to prevent discrimination against any individual or group.

29 Responsibility

- 29.1 It will be the responsibility of the Director of Operations to ensure this policy is applied effectively and that staff are trained appropriately in the procedures associated with this policy.

30 Complaints

- 30.1 If any person has cause to believe that Cartrefi Conwy has failed to meet its commitments within this policy, they should raise any issues through our complaints procedure.