Home Choices Policy

Document Control							
Valid from	**Valid to**	**Version**	**Status**	**Author**	**Owner**	**Approval**	**Description of Change**
Nov 18	Nov 21	1	New	Head of N'hoods	Group Customer Services Director	Committee / Board & date of approval	New Group Policy
Sept 21	Sept 24	2	Review	Head of N'hoods	Head of N'hoods	Co-Exec Aug 2021	Reference to DDC, PSL & Starter Tenancies have changed
Aug 24	Aug 27	3	Final	Housing Ops Manager	Housing Ops Manager	Co-Exec August 2024	Updates and reference to domestic abuse, management transfers, consumer standards. Removal of VRTB.
Distribution:							
Other Relevant Documents:	Derbyshire Home Options Partnership Policy West Northamptonshire Council Home Options Policy FHG Income Policy FHG Safeguarding Policy FHG Domestic Abuse Policy & procedure (Customer) FHG Tenancy Assignment/Mutual Exchange Policy FHG Succession Policy FHG Lettings Standard FHG Aids & Adaptations Policy FHG Asset Maximisation Strategy						

	Other Local Authorities lettings policies for new developments	
Comments:		
Please indicate that the following issues have been considered during the production/review of this policy	New legislation, regulation and best practice has been considered	Y
	Equity, diversity and inclusion	Y
	Health, safety and welfare	Y
	Data protection	Y
	Risk management	Y
	Sustainability	Y
	Value for money	Y

1. PURPOSE AND AIMS OF POLICY

1.1 This policy outlines the approach Futures Housing Group (FHG/We) will take to allocate its homes in a fair and consistent way in conjunction with existing partnership policies and nomination arrangements.

1.2 FHG will offer a range of options for customers to access accommodation, including:

- 90% of empty homes are let via West Northamptonshire Home Options Scheme
- 50% of empty homes are let in Derbyshire via the Home Options Partnership
- Section 106 Nominations – where new let properties are available outside of the Amber Valley and Daventry District
- Lettings for new homes in conjunction with local lettings teams across Derby, Nottinghamshire and Leicestershire, through a variety of local authorities and partnerships
- Mutual Exchanges (see separate policy)
- Management Transfers – for management reasons and exceptional circumstances based on medical or unforeseen circumstances
- Direct Lets – lettings made outside of the agreed nomination arrangements

2. POLICY STATEMENT

2.1 FHG will remain an active member of the Derbyshire Home Options Partnership and continue to honour the agreement previously agreed with Daventry District Council which has since transferred to West Northamptonshire Council. We will continue to review these agreements in accordance with the review periods set out within the partnership agreements.

In addition, as FHG continues to develop new homes across the East Midlands this policy will work in conjunction with the nomination agreements in place with new partners/Local Authorities agreed as part of any Section 106 arrangement or otherwise.

This policy will provide guidance for lettings outside any nomination or partnership arrangements including, internal customer transfers and the lettings of older person's accommodation.

3. OBJECTIVES

3.1 FHG will seek to achieve the following objectives:

- All lettings contribute towards sustainable communities and seek to provide social inclusion.
- Allocate all properties in a fair, transparent and consistent way encouraging customers to make informed decisions about accommodation and location to meet their needs.
- Ensure customers have the flexibility to move on when their current home no longer meets their needs.
- Reduce the number of transfers via the lettings process and encourage the use of mutual exchanges, giving more freedom to customers about where they want to live.
- Continue to support customers over the age of 55 years live independently in secure and safe surroundings with the use of technology to provide 24-hour support.
- To maximise income by reducing void rent loss through an effective lettings process.
- To make best use of FHG's housing stock.

4. ACCOMODATION

4.1 FHG offers accommodation across the East Midlands, predominantly in Amber Valley and Daventry areas; the type of accommodation varies and includes:

Independent Living Accommodation / Older Persons Accommodation

Properties which are allocated to those aged over 55 years or to a customer with physical or learning disabilities, where they require support from technological enabled solutions.

Daventry schemes are predominantly traditional corridored ‘sheltered’ schemes with communal lounge areas; these provide extra security through door entry systems and 24-hour access to a customer contact centre.

Amber Valley offers homes which are independently accessed by customers with a local community centre.

Bungalows are also available for customers seeking independence with 24-hour technology enabled support available.

General Needs Accommodation

General needs accommodation comprises of apartments and houses available for single persons, couples, families and any other persons or groups who meet the eligibility requirements.

5. NOMINATION / DIRECT LETTING / MANAGEMENT TRANSFERS

5.1 The statutory responsibility for ensuring that suitable accommodation is available is with the Local Authority. However, FHG has an obligation through Homes England to offer a proportion to Local Authority nominations.

Priority for nominations will be based on those detailed in Section 1, and will adhere to the agreed policies, wherever reasonably possible.

Nominations will be considered and only refused if one of the following criteria, although the list is not exhaustive and exceptional circumstances may also apply, is identified:

- Is not eligible for the property

- Is a former FHG customer with a record of serious breaches of tenancy/licence
- The customer requires support, that is attached and a condition of the tenancy or license agreement but declines to engage with the support.
- The customer wishes to transfer ‘like for like’ without exceptional circumstance, e.g. medical condition/priority
- The customer has a former tenant debt or former tenant arrears with FHG, inclusive of existing agreements in the name of FHW/FHL/Five Doorways/ PSL or any other social landlord.

Direct Let and Management Transfers

5.2 We may facilitate for an existing customer or household member to move to another property through a direct let or management transfer, for management reasons. Examples of this could include; when the need arises to complete a decant from the current property to enable repairs or maintenance to take place, that would not be possible to complete with the household in situ or; where it is deemed necessary to dispose of a property in accordance with the groups Asset Management Strategy.

5.3 In exceptional circumstances, we may agree to move an existing customer or household member to another property through a direct let or management transfer, even if the customer is not currently registered with the Home Options Partnership or West Northamptonshire Council. It is intended to be used when:

- A customer needs to move urgently due to the threat of or actual violence or harm. This applies when there is an imminent risk to them or a member of their household if they remain at that property
- A customer needs to move in exceptional circumstances. There must be evidence of a significant problem or detrimental impact associated with the tenant’s occupation of their current home
- The customer is a victim or at risk of domestic abuse and seeks a permanent or temporary managed exit from the property

An exceptional circumstance will be considered on its own merits and must be agreed and approved by the Housing Operations Manager or Director of Housing in their absence.

5.4 We will make one reasonable offer of accommodation. If this offer is refused the customer will revert to applying or bidding on the local authority's choice based letting register.

In exceptional circumstances we may agree to provide a further offer of accomodation if there is clear supporting evidence that the customer or a member of their household would be at risk of serious harm, by accepting the original offer.

6. APPLICANTS

The following are not exhaustive; however, every application will be considered on its own merits and in conjunction with the Home Options Partnership policy and WNC Home Options Policy, and/or any other Local Authority where Section 106 arrangements (or otherwise) are in place for new and relets within agreed nomination arrangements.

There will be exceptions to these policies.

6.1 Anyone over the age of 16 years can apply to be a customer of FHG, however, applicants aged 16 and 17 will have their housing and support needs assessed jointly with other agencies. Requests for housing will only be considered in exceptional circumstances:

For example:

- where the customer has a dependent child, or children, or pregnant

Any 16 or 17-year-old that is offered a tenancy must have a person who will hold the tenancy in trust until the applicant reaches the age of 18. FHG cannot act as the trustee as this could lead to a conflict of interest.

It should be noted that there is a considered risk associated with the applicants who are under the age of 22 years and unemployed, due to limitations on benefit entitlements and affordability, an affordability assessment will be undertaken in every instance pre an offer of accommodation being formalised.

6.2 If the applicant is unable to demonstrate that they are able to pay the rent or sustain the tenancy they will not at the point of offer be eligible for housing, all applicants will be offered an appointment with the Money Advice Team prior to any formal offer being made.

6.3 If an applicant or members of their household have caused serious nuisance and anti-social behaviour, they will be excluded by FHG. The exclusion will remain until the applicant can demonstrate that the behaviour has been moderated and will not re-occur.

6.4 If an applicant has a previous conviction and there are concerns that this may pose a risk to other customers, our staff and contractors, the scheme and/or home and the wider community, eligibility will be reviewed. This also applies to any joint tenancy or household member. If following the review, it is considered that the risk is too great the applicant will not be eligible for housing.

6.5 Where an applicant has a debt outstanding with FHG or any other registered landlord or local authority FHG may reject their application for housing.

6.6 Existing FHG customers who wish to move internally to the same location and same type of property without exceptional circumstances will be rejected and encouraged to seek a mutual exchange with another FHG customer.

This is an exception to the Derbyshire and Daventry (WNC) Local Authority Choice Based Lettings schemes.

6.7 New build properties will be allocated in conjunction with any Section 106 Agreements in place, with various local authorities.

6.8 Where customers are seeking to execute their ‘Voluntary Right to Buy’ and their existing property is not available for purchase, a transfer will be agreed in line with the Voluntary Right to Buy Policy; restrictions will apply to some areas.

6.9 Where an applicant is a victim or survivor of domestic abuse, the Whole Housing Approach will be applied. This approach supports victims and survivors to make decisions around their housing needs including whether they wish to remain in their current home or move to a new home. We will work in partnership with other agencies to ensure we collaboratively support and promote access to safe and stable housing. Further information is set out in the Domestic Abuse Procedure.

7. TYPE OF HOUSING

7.1 To make best use of housing stock available there are some limitations to the choices that applicants can make. This will be dependent on the household composition.

The guidance below describes the type of housing applicants may be offered:

- Bedsits are offered to a single person

- One bed flat is offered to a single person or a sharing couple.

- Two-bedroom flats may be offered either to parent(s) with a child or to two people sharing the accommodation who would not normally be expected to share a bedroom or households with adult children, (unless there are disability needs for which discretionary housing benefit will be paid where single or couples may be considered).

- Houses may be offered to households with dependent children that are living with them (including at university or in the forces). The number of bedrooms and bed spaces will depend on the household composition.

- Bungalows are for older persons. Offers can be made to applicants aged over 55 years or to those with a physical or learning disability and can demonstrate that they require level access accomodation with the assistance of 24-hour support through technological enabled solutions.

- Independent Living Schemes are for older persons. Offers can be made to applicants aged over 55 years or to those who have physical or learning disability and can demonstrate that they require 24-hour technological enabled solutions.

8. HOUSEHOLDS

8.1 A household can be reasonably expected to live together where:

- They are family members living apart for no other reason than they have no means to live together, OR

- Some member or members of the household require overnight and long-term care from either formal or informal carers, or other companions

8.2 A household is one person living alone, or a group of people who would live together with shared living expenses if suitable accommodation were available.

8.3 Relationships by marriage (this includes civil partnerships) will be treated as a relationship by blood and a stepchild of a person will be treated as a child within the household.

8.4 Dependent children (including stepchildren and foster children) are defined as a person aged under 16 and all others aged 16-18 who are currently in or about to start full-time education/training and are unable to support themselves.

8.5 Where responsibility for children is shared between two former partners, applicants will be considered for accommodation on the following basis:

- The parent or guardian that is the recipient of the child related benefits will be allocated the number of bedrooms that are required for that household.

- Parents or guardians with access to children but are not the recipient of child related benefits will not normally be eligible for any additional bedrooms to accommodate these children, unless in exceptional circumstances or where demand for 2-bedroom properties is limited.

9. TENANCY OPTIONS

9.1 FHG will issue Assured Tenancies to all those customers who have been awarded a new tenancy with FHG.

Customers who are transferring internally or from another registered landlord will also be issued an Assured Tenancy.

Additionally, Intermediate Rented properties will be let on a long term Assured Shorthold Tenancy/Fixed Term Tenancy.

9.2 Customers requesting a mutual exchange will be dealt with under the assignment of tenancy policy.

10. ASSESSING HOUSING NEED

10.1 FHG will remain an active partner of the Derbyshire Home Options Partnership and a partner of West Northamptonshire Council, additionally as a partner of any new Local Authority, and will assess need in conjunction with these policies to ensure a fair and transparent process and based on the needs and current circumstances of the applicant.

10.2 Transfers will only be considered for those FHG customers who:

- Are currently overcrowded and require larger accommodation to meet their family’s needs.
- Are currently under-occupied and require downsizing.
- Have a medium or severe medical problem which means their current accommodation is unsuitable to meet their needs and adaptations are not an option. Medical needs must be supported by a medical professional.
- Want to move outside of the area covered by FHG.

10.3 All existing customers requesting a transfer will undergo a pre-transfer inspection of their existing property and could be subject to recharges for any damage caused prior to moving.

10.4 Where an applicant requires adaptations FHG will assess the requirements in accordance with the Aids and Adaptations Policy. A needs assessment must be provided by an Occupational Therapist for consideration to be given.

11. DIFFICULT TO LET AND SENSITIVE LET PROPERTIES

11.1 There will occasions when FHG will have some difficult to let properties or properties identified for sensitive lets.

Sensitive let properties refer to a property or group of properties that may have restrictions on who is suitable to move in, therefore additional eligibility criteria will be applied. The purpose is to ensure tenancy sustainment and considering the wider community needs. This may be applied locally following previous complex tenancy management issues or in agreement with the local authority via a local lettings plan.

In such circumstance alternative letting routes will be used; for example, inviting referrals from external agencies and services or advertising through a commercial advertising portal, such as Rightmove or Gumtree.

Applicants will be assessed against the eligibility criteria before an offer of housing is made.

FHG may consider relaxing the bedroom criteria on difficult to let properties. However, any applicant must demonstrate that they can afford the home that has more bedrooms than they require, if they cannot afford this, they will not be eligible for the property.

12. OFFERS AND SIGN UPS

12.1 When a customer receives an offer of accommodation, they will reasonably be expected to sign their tenancy agreement and take up the tenancy as soon as the property becomes available for letting.

If the property is ready to let and the customer has had reasonable notice to sign for the tenancy but they have not made arrangements to do so, the offer of accommodation can be withdrawn as the applicant is not ready to take up the tenancy.

12.2 Customers will be expected to pay 4 weeks rent in advance wherever possible in conjunction with the Income Policy; however, exceptions can be made where affordability is a concern and this could potentially cause financial hardship for the customer.

12.3 Where a transfer exists, customers will be permitted to hold both tenancies for up to 1 week in exceptional circumstances and where benefits would continue to pay on both properties; transfers will be subject to a notice period of 4 weeks as per existing tenancy agreements, unless there is a need for some discretion to avoid causing unnecessary financial hardship

Transfers will be subject to pre-transfer checks.

13. TRANSFER INCENTIVES

13.1 Where a customer wishes to transfer from a large family home to a smaller 'sheltered property' (flat or bungalow) a small monetary allowance can be made to support moving costs. Discretion can be used where domestic abuse or safeguarding issues have resulted in the need to move urgently.

The transfer incentive payment will be awarded on a case-by-case basis and will be available for any customer who may struggle to ordinarily afford their own removal costs, which would have prevented them from moving previously.

Additional Information

14. LEGAL FRAMEWORK

14.1 There are a number of legal factors relevant to the allocation of properties, however, it remains the statutory responsibility of the local authority:

Legislation	***Main powers and relevance to Allocations and Lettings***
Housing Act 1985 / 88	• Details circumstances in which succession can occur for secure (1985) and assured (1988) tenants.
Housing Act 1996	• Defines categories of persons who are ineligible to join LA housing registers. • RSLs are under a duty to co-operate with LAs to assist them in performing their functions under Part 6 and 7, if requested, and so far, as is reasonable • Part VI of the HA 1996 designed to make Local Housing Authority procedures - either when allocating an applicant, a secure tenancy, or when nominating as applicant to be an assured tenant of an RSL – more consistent, fair and transparent, this amended by the Homelessness Act 2002 and subsequently amended by the Localism Act 2011.
Homelessness Act 2002	• Gives LHAs the ability to make the best use of its housing stock • Requires Local Authorities to consider housing allocation as one of the tools for combating homelessness and assisting other vulnerable people in their area.
Localism Act 2011	• Local authorities will be able to set qualifying criteria for housing assistance and will be able to discharge homeless duties by offering accommodation in the private rented sector. Existing tenants wishing to transfer will no longer have to go through the same allocation process as other applicants. • Local authorities will be able to offer new tenants ‘flexible tenure’ (fixed term secure tenancies) rather than traditional ‘lifetime’ tenancies. The Act also makes a number of technical changes to facilitate the use of fixed-term tenancies by social landlords. • Statutory succession rights are reduced (for new tenants only) but it becomes possible to confer

	additional succession rights under the tenancy agreement.
Housing and Regeneration Act 2008	• Regulator of Social Housing splits the standards into two areas: 1. Economic Standards – Governance and Financial Viability, Rent and Value for Money 2. Consumer Standards – Tenant Involvement and Empowerment, Home, Tenancy, Neighbourhoods and Community.
Domestic Abuse Act 2021	• Outlines obligations on LAs and social landlords to ensure; 1. Where they offer a new tenancy to existing lifetime social tenants due to domestic abuse, such tenancies are granted on a lifetime basis. 2. They share information at the tenancy nomination stage where there are safeguarding concerns, including domestic abuse.

15. PROCEDURES AND GUIDANCE

15.1 FHG will ensure this policy is accompanied by a clear procedural guide for all its employees and contractors.

16. TENANCY FRAUD

16.1 Where there is a concern relating to alleged tenancy fraud, for example, where it is reported or believed that a customer residing in any FHG property is not the tenant of the property or where a property is being used for purposes other than providing a home appropriate action will be taken against the tenancy. This will be dealt with in accordance with the groups Fraud and Financial Crimes Policy.

In any instance where a customer has reported such activity FHG will ensure they receive the most appropriate support.

17. TRAINING

17.1 Training will be provided in accordance with the policy and procedural guide to all employees and contractors (where appropriate).

17.2 Refresher training will be available as and when required should there be a change in legislation and procedural arrangements.

18. REVIEW OF POLICY

18.1 This policy will be reviewed at least every 3 years or as required when there are any changes in legislation or guidance.