

# ALLOCATIONS POLICY

## **1. Purpose**

- 1.1 This policy sets out our approach to allocating our homes, both to new applicants and to current tenants wishing to transfer within our housing portfolio. Most of our Red Kite homes are advertised through the Bucks Home Choice Based Lettings scheme by which social and affordable housing is allocated throughout Buckinghamshire unless homes fall under other local authority areas.

## **2. Definitions**

- 2.1 Choice Based Lettings Scheme: A system for allocating social and affordable homes within a local authority area which allows applicant choice rather than local authority direct letting.
- 2.2 Housing applicants and existing tenants with a housing need and wishing to move to an alternative home register their details with the choice-based lettings scheme for their area. Applications are prioritised using a banding system and applicants express an interest in properties when they become available. The Council Housing Team verifies and shortlists applicants for homes and identifies successful prospective new tenants using the banding criteria outlined in the Buckinghamshire Council Housing Allocations Policy or other relevant Local Authority.

## **3. Responsibilities**

- 3.1 The Head of Relationships is responsible for reviewing this policy.
- 3.2 The Empty Homes and Lettings Team Leader is responsible for ensuring this policy is implemented and monitoring its effectiveness.

## **4. Legal Framework**

- 4.1 The main pieces of legislation are as follows:
- a. Housing Act 1985 <http://www.legislation.gov.uk/ukpga/1985/68/contents>
  - b. Housing Act 1996 (as amended by the Homelessness Act 2002) & Housing Act 1988  
<http://www.legislation.gov.uk/ukpga/2002/7/contents>
  - c. Localism Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/20/part/7/chapter/1/enacted>
  - d. Data Protection Act 2018
  - e. The Equalities Act 2010 and associated guidance

f. Social Housing (Regulation) Act 2023

## **5. Policy Statement**

- 5.1 When letting Red Kite homes, we will work in partnership with Buckinghamshire Council and other local authorities to house those in greatest need of housing.
- 5.2 When we let Red Kite homes in accordance with the nominations agreements we have with local authorities, we will mainly let them through the Choice Based Lettings Scheme for the area. These allocation schemes ensure “reasonable preference” is given to certain categories of applicant as set out in sub-section 166A (3) of the Housing Act 1996. We also reserve the right to make direct lets to our homes, supporting our ability to manage decants and priority moves.
- 5.3 Where we have exhausted the choice-based lettings process as agreed in the nominations agreement and we have been unable to let our Red Kite home, we will explore other options which may include using our direct allocation or opening up the Red Kite home to another organisation with which we partner.
- 5.4 We will ensure that our approach to lettings is transparent, fair, non-discriminatory and effectively controlled and monitored. We will take into account the needs of individuals as well as equality, inclusion and diversity issues.
- 5.5 We will ensure all decisions are made in accordance with the principle of making the best use of our housing stock, in accordance with social housing allocations guidance and in line with the Equality Act 2010.

## **6. Policy Details**

- 6.1 We will seek to work with the Local Authority partners by advertising our homes primarily via Choice Based Lettings Schemes but reserve the right to make direct lets to our homes where necessary as mentioned in clause 5.2.
- 6.2 In accordance with the nominations agreement that we have with Buckinghamshire Council for homes that were transferred, we may directly allocate up to 25% of our empty Red Kite homes to people we select. This may be, but not exclusively:
  - a) in line with our Priority Moves Policy or Adaptations Policy
  - b) to facilitate a decant
  - c) through other nomination arrangements or partnerships
  - d) for a succession case
  - e) for a 'hard to let' home
  - f) for a 'short life' home or when there is development potential
  - g) where there are exceptional circumstances which will be considered on a case-by-case basis.

The Head of Relationships will give a final decision on all situations which sit outside the usual process, delegated to the Head of Community in their absence.

- 6.3 Where the nomination agreement for a new development in Buckinghamshire, or any other local authority area, also allows us to directly let or re-let a proportion of the homes ourselves, we will apply the same approach as set out in paragraph 6.1.
- 6.4 We may choose to use alternative methods to advertise our empty homes outside of the local choice-based lettings system, although choice-based lettings is currently our primary method of advertising. We will use alternative methods for advertisement for identified hard to let homes.
- 6.5 We aim to make best use of our homes and therefore if a home becomes available that has been adapted in the first instance, we will aim to let the home to an applicant or family that require the adaptation – this let will be made through the choice-based lettings scheme or via direct let as appropriate.
- 6.6 We will implement ‘local lettings plans when appropriate, either for homes or in particular areas, in order to deal with specific issues and achieve balanced and sustainable communities. Examples could be if there is a high amount of anti-social behaviour or large numbers of vulnerable people in a particular block, or if homes have development potential and therefore shorter-term lettings are more appropriate. All local lettings plans will be advertised on our website and the choice base lettings website where possible.
- 6.7 Whilst we are committed to providing high quality affordable rented housing to as many people as possible, in certain circumstances we may exclude nominees from being housed by us. Applicants or tenants who have been excluded in this way have the right to appeal the decision (*See Sect. 7 below*). We reserve the right to exclude nominees in the following circumstances:
- a) They have previously used a property for illegal/fraudulent purposes
  - b) They owe rent or other charges or debts to us or another landlord
  - c) They have been evicted for rent arrears on a previous tenancy, either with a registered provider or private landlord, within the last five years
  - d) They caused or are causing a nuisance and/or annoyance to neighbours or visitors
  - e) They have demonstrated racist or discriminatory behaviour/hate crime
  - f) They committed criminal offences in or near the home and are posing a threat to neighbours or the community
  - g) They have been violent or abusive toward a partner or member of the household or their visitors or neighbours
  - h) They have demonstrated unacceptable behaviour such as being verbally

or physically abusive towards a member of staff, contractor or anyone acting on the landlord's behalf

- i) They have allowed the condition of their home and any associated areas e.g. garage, shed, garden, patio to deteriorate through neglect or damage
- j) They have, or have attempted, to obtain a tenancy by deception, for example, by giving false or misleading information
- k) They have paid money to illegally obtain a tenancy
- l) They do not qualify for social housing e.g. applicants from abroad who have no recourse to public funds
- m) They own or have a legal interest in another property
- n) They have lost accommodation provided in connection with employment due to their conduct
- o) They are unlikely to sustain a tenancy with us, as determined via our risk assessment process, financial well-being or tenancy sustainment assessment
- p) They would pose a safeguarding risk to other tenants, visitors, staff, contractors or the local community
- q) They would pose a health and safety risk to other tenants, visitors, staff, contractors or the local community e.g. a history of fires in a previous property or living in insanitary conditions.
- r) They have the means to resolve their housing need in the private rented sector.

Exclusions will be considered on a case-by-case basis. In cases related to behaviour this will be done according to the seriousness of the action. For example, we will take into account the timescales, the impact and any other circumstances when reaching our decision.

6.8 We will apply the bedroom size criteria in line with housing benefit regulations and the Allocations Policies for the local authority area. In general, this allows one bedroom for:

- a) Every adult couple
- b) Any other adult aged 18 or over
- c) Any two children of the same sex aged under 18
- d) Any two children regardless of sex aged under 10
- e) Any other child aged under 18

- f) A non-resident carer (where the applicant and/or their partner have a disability and need overnight care)

There may be exceptional circumstances when this size criteria is not met, which will be considered on a case-by-case basis.

- 6.9 A bedsit or studio flat may be offered to a couple or single adult, however a pregnant woman may be allocated a home without a separate bedroom where this is to meet a temporary accommodation need.
- 6.10 All applicants must be eligible for an allocation of housing under Part 6 of the Housing Act 1996.
- 6.11 All applicants for housing must be aged 18 years or over. In exceptional circumstances, an applicant aged 16 or 17 may be considered for a tenancy, provided an adult trustee is appointed to hold a tenancy on their behalf until they reach 18. For example, in cases such a sudden death of both parents, where multi-agency partners have authorised an adult family member to act as a trustee, and it has been determined that the home is the most suitable place for the child or children to remain, rather than entering care.
- 6.12 Applicants for our sheltered and Aged Persons Dwelling (APD) homes must be 60 years of age or above. Where there are joint applicants and one is below 60 years of age, we will only offer a sole tenancy to the older applicant. Where the applicants are existing Red Kite tenants or a successor, the same rule shall apply. This means that there may be times when a successor is required to move to an alternative home.
- 6.13 When an applicant is under 60, we will consider an offer of sheltered or APD home (including where such home has been adapted) on a case-by case basis where an independent medical or other support services advisor i.e. adult social services has recommended that due to the nature of the customer's needs, this is the most appropriate option. In these cases, please note the home will continue to be exempt from the Right to Buy.
- 6.14 Where there has been a housing management issue at a specific home, block, estate or street, we may treat the letting of the home as a 'sensitive let' in order to minimise the risk of the issue re-occurring. A sensitive let may seek to protect vulnerable applicants where an appropriate letting is necessary to help them sustain a tenancy. A sensitive let may also help us to protect/reassure neighbours and the community where there have been serious issues due to the previous let.
- 6.15 When carrying out a sensitive let, we will house the most appropriate, priority applicant. Details of the decision making for any sensitive let will be comprehensively recorded via our housing management systems and minutes of meetings where applicable. We will also liaise with the local authority to ensure transparency.

- 6.16 We require applicants to undergo a Pre-Tenancy Assessment that includes financial, needs and risk assessment and where appropriate landlord references. Where an applicant is unlikely to be able to maintain the tenancy we may withdraw the offer of the home, unless we are satisfied that a suitable support plan is in place to mitigate the risk.
- 6.17 We reserve the right to withdraw an advert or offer of a home. The circumstances in which this may occur include but are not limited to: -
- a) Where an error has been made in the advertising criteria
  - b) When it has been subsequently established that the home needs extensive works that will take unreasonable or unidentified amount of time
  - c) Where it's established the home would need extensive adaptations that would not be considered a good use of stock or within our adaptation policy
  - d) Where it is identified that the home is unsuitable for the tenant and/or a member of their household
  - e) When the home has been advertised, but the existing tenant has withdrawn their notice
  - f) When the home has been advertised but withdrawn for a direct let for an urgent case
- 6.18 Although owner occupiers are not normally accepted, they may be considered for sheltered housing if they are assessed as suitable and certain conditions are met. These will be tailored to the individual's circumstances but could include a requirement for their home to be sold within a specified period.
- 6.19 All information relating to allocations will be managed in accordance with the provisions of the Data Protection Act.
- 6.20 This policy does not apply to lettings to homeless nominations under the temporary accommodation scheme.

## **7. Right of Appeal**

- 7.1 When writing to you with a decision to not offer a tenancy or to withdraw an offer we will advise you of the reason for our decision. Where we make the decision because the home is unsuitable for you and your household, or due to one of our exclusion criteria you will have the right of appeal.
- 7.2 You can appeal our decision for the following reasons
- You believe that we haven't taken into account a key piece of evidence already provided
  - You believe that reasonable adjustments have not been considered in relation to any disability or medical condition
  - There is additional evidence that you consider to be important in making a decision, and you want to send it to us

- You believe we have incorrectly applied our exclusion criteria and can provide evidence to support this

7.3 We cannot accept an appeal for any other reason – we know you may not be happy with a decision but unless your appeal is for one of the reasons here, we will be unable to consider it.

7.4 To appeal our decision, you should contact us and tell us which reason you are using to appeal and provide us with any supporting information. There is a deadline for this, you will need to contact us within 1 working day of our decision, this is because we may already be considering an offer to another household. At this time, you will need to advise us of the reason you are making the appeal. We will also agree with you how long you have to provide any additional information. This will usually be within 2 working days. If an appeal is made outside of this timeframe the home may be offered to another family, at which point we would be unable to offer the same home.

7.5 We accept an appeal in all the following ways:

- **Emailing** [lettings@redkitehousing.org.uk](mailto:lettings@redkitehousing.org.uk) with the subject line – *Request to Appeal Decision*; or
- **Telephoning** us on 01494 476100 advising us you are appealing a decision. We will ask for you to provide the information above and may need you to send further information in by email or post.
- **In person** – you can advise any member of staff that you wish to appeal a decision. We will ask for you to provide the information above and may need you to send further information in by email or post.
- **We do not advise you to appeal by post due to the short time frame of 1 working day to appeal** – you will likely miss the deadline. If you can drop off a letter by hand this may still be within deadline. If you choose this option please mark as urgent and drop in to Red Kite Community Housing, Kingsmead Business Park, Frederick Place, London Road, High Wycombe HP11 1JU – please title your letter Request to Appeal Decision. Please telephone us in advance to let us know that you are making an appeal where possible.

7.6 The appeal will be reviewed by the Empty Homes and Lettings Team Leader, unless they have been involved in the original decision, in which case the appeal will be reviewed by the Head of Relationships or another manager. Our response to your appeal will be sent within 2 working days. In exceptional cases it may take us a little longer to consider the appeal. If this is the case, we will let you know and agree a date when you will have a decision.

7.7 As part of dealing with the appeal, we may contact you to ask questions and ensure we have all the right information.

7.8 Once the appeal decision has been made there will be no further appeal.

7.9 If you are unhappy with how we have managed your case, you can make a complaint via our Feedback Policy which is available on our website or on request. However, this will not form an appeal of the decision made.

## **8. References**

- 8.1 The Regulator of Social Housing's *Regulatory Standards* sets out its expectations of registered providers. The standards relate to providers being viable, properly governed and properly managed.
- 8.2 The Consumer Standard requires housing organisations to be fair, transparent and accessible to tenants and potential tenants, ensuring that the allocation process is equitable, prioritises those in housing need and reflects the principles of fairness and inclusion.
- 8.3 This policy also makes reference to *Buckinghamshire Council Housing Allocations Policy* and other local authority areas in which we operate.

Document Controls			
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<b>Subject matter expert drafter</b>	Head of Relationships	<b>Process owner</b>	Head of Relationships
<b>Related Pod</b>	Relationships Community Property Finance	<b>Related Policy</b>	Empty Homes & Lettings Policy Priority Move Policy Sheltered Internal Transfer Policy Tenancy Changes Policy Tenancy Policy Adaptations Policy Equality, Diversity & Inclusion Policy Tenancy Fraud Policy
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