

Lettings Policy

Date Reviewed	February 2024	Next Review Date	February 2027
Consultation	Completed	Reviewed By	Jay Gill
EIA	Completed	Responsible Officer	Head of Housing
DPIA	Completed	Approval By	Executive Team

1. Purpose

The policy sets out how Black Country Housing Group (BCHG) will allocate homes and the eligibility criteria that applies to applicants, including those nominated by local authorities. It ensures BCHG is letting properties fairly, transparently, efficiently and making best use of its available homes. BCHG will actively work to identify and reduce tenancy fraud.

2. Scope

This policy applies to BCHG's general needs and retirement living customers. It does not apply to lettings of supported living scheme, residential care homes or shared owners.

3. Definitions

RSH	Regulator of Social Housing
ACRM	Area Customer Relations Manager
ASB	Anti-Social Behaviour
AFC	Armed Forces Covenant
Section 106	A planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended). The common uses of planning obligations are to secure affordable housing, and to specify the type, timing, and restrictions of this
UK GDPR	General Data Protection Regulations
EIA	Equality Impact Assessment

4. Related Policy / Procedure and other Documents

- Mutual Exchange Policy
- Domestic Abuse Policy
- Tenancy Policy
- Probity Policy
- Equality & Diversity Policy
- Income collection Policy
- Complaints Policy
- Aids & Adaptations policy
- Health & Safety Policy
- Safeguarding Policy
- Tenancy Fraud Policy

5. Roles and Responsibilities

Deputy Chief Executive is responsible for overseeing the implementation of this policy. Head of Housing will review and update the policy. The ACRM will be responsible for the operation of the policy.

6. Policy Statement

Our strategic objective of being a **trusted landlord** is a customer-centric approach that aims to put customers' experience first. This approach will expect us to listen and act to customers, prioritise their needs and be transparent in all aspects of our operations.

BCHG aims to provide housing for people in housing need and to create communities where people want to live. We will do this by: -

- Making best use of BCHG's housing stock
- Help customers and applicants access homes that meet their needs.
- Promote and sustain diverse & vibrant communities.
- Ensure that our eligibility criteria and process is transparent and fair.
- Contribute to our Local Authority partners strategic housing strategy.

The processing of personal data included in this policy is included in both the appropriate BCHG Privacy Notice(s) and the BCHG Data Asset Register.

7. Policy Details

Access to housing

Accommodation with BCHG can be accessed in the following ways: -

Local Authority Nominations - Section 167 of the Housing Act 1996 requires local authorities to have a scheme in place for determining the priority and procedure for allocating housing.

The percentage of properties made available to any Local Authority in which BCHG operates will be defined in the nomination agreement for each area including new developments.

Nominations will not normally be refused, and the LA may be asked to withdraw a nomination if the applicant (list not exhaustive):

- Does not meet BCHG's eligibility criteria, such as unsatisfactory references, high level of arrears with no payment plan, cannot afford the property or would be over or under occupying the property.
- Is a former customer of BCHG with a serious breach of tenancy, such as high rent arrears and serious ASB.
- Does not meet the criteria of a Local lettings plan.

Waiting list – Homes will also be let through our own waiting list. We will use a banding system to identify those in greatest housing need. The banding criteria is illustrated in Appendix 1. A bi-annual review of the waiting list will be conducted to ensure accuracy. During the review, all applicants who are subject to an assessment will be requested to confirm that their circumstances have not changed and that they still desire to remain on the waiting list. On occasions, we may temporarily freeze the waiting list if the demand exceeds the supply of properties. The Executive Team will authorise this decision after careful consideration.

Transfers and management moves - BCHG will consider transfer requests to make best use of our stock and will use the banding criteria in appendix 1. Due consideration will be given to those who have not maintained their property or have rent arrears before they are accepted onto the

waiting list and will require approval from Head of Housing. Customers who maintained a satisfactory tenancy and looked after their home will be given an additional 10 points. All transfers will be encouraged to register on HOMESWAPPER for an exchange.

A Management move will be considered where an emergency issue arises such as domestic abuse, safeguarding concerns, hate crime, fire, flood, or an incident where emergency services require us to move individuals. Such moves will be approved by the Head of Housing and will be raised as a risk event to the Executive Team.

Direct Lets - There may be occasions when BCHG will make a direct offer to someone outside of our waiting list process. This will be rare but will support other policies and procedures. Such an offer will be approved by the Deputy Chief Executive. This may happen when:

A) A customer left in property following the death of a tenant and there is no right of succession. Other housing options are exhausted, criteria are met, one reasonable alternative accommodation may be considered by way of a direct offer, if property does not become available within 3 months legal action will be started.

B) Relationship breakdown and the person left in the property is not eligible. Other housing options are exhausted, criteria are met, one reasonable alternative accommodation may be considered by way of a direct offer, if property does not become available within 3 months legal action will be started.

C) Where a customer clears the debt after the enforcement of the warrant, criteria are met, the same property is offered back by way of a direct offer.

Armed Forces Community -The Group is a signatory to the Armed Forces Covenant (AFC), and this shows an intention to support the Armed Forces community with housing. Our pointing system at Appendix 1 gives added points to current and former members of the Armed Forces Community.

Referrals & move on - BCHG will accept referrals from organisations working with applicants with complex needs. The same eligibility criteria for direct waiting list applicants will apply and a comprehensive risk assessment will be required to ensure accommodation is the right the first time. Any referrals made through projects funded through Homes England such as Rough Sleepers Programme will be assessed according to the criteria within the contract.

Decants & Awaab's Law

Temporary re-housing may be needed if major works or health hazards, such as damp & mould covered by Awaab (see Damp, Mould, and Condensation Policy) make it unsafe or impractical to stay in the home. In such cases, they remain tenants of their original property, and all costs will be covered by BCHG.

Mutual Exchanges -In accordance with the mutual exchange policy, BCHG will encourage home swaps and are members of Homewrapper.

New Development -New developments will generally be pre-allocated in accordance with any S106 agreements, local lettings plan or nomination agreements.

Eligibility

Anyone over the age of 16 can apply for accommodation with BCHG. The eligibility criteria for joining the waiting list are as follows: -

- ✓ The main applicant must not be subject to immigration control or be a person from abroad, unless they are an 'eligible person as defined in [Section 160A of the Housing Act 1996](#)
- ✓ The main applicant and their household must be habitually resident in the UK or the Common Travel (UK, Republic of Ireland, Channels Islands, and Isle of Man)
- ✓ If the applicant is 16 or 17, they will not be offered a tenancy unless they have a guarantor.
- ✓ Not already hold a tenancy elsewhere unless they are giving up that tenancy as part of being rehoused.
- ✓ Not owning or have a legal interest in a residential property in the UK, unless it is a home which is not suitable, in which case we will accept that the applicant is actively selling the property.
- ✓ Unsatisfactory references, high level of arrears with no payment plan
- ✓ Is a former customer of BCHG with a serious breach of tenancy, such as high rent arrears and serious ASB.

Type/Size of Accommodation

BCHG will optimise the best use of stock and offer homes of a suitable size to meet the housing and needs of individual applicants. We will consider any aids & adaptations in accordance with Aids & Adaptations Policy for any existing customer if it means a tenancy is sustained. We will consider lettings a property to be under-occupied where the individual circumstances of the applicant require it and the applicant is able to pay the additional rent not covered by housing element of any benefit. Property eligibility is dependent on household size. The definition of property type eligibility based on household size is as follows: -

- A child under the age of 16 would be expected to share with one other child of the same gender.
- A child under 10 years would be expected to share with one other child under 10, regardless of gender.
- A disabled tenant, partner or child who needs non-resident overnight carer will be allowed one extra bedroom.
- A bedroom for a non-resident carer will be allowed in the calculation of necessary bedrooms where that carer provides necessary overnight care for the claimant or their partner.
- A bedroom where shared access for a child is on a frequent basis and no impact on benefits or Local lettings plans.

We will in most circumstances apply the following criteria when making offers: -

Property type	Household size
One bedroom flat	An adult Childless couple (Max 2 people)
Two bedrooms flat	A single adult or 2 single adults Adult(s) with older child Childless couple
One-bedroom bungalow	An adult or a couple (one member of the household must have medical and or disability needs (Max 2 people)
Two-bedroom bungalow	Childless couple (must be medical needs) Adult(s) with one child (must be medical and or disability needs) (Max 3 people)
Two-bedroom house	Childless couple (with medical needs) Parent(s) with 1 or 2 children (Max 4 people)
Three-bedroom house	Parent(s) with 2 or 3 children (Max 5 people)
Four-bedroom house	Parent(s) with 3 or 4 children (Max 6 people)

Five/six-bedroom house	Parent(s) with 5 or 6 children (Max 9 people)
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Right to Rent Check

Right to Rent was introduced on 1st February 2016; the new rules mean that landlords need to carry out quick and simple checks on all new adult tenants to make sure they have the right to rent property in the country.

Right to Rent, which also applies to people who are subletting their property or taking in lodgers, was introduced in the Immigration Act 2014. Landlords who fail to carry out checks risk a potential penalty of up to £3,000 per tenant. The scheme has been in operation in the West Midlands since December 2014 and extending it across England is the next phase of a UK-wide roll-out.

Refusals

BCHG has the right to refuse applications if any of the following applies to an applicant or a member of their household:

- Where a home is unaffordable (outgoing far exceeds income), and the tenancy will not be sustained.
- An applicant cannot supply proof of the right to rent under the **Immigration Act 2014**
- Where an applicant has impacted on a community because of Anti-social behaviour, or where conduct has been unacceptable toward staff. Including they have been evicted or had a possession order (suspended or outright) or an injunction made against them in the past 5 years, for serious anti-social behaviour including harassment, intimidation, or domestic abuse and/or criminal or immoral behaviour while a tenant with their previous landlord.
- Unacceptable behaviour due to persistent delay of rent payment, eviction due to rent arrears on previous tenancy in the last 5 years or attempted to obtain a tenancy through deception.
- An existing tenant in the first 12 months of their tenancy, or if the account is in rent arrears, or there is a breach of their tenancy obligations or where the current property is in poor condition and will require significant cost.
- Homeowners who have not placed their property on the market or can afford housing through other means.

BCHG work with relevant agencies under MAPPA (Multi-Agency Public Protection Arrangement) to make a full assessment and carefully consider any risks set out in a management plan before deciding to offer a home to a serious offender. Approval at level 1 (Low) offence will be with the Head of Housing, level 2 and 3 offences (High) will be with the Deputy Chief Executive.

Offers

Applicants will be made one reasonable offer of accommodation. If an applicant refuses the offer of housing without a valid reason, such as property needs or circumstances have changed, BCHG will cancel the application. Further offers will be made if the reasons for refusal are valid. After 3 offers of accommodation the application will be cancelled and we will not have access to the waiting list for 12 months, at which point a new application form will have to be submitted. All offers of accommodation must be approved by the ACRM.

Rent in advance.

All new customers will be expected to pay rent in advance from the start of their tenancy. Rent is due weekly on a Monday; however, payment agreements can be made fortnightly or monthly if they are paid in advance. The payment is not a deposit and will only be refunded at the end of the tenancy if the account is not in arrears and no other debt is outstanding BCHG.

Local Lettings Plan

BCHG may from time to time introduce a Local Lettings Plan as part of a wider Community or Neighborhood Plan for an area, or a new scheme. The purpose of the Plan will be to ensure sustainable lettings in a clear and transparent way. The Plan will require the approval of the Local Authority, Head of Housing and Deputy Chief Executive.

Tenancy Fraud

Social housing fraud is a criminal offence, and anyone found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by us. A tenancy obtained by deception will be reposessed. If we discover this type of irregularity at the offer stage, we will withdraw from the offer.

Re-housing housing colleagues, Board members and any relatives

Any application made by employees of any organisation within BCHG and their close relatives, contractors, board members and their close relatives are permissible so long as the decision is made fairly and in strict accordance with this policy. To ensure fairness, any offers of accommodation will require sign off by the Chief Executive in accordance with the Probity Policy.

Appeals

If a customer or applicant feels that they have not been given the correct level of priority and banding set out in this policy, or if their application is refused, they can ask for the decision to be reviewed. The request should be made in writing within 10 working days of the decision and must clearly state the reason for the review.

All appeals will be decided within 10 working days, but properties will not be held while the appeal is being considered. The review will be conducted by the Head of Housing.

If the customer or applicant is still dissatisfied, the matter will be dealt with under the Organisations Complaints Policy.

7.1 Data Processing

Personal Data: Any personal data will be stored on Open Housing or securely on SharePoint. Data will be deleted in accordance with the Asset Data Retention and Disposal Policy; this is one year for unsuccessful applications where applications have not been reviewed. Successful applications, where applicants go on to become tenants, will be retained as part of the tenancy file, for the length of the tenancy plus six years.

Data Protection: BCHG recognises that cases of safeguarding are particularly sensitive and will take extra measures to maintain confidence of information. Where possible we will seek to establish information sharing protocols with relevant external agencies to help in managing the cases.

Data Integrity: Genuine documentation for identification will be obtained as proof.

7.2 Legal and Regulatory Considerations

[Social Housing Regulation Act 2023](#) – gives the Regulator stronger powers to scrutinise landlords' performance and will regularly check how social landlords are doing at delivering against the consumer standards.

[The Tenancy Standard](#) set requirements for the fair allocation and lettings of homes and for how those tenancies are managed and ended by landlords.

[The Homelessness Reduction Bill](#) received Royal Assent and therefore became an Act of Parliament on the 27th of April 2017. The Act will place new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, if they are eligible for assistance. The Act will amend part VII of the Housing Act 1996.

[Housing Act 1996 \(as amended\) - Part 6](#) of the Act governs the allocation of local authority housing in England; it was substantially amended by the Homelessness Act 2002 and the Localism Act 2011. Local authorities must have an allocation scheme for determining priorities between applicants for housing which sets out the procedure to be followed when allocating housing accommodation. They must ensure that they only allocate to “eligible persons” and “qualifying persons as defined in the 1996 Act. This also applies to nominations by local authorities for any allocations to properties owned by housing associations where the local authority has nomination rights.

[Immigration Act 2014](#) – requires landlords to establish that the applicant and all adults in the household have the right to rent property in the UK. BCHG will comply with the governments Code of Practice (www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice) which requires landlords to conduct initial right to rent checks before letting a property; conduct follow-up checks at the appropriate date if initial checks indicate that an occupier has a time-limited right to rent and make a report to the Home Office if follow-up checks indicate that an occupier no longer has the right to rent.

7.3 Equality Diversity & Inclusion

BCHG recognises that different people and communities may have specific needs which may require flexible approaches. We also appreciate that some groups or individuals may experience discrimination and disadvantage. This may be due to their protected characteristics under the Equality Act 2010. We believe that everyone should be treated with dignity, respect, and fairness, regardless of their characteristics.

An Equality Impact Assessment has been carried out on this policy which will be updated in line with policy reviews to ensure there is no discrimination and opportunities to improve equality and access are maximised.

8. Customer Voice

The policy went through a consultation process with colleagues, customers and Homelessness Teams within the Local Authority areas where BCHG have homes. Feedback was considered carefully and appropriate adjustments to the policy have been made.

9. Compliance, Monitoring & Reporting

If personal documents are not securely saved or leaked in the public domain, the matter will be investigated as per the Data Breach Policy and addressed through disciplinary procedures where necessary.

All hard copies of documents will be scanned and saved to secure locations. All hard copies will be destroyed.

Once a customer leaves BCHG any documents will be destroyed after the six-year retention period.

The Executive Board receives monthly reports on the performance of lettings and a new tenant survey is completed 6 weeks after the property has been let.

10. Review

This Policy will be reviewed every 3 years or sooner to incorporate legislative, regulatory, and best practice developments, by Head of Housing and in conjunction with BCHG Customers, stakeholders, and colleagues.

Appendix 1

BCHG Points and Bands System

In cases where a customer has applied for a transfer and their current property is in good condition clear rent account and no other tenancy breaches, BCHG will increase their points by 10 as a one-time uplift. This aligns with BCHG's commitment to reciprocity and fostering a culture of mutual support.

Band One – Has to move	
Council Nominations including those for RSAP	105
Management Move - Major works, emergencies, flood, fire, storm damage or other urgent re-housing is required. Approval required by Head of Housing.	100
Homeless – Where homeless priority has been awarded by the local authority. The following situations are classified as homeless under the housing act 1985. No fixed abode or living in a hostel, temporary accommodation, split household (i.e. family home to be lost within 28 days) through expectation of warrant. Evidence required.	95
Domestic Abuse – Where applicant is living in the same property as the perpetrator, or a high-risk case referred through MARAC. Evidence required.	90
Victim of Hate Crime – Disputes deemed to be serious and supported by the police, social services and/or LA Environment Protection including Hate Crime. Evidence Required	90

Band Two – Need to move	
Severe overcrowding – Where the current accommodation is too small by 2 or more bedrooms. Evidence Required	85
Severe under occupation – Where the current accommodation is under occupation by 2 bedrooms or more (excluding owner occupiers)	80
Victim of severe ASB – Disputes deemed to be serious and supported by police, social services and/or LA Environment Protection. Evidence Required	75
Medical Applicants – that the medical condition will be alleviated by moving from one type of accommodation over another. To qualify the applicant's present accommodation should be detrimental to health. Evidence Required	70
Threatened Homeless - This applies where formal notice has been received from the landlord. Evidence Required	65
Ex Armed forces – Retired with minimum of 5 years' service and/or coming out of service accommodation. Evidence required.	60

Band Three – Would like to move	
Relationship breakdown – Applicant living in the same house	55
Under Occupation – Where the current accommodation is under occupation by 1 bedroom (excluding owner occupiers)	50
Overcrowding – Where the current accommodation is too small by 1 bed	45
Temporary/Insecure Accommodation – Where the current accommodation is for a temporary period	40
Financial Reasons – Where the current accommodation costs exceed household income, causing hardship. i.e. including private rent.	35
To be near employment – Where applicant needs to move to take up job offers/existing jobs.	30
Neighbour Nuisance/disputes – Neighbour disputes or acquaintances deemed to be significantly affecting applicants' quality of life – supported by evidence from professional agency	25
Lacking facilities – Awarded where current accommodation lacks or has poor basic facilities such as Kitchen, WC, and shower/bath	20
To be near family – Where the applicant needs to give or receive support from family, which is made difficult by the distance at which they currently live.	15
Requiring independence – To be awarded for applicants wishing to set up home for the first time.	10
Aspirational – We acknowledge there is an aspiration to move; however, there are no priority needs at present.	5