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ALLOCATIONS & LETTINGS POLICY

Revised March 2020

Introduction

This document sets out how we allocate our homes when they become available for letting. The first Part of the Policy deals with the principles which underpin this Policy; Part 2 deals with allocations to our social rented and affordable rented stock; Part 3 deals with allocations of shared ownership units; and Part 4 sets out a number of general issues which apply to this Policy.

This Policy is supplemented by our Allocations and Lettings Procedure which gives greater detail about the operation of this Policy in practice.

Part 1: Principles underpinning this Policy

What are the aims of the Allocations Policy?

- To provide accommodation for persons who are in housing need
- To assist the work of local authorities in alleviating homelessness, poor housing conditions and other identified housing need.
- To complement the work of local authorities by assisting those in housing need in accordance with local authority lettings agreements.
- To assist voluntary agencies that provide housing advice, assistance and temporary refuge to those in housing need as a result of fleeing domestic violence. IDS will make offers of permanent housing within quotas that will be revised on an annual basis.
- To assist, on an ad hoc basis, voluntary agencies working within the Jewish community that provide housing advice and assistance to those in housing need.

- To provide existing IDS tenants where possible with the opportunity to transfer to other accommodation.
- To collaborate with other social housing providers to increase tenant transfer opportunities
- To provide affordable housing for those employed in Jewish Charities which help build sustainable communities
- To give adult resident family members of current tenants the opportunity to move to independent housing, prioritising those families that are experiencing overcrowding
- To maximise the use of IDS housing stock
- To offer a transparent and flexible procedure that responds to the needs of the service user
- To offer as much choice as practicable to the service user
- To respond to identified needs within the communities that IDS serves
- To respond to identified specialist housing need within the Jewish communities that IDS serves
- To ensure that no section of the community is excluded from the services that IDS provides
- To ensure that IDS is compliant with the requirements of the law in all its allocation procedures

Regulatory Obligations

IDS is a not-for-profit private registered provider of social housing, registered with the Regulator of Social Housing ('RSH'). We provide general needs housing for rent and shared ownership.

This Policy is consistent with the Tenancy Standard published by the RSH as part of the Regulatory Framework and which requires IDS as a registered provider to let our homes in a fair, transparent and efficient way taking into account the housing needs and aspirations of tenants and potential tenants and to demonstrate how we:

- Make best use of available housing; and
- Ensure our lettings are compatible with the purpose of the housing; and
- That we contribute to local authorities' strategic housing functions and to creating sustainable communities.

Part 2: Allocations to social rented and affordable rented units

Who do we consider for housing?

IDS accepts applications for housing and re-housing in our social rented and affordable rented stock from the following sources:

- Local Authorities
- Approved Referral Agencies
- Internal Transfers
- Mutual Exchanges
- Reciprocal Agreements

- Direct Applicants
- Community Letting as defined within this Policy
- Community Workers as defined within this Policy

Equal Opportunities

In line with our heritage and our Corporate Strategy IDS will give preference to applicants from the Jewish Community. This is in recognition of the documented disadvantage experienced by the Jewish Community in accessing housing both in the social and private sector¹. In exercising this preference, IDS will at all times act proportionately to ensure that the priority given to applicants of the Jewish faith does not override the interests of other applicants who have greater need of housing.

By “applicants from the Jewish Community” we mean people who self-identify as Jewish and therefore want to be in a Jewish environment and people who work in the Jewish community.

Our policy of giving preference to Jewish applicants will be regularly monitored and kept under review to ensure that the policy remains consistent with the principles of sections 158 and 193 of the Equality Act 2010 (s 158: positive action and s193: the charities exception). We will also ensure that in relation to new developments there is a demonstrable need for housing for members of the Jewish community in the locality. If there is not, the preference will not be exercised.

¹ See for example “IDS Qualitative research into Jewish Housing Need 2019” which is part of a significant body of wider research demonstrating the disadvantage suffered by the Jewish population in the UK in accessing housing in the social and private sectors

IDS will gather and maintain robust statistical information on the needs of the Jewish community in all localities where IDS operates to ensure that in exercising its preference to housing Jewish applicants, IDS can objectively demonstrate that it is addressing disadvantage.

This Policy has been the subject of an Equality Impact Assessment which has taken into account IDS's duties under section 149 Equality Act 2010 (the public sector equality duty). Further EIAs will be undertaken at the time of first lettings of any newly developed homes to ensure continued compliance with section 149 and the Equality Act generally.

Where there is no suitable applicant from within the Jewish community, IDS will seek to let the accommodation available to people who are not Jewish. In this regard, and when no nominations agreement exists between IDS and a local authority, IDS will accept a recommendation from a local authority waiting list for social housing.

Annual Lettings Plan

At the beginning of every financial year IDS will adopt a 'Lettings Plan' for the coming year. This will project lettings for the year using data from previous years' lettings and any developments expected to reach completion during the forthcoming year.

Subject to nominations obligations with local authority partners, the plan will set letting targets for all the other access routes from which IDS accepts applicants. Performance against the Lettings Plan will be reported to the Housing Services Committee on a six-monthly basis and to the Board

annually. Statistics on refused offers will be included in the annual report to the Board.

Allocations via IDS Waiting Lists

Any vacancy allocated to an access route for which IDS maintains a waiting list will be advertised to (at a minimum) the top applicants on the relevant waiting list. This figure will be increased where it is anticipated that a successful let will not result from the top applicants.

Our waiting lists will be maintained in accordance with the Bandings set out in our Allocations and Lettings Procedure.

Local Authority Nominees

IDS works in partnership with a number of London Boroughs to alleviate local housing need and homelessness. We will allocate at least 50% of our overall lettings to local authorities. Where housing stock falls within the scope of local authority lettings agreements we will allocate at least 50% of true void bedsit/1 bedroom vacancies and 75% of true void family sized units, i.e. accommodation with 2 or more bedrooms.

A 'True Void' is a vacancy where IDS has made a 'net gain' of a property. For instance, where a tenant has died and the vacant property has been returned to IDS. Other examples of true voids are evictions, abandoned property, newly developed or acquired property, or where a tenant has ended the tenancy and found their own alternative accommodation. Vacancies where IDS has not made a 'net gain' of property are 'Non True Voids' and are generally excluded from local authority quota agreements, but not IDS Annual Lettings Plan. Examples of Non True Voids are internal transfers, reciprocal agreements,

vacancies created by any government incentive scheme.

In the case of newly acquired, or new build properties, where a proportion of the funding, or land, has been provided from a public source, local authorities may have a right to 100% of the first lettings or, in some cases, in perpetuity. This entitlement may continue for a number of years dependent upon the conditions attached to the development funding.

In these cases the letting policy will be recommended by senior staff and approved by the Housing Services Committee before its implementation.

When requesting a nomination from a local authority IDS will provide details of the accommodation available, including size, floor level and any adaptations and ask that the local authority provide sufficient information from the outset regarding the circumstances of the nominee. The purpose of this is to ensure that we are fully aware of any support and care components required by an applicant that may assist in their ability to sustain a tenancy. The nominee's circumstances must be appropriate for the accommodation available and comply with this Policy.

Local Authorities will therefore be required to include the following details on any nominee:

1. The reasonable preference criteria under which the applicants have been nominated
2. Whether the applicants, or a member of their household, have any known care needs or provision, a history of rent arrears or housing benefit fraud
3. Whether the applicants, or their family has a known history of anti-social behaviour, including violence towards staff, and

4. The age and sex of all family members to be housed

IDS will work with applicants on its own Waiting List to ensure that they are registered with the local authority for housing and are given the appropriate banding and preference under the local authority's Allocations Policy.

IDS will also work with its local authority partners to ensure that, in line with this Policy, where applicants of equal priority include a Jewish household or a person working for the Jewish community, that household is nominated for housing to IDS.

Choice Based Lettings

IDS will co-operate with and facilitate the operation of the Choice Based Lettings Schemes operated by the local authorities it works with.

Referrals

IDS will accept referrals from external agencies. These are agencies working with a variety of disadvantaged individuals and families in need of housing, in particular people from the Jewish community. A list of agencies currently used by IDS is available upon request.

Applicants for housing referred from external agencies will be allocated the appropriate banding and placed on the IDS Waiting List and offered housing as and when it becomes available in accordance with their priority on the Waiting List.

Direct applicants

IDS may receive ad hoc applications for housing from individuals and families.

These applicants will be assessed in the same way as referrals from external agencies and placed on the IDS Waiting List with a priority level consistent with their banding.

Transfers

All existing IDS tenants can apply for transfer irrespective of how long they have held tenancies. They do not need to have an identified need to move or meet any criteria threshold other than property size eligibility (see Table in Allocations and Lettings Procedure).

Conditional offers of transfers will not usually be confirmed if the tenant has rent arrears or their current accommodation is in such a condition that would impose a financial burden on IDS in order to make the accommodation lettable.

Instances of Anti Social Behaviour that have resulted in criminal convictions, or the serving of a Notice of Seeking Possession on the tenant will also result in the tenant being excluded from transfer.

Anti Social Behaviour exclusions from transfer will remain in force as long as there is a Notice of Seeking Possession outstanding, or until two years after any conviction. These exclusions can be commuted where a tenant has successfully entered into an acceptable behaviour contract with IDS.

Exceptions to transfer eligibility can be waived in emergency circumstances subject to the tenant contracting to a plan to resolve the problem with IDS.

This could take the form of:

- A rent arrears agreement
- An agreement to compensate IDS for the cost of refurbishment works to

their property

- An Acceptable Behaviour Contract

These exceptions will only be used in an emergency and not be applied generally.

Households apply for transfer for numerous reasons. IDS applies size restrictions on property tenants are eligible to apply for, in order to:

- minimise under occupation and make the best possible use of its housing stock.
- Prevent deliberate or statutory over-crowding at the commencement of a tenancy

It does not impose any other restrictions on a tenant's choice of preferred accommodation other than the requested accommodation is appropriate for their needs.

Tenants join the transfer waiting list in date order and this is the only criterion used for making an offer to tenants and eligible applicants on any of the other waiting lists.

Management Transfers

IDS also maintains a separate management transfer list.

From time to time IDS may require tenants to move out of their home for management purposes. This may be, for example:

- to solve serious neighbour disputes
- to release under occupied property

- to resolve permanent medical issues.
- To resolve ongoing safety issues
- to facilitate major repairs or to carry out an extensive refurbishment or redevelopment programme. Where this occurs we would offer either a temporary or a permanent move to alternative accommodation as appropriate to the situation.

Other situations where a tenant may be placed on the management transfer list include:

- Medical emergencies
- Violence, Harassment, Racial Harassment, Domestic Violence
- Where a particular vacancy represents a 'perfect fit' for a tenant as defined later in this document

Criteria for all waiting lists are detailed at the end of this document

Mutual Exchanges

Generally, we wish to encourage mutual exchanges as they enhance the efficient use of our property, promote other forms of tenant mobility and reduce the demand for transfers.

Where a mutual exchange is proposed tenancy references will be requested and provided to ensure that the proposed exchange is legal and appropriate before IDS grants a licence to assign the tenancy. Both parties will be advised of any issues that may affect the exchange, or responsibilities that transfer with the tenancy.

Reciprocal Agreements

IDS is willing to collaborate with other providers of social housing and negotiate mutually beneficial reciprocal agreements in cases where there is urgent need.

Community Lettings

In an effort to help sustain and support balanced communities, IDS allocates up to 5% of annual lettings to adults who are currently resident with existing tenants and have been so for a minimum of 12 months are permanently resident with the tenant and have not moved out for more than twelve months on permanent basis at any one time. Also, there must be a five year gap between the housing of applicants from one single household. Applicants could include adult children, other relatives, or other persons that have been resident as an authorised household member, they must be over 25 years old. Offers of a tenancy will not be confirmed until an assessment has been made to establish that the applicant:

- has the means and ability to maintain a tenancy
- is legally entitled to hold a tenancy
- there are no anti-social behaviour issues relating to the applicant or the applicant's current household

In recognition of the fact that overcrowding is the single biggest reason that families become inadequately housed, priority will be awarded to applicants for this scheme according to the level of overcrowding being experienced in the tenant's home.

As detailed in the table below:

Definition	Points
For every bed space overcrowded (More than 2 people sharing a double bedroom, more than 1 person sharing a single bedroom)	5
For every bedroom where 2 Adults of opposite sex (other than a couple in a relationship) sharing a room	10
For every bedroom where 2 Adults of the same sex (other than a couple in a relationship) sharing a room	5
For every bedroom where an Adult shares a room with a child of the opposite sex aged 10 – 17	10
For every bedroom where an Adult shares a room with a child of the same sex aged 10 – 17	4
For every bedroom where an Adult shares a room with a child of the opposite sex under 10	8
For every bedroom where an adult shares a room with a child of the same sex under 10	3

Points will be cumulative for every category met. Where need is equal waiting time will be used to prioritise

Applicants will not be eligible for this scheme where the tenant's home is under occupied, or as a result of the family member leaving the home, will become under occupied, unless the tenant is prepared to move to smaller accommodation, appropriate for their needs in accordance with IDS size criteria. Applicants for this scheme will need the 'host' tenant to sponsor their application.

Where a tenant is prepared to move to smaller accommodation the moves will be processed as a Management Transfer and a Management Offer made under the Under Occupation criteria contained in this policy.

Community Workers

IDS operate a Community Worker Scheme in relation to some of its properties. To qualify for housing in one of these units an applicant must fulfil the criteria for the Community worker scheme. IDS will operate a separate

waiting list for community worker scheme units.

Applicants Related to IDS Staff Members

Where an application is received from either a direct applicant or an existing tenant who is related to a member of IDS staff the application will be treated in all respects in accordance with the criteria for the waiting list.

To ensure that the criteria is adhered to and the application treated with neither favour nor disadvantage, any such application will be reported and minuted at an Allocation Panel upon receipt and again when the application reaches the top of the waiting list.

Before any offer of accommodation is made approval must be given by the Chief Executive of IDS.

Applicants aged under 18 years of age

There are instances where IDS is asked to consider granting a tenancy to a minor (i.e. a person aged under 18 years of age). This will always be via a local authority nomination (except in the case of succession which is detailed below). IDS will consider any nomination requests fairly but will additionally make enquiries to ensure that adequate support is in place to assist the young person to maintain their tenancy. Where the young person has been nominated (via the local authority) by social services a care plan should be in place and social services will be asked to act as guarantor for the tenancy until the young person reaches the age of eighteen in accordance with their obligations under *The Children (Leaving Care) Act 2000*.

The *Homelessness Act 2002* places additional obligations on local authorities concerning 16 and 17 year old young persons, who may have approached the

local authority directly without the involvement of social services. IDS will consider any requests to grant a tenancy to such nominees but will additionally make enquiries into support and access to funds to ensure that the nominee has both the financial and practical resources to maintain a tenancy. Where this can be established and guaranteed by a third party applicants under the age of eighteen will be accepted for housing.

The law dictates that any nominee under the age of eighteen be regarded as vulnerable and IDS has a duty to establish that the young person will have adequate support and protection in their home before granting any tenancy. It would normally also require that an adult family member act as the young person's guarantor until they reach the age of 18.

In an instance of the minor being a child of a deceased IDS tenant, the matter will be dealt with as detailed in the Allocations and Lettings Procedure under 'Succession of a Minor'

New Tenancies

IDS will normally offer joint tenancies to couples unless:

- there is a legal impediment to one of the couple accessing social housing due to their residency status in the UK;
- the main applicant has been nominated by the local authority as a sole applicant and wishes to proceed as such;
- the main applicant has been nominated by the local authority and their
 - partner has been habitually resident with them for less than 12 months;
- there is a management reason for granting a sole tenancy. In this instance the decision must be ratified by the Allocation Panel and minuted.

Successions

Where a request is received for a succession of a secure tenancy the Area Housing Manager will make the necessary arrangements for this and ensure that the Allocation Panel notes and minutes the change of tenant. A succession to a secure tenancy can only happen where it is required under statute.

Changes to existing Tenancy (sole to joint and joint to sole)

The change will be reported by the Area Housing Manager to the Allocation Panel and minuted.

Sole to Joint

Where a request is received to create a joint tenancy from a sole tenancy:

- the new tenant will need to be able to demonstrate that they have lived continuously at the property for a minimum of 12 months and that it is their sole residence.
- the new tenancy will be created by the parties executing a Deed of Assignment assigning the sole tenancy into joint names.
- The original sole tenancy must have a clear rent account before the new joint tenancy can commence.

Joint to Sole

When a joint tenancy is converted to a sole tenancy, this will also be dealt with by way of an assignment. In the case of secure tenancy the assignment will “count” as a succession thereby preventing any further succession. In

this case, the tenancy will be marked as succeeded to and the relinquishing party will be advised to take legal advice before completing the change

IDS will also consent to make the change from joint to sole where one party has abandoned the family home for a minimum of twelve months and all attempts to contact the tenant have failed. In this case a new tenancy will be granted.

Assignments

Secure tenants have the right to assign their tenancy to a person who would be entitled to succeed to the tenancy in the event of their death. In these circumstances IDS must agree to an assignment of the secure tenancy. There are no other circumstances whereby IDS can be required to transfer a sole tenancy from one person to another other than pursuant to an order of the Court.

Discretionary Successions

IDS may on occasion, and in its sole discretion, grant a tenancy to an applicant where no right of succession exists. Where this is requested all cases will be considered on their own merits, but examples where this may be considered are:

- Surviving spouse, partner, child or companion with no legal right of succession whose sole residence was the deceased's home.
- Remaining partner in a relationship where the tenant, or joint tenant has moved from the family home.

Where a request for a discretionary succession is made the final decision will be made by the Director of Housing, after considering all the circumstances and information provided by the Housing Manager. The decision will be

minuted at the next Allocation Panel. Although this will be considered a 'discretionary succession', it will be necessary to create a new tenancy.

Succession of a minor

In instances where a tenant dies leaving a child under 18 with an interest in the tenancy IDS will always seek to resolve the matter in the best interests of the young person. The law relating to successions to minors is complex with a distinction drawn between secure and assured tenancies. However, IDS will treat minors in the same way whether the deceased tenant's tenancy was secure or assured. In both cases, IDSs will act to protect the best interests of the young person.

Where the tenant has left a will, the tenancy can be guaranteed by the executor until the child reaches 18 years of age. If the tenant has died intestate IDS will co-operate with the agency, or person, given legal responsibility for the young person and will, where appropriate, grant an agreement for tenancy, to the young person, with the legal guardian/statutory agency signing a Form of Guarantee to guarantee the payment of rent until the young person reaches the age of 18 years.

Part 3: Allocations of shared ownership units

Background

IDS owns and manages a portfolio of shared ownership properties which it has developed and sold on shared ownership terms in line with guidance from Homes England (formerly the Homes and Communities Agency) and the GLA.

As with tenanted stock local authorities may have nomination rights over

shared ownership Allocations.

Unlike our tenanted stock, our Allocations policy is only relevant to initial lettings given that a shared ownership lease is a form of leasehold ownership and any dealings with the lease after initial allocation are governed by the terms of the lease.

The aims of the Allocations Policy for shared ownership properties are the same as for our tenanted stock and the aims set out in Part 1 of this policy are hereby repeated (insofar as each of them is relevant to shared ownership tenure).

Qualification criteria

There are set criteria for who can buy a shared ownership property. This will vary between schemes and local authority area but applicants must:

- be at least 18 years of age;
- be unable to purchase, outright or with a mortgage, a home of suitable size and location for their household needs on the open market;
- have a household income of no more than the amount allowed by the Social Housing Regulator and modified from time to time;
- have sufficient savings to buy a shared ownership home, and access to capital or a mortgage to fund their share of the purchase;
- clearly demonstrate ability to sustain the affordability of outgoings (mortgage, rent, service charge, repairs etc.) over the long-term;
- be first time buyers, although some applicants who own or have

- previously owned a home may be eligible. This includes older people
- and people who have lost a home through a relationship breakdown and those whose family has grown and they need a larger home
- but who are still unable to afford to buy outright;
- meet the relevant local authority eligibility criteria.

Certain other criteria may apply according to each scheme as detailed in the Allocations and Lettings Procedure.

As with allocations to our tenanted stock, IDS will give preference to applicants from the Jewish Community. This is in recognition of the documented disadvantage experienced by the Jewish Community in accessing housing both in the social and private sector. In exercising this preference, IDS will at all times act proportionately to ensure that the priority given to applicants of the Jewish faith does not override the interests of other applicants who have greater need of housing.

Nominations

The local authority may have nomination rights arising from section 106 planning agreements. IDS will work with shared ownership applicants on its own Waiting List to ensure that they are registered with the local authority for shared ownership housing and are given the appropriate priority under the local authority's Allocations Policy.

Shared Ownership Waiting List

IDS will maintain a specific, stand-alone Shared Ownership Waiting List. In the same way as the Waiting List for our tenanted stock is operated,

we will accept onto the List applicants from referral agencies and direct applications. In each case applicants will be banded according to need (see Banding for Shared Ownership applicants in the Allocations and Lettings Procedure).

Any vacancy allocated to an access route for which IDS maintains a waiting list will be advertised to (at a minimum) the top applicants on the relevant waiting list. This figure will be increased where it is anticipated that a successful sale will not result from the top applicants.

Part 4: General

Appeals

Applicants who wish to appeal against decisions regarding their application for housing may use the Association's complaints procedure. Further details about management of the appeals process can be found in the Allocations and Lettings Procedure.

Right to Rent

All Allocations are subject to the legal requirement that the applicant satisfies the Right to Rent criteria set out in the Immigration Acts 2014 and 2016 and the relevant Code of Practice. Further details are given in the Allocations and Lettings Procedure.

Review

This policy will be reviewed on a 3 yearly basis or in response to changes in legislation, regulatory guidance, or good practice.

Data Protection

Under the Data Protection Act 2018 and the General Data Protection Regulation 2016, all personal information supplied to IDS, however received, is treated as confidential and will only be processed in accordance with data protection legislation.

Every care will be taken to keep information secure and confidential and held only for as long as is necessary for the purpose it is intended for. Data supplied for the purposes of allocations and lettings will only be disclosed to relevant third parties provided it is for the purposes of assessing eligibility of applicants and for audit purposes. IDS reserves the right to contact third parties to request personal information for the purposes of assessing eligibility of applicants.

IDS will ensure that they only involve other agencies and share information with them where it is in the legitimate interests of the applicant for IDS to do so in order to progress their housing application, or where the explicit consent of the applicant concerned has been obtained, unless disclosure of the information is necessary:

- To help to prevent fraud; or
- If required to do so by law; or
- The information is necessary for safeguarding purposes; or
- For other purposes permitted under data protection legislation

For further information on how applicant's information is used, how we

maintain the security of information, and rights to access information we hold on, is included in the IDS Privacy Notice, available on the IDS website.

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