

Allocations, lettings, and tenancy policy

In this policy, 'Flagship Group' ('we') includes the housing associations trading as Newtide Homes, Samphire Homes, and Victory Homes.

Department	<i>Housing</i>
Policy Owner	<i>Managing Directors (Housing)</i>
Approved Date	June 2024
Date for Review	June 2027
Approving Body	<i>Tenant influencers by delegated authority</i>
Associated Legislation/Regulation	
Legal Advice From	<i>In-house council</i>
Equality Impact Assessment Date	<i>June 2024</i>
Version Number	1.3

Purpose and scope

This policy outlines:

1. Our approach to letting homes (this does not include market rented, student accommodation, shared ownership, and temporary and supported accommodation).
2. The different types of tenancies we offer and the circumstances under which each tenancy type will be granted; ensuring a consistent approach to tenancies and making the best use of our properties.

How our homes are allocated and let

We allocate to make the best use of our homes, offering choice to our tenants and contributing to the relevant Local Authority housing strategy.

When we allocate homes, we will:

- Ensure, to the best of our knowledge it is affordable for the tenant
- Consider the age and gender of children
- Consider the impact of the medical needs of the household on their housing requirements (including recommended adaptations)
- Ensure they are not under-occupied, or over-crowded where possible

Most of our homes will be advertised and allocated through Local Authorities either via nomination from local housing registers or choice-based lettings (CBL) schemes.

Our adverts will include details of any restrictions we need to make, over and above our refusal reasons, when allocating to our homes, these are;

- There is a planning condition (referred to as a Section 106 agreement) that restricts the home to local applicants. The details of which will be in the relevant Section 106 agreement.
- A local lettings policy has been agreed with the Local Authority; a restriction placed on letting a group of homes, usually as a result of anti-social behaviour in the area
- A sensitive let; a one-off restriction placed on the next letting of a home due to the previous or neighbouring occupant
- There are adaptations in the home suited to those with a disability
- There is an age restriction

If a home cannot be let to a suitable applicant via the Local Authority, or we are permitted and choose to let them outside of the Local Authority letting system, we will look for direct applications and may use alternative methods of advertising.

Where there are specific eligibility criteria, we will make this clear when advertising the home, for example, a local connection to the rural area where the home is located.

We'll only offer a tenancy to someone who has the right to rent – this means people that:

1. Can provide evidence they are a British or Irish citizen; or
2. Are a citizen from the European Economic Area with a settled status;
3. Have a right of abode in the UK or have been granted indefinite leave to remain settled status, including those who have received settled status via the European Union Settlement Scheme or have no time limit on their stay in the UK.

When assessing whether a home can be let to an applicant, we will follow a clear, transparent, and fair process. All applicants will be treated equally, and we will implement the necessary reasonable adjustments to the application process to ensure equal opportunities for applicants who require them. We will also work with the tenant to identify if any adaptations are needed to the property to meet their needs, or if the adaptations currently in place within the property meet their needs. This process will include affordability (you may be asked to provide evidence of your income), identification checks, address verification, and reference checks to create sustainable tenancies and prevent tenancy fraud.

At any time in the process the offer of a new home can be declined, see below reasons for refusal for a full list we may use.

We offer different types of tenancy, and the details about these can be found below. We'll explain the details of the tenancy as part of our sign-up process. If the Local Authority isn't responsible for checking your right to rent, we will carry out the relevant checks. If you take in a lodger, you are responsible for undertaking such checks.

Types of tenancies

Below are the types of tenancies we offer and the circumstances in which they would be used:

Starter Tenancy

A periodic starter tenancy is offered for a period of 12 months unless you have previously held an assured or secure tenancy (post 1 April 2012). When the starter tenancy period has been successfully completed, the tenancy will convert to an assured tenancy. We may extend a starter tenancy from 12 months to 18 months if there are concerns about how the tenancy is being managed. We'll notify you in writing of any decision to extend or terminate a starter tenancy and explain the reasons for this decision. You may request a review of our decision. You must write to us within 14 days of our decision, and we will respond within 14 days. If you are unable to request a review in writing, then reasonable adjustments will be made.

Assured Tenancy

New tenants who have the right to a lifetime tenancy (they will have held an assured or secure tenancy continuously since 1 April 2012) will be offered an assured tenancy. There are some exceptions where we will not offer an assured tenancy; see below. Survivors of domestic abuse will not lose their right to a lifetime tenancy, which they may have held before moving to temporary accommodation.

Assured Shorthold Tenancy

We'll only offer these as a short-term solution to a housing problem.

Equitable Assured Shorthold Tenancies

These are only offered to those under the age of 18. A guarantor will be required for this type of tenancy until the tenant reaches 18 years old, at which point the tenancy will convert to a starter tenancy.

Licences

Where there is no other suitable legally compliant alternative (e.g. shared accommodation where tenants do not have exclusive possession of the property or section 209 licences for temporary accommodation), we will offer a licence.

Fixed Term Tenancy

We use Fixed Term Tenancies where a nominated tenant has limited leave to remain, in which case, we will seek to offer a Fixed Term Tenancy for a length of time appropriate to a tenant's immigration status. However, if the limited leave to remain is for less than 2 years, we will offer an Assured Shorthold tenancy. For fixed-term tenancies already in place, we will complete a review at least six months before the end of the fixed term to determine whether we will grant an assured tenancy or end the tenancy. We may decide not to offer another tenancy to you in the following situations:

- There has been a change to your household, which means the household is under occupying the property by one bedroom or more or overcrowding the property
- The property is adapted and isn't suitable anymore for your needs
- You haven't conducted yourself satisfactorily as a tenant, i.e. you have rent arrears or have been involved in anti-social behaviour.

When considering whether to end a tenancy, we will consider the makeup of your household including any support needs. If we decide to end the tenancy, you will be given at least 6 months' notice stating the reasons why and advice will be offered, such as how to find alternative accommodation, which may include registering with the local authority.

You may request a review of our decision. You must write to us within 14 days of our decision and we will respond within 14 days. If you are unable to request a review in writing, then reasonable adjustments will be made.

Refusing to let someone a home

When we let our homes, we will consider each case on its own merits, we'll not refuse to allocate a home to you without good reason. We are committed to taking a non-discriminatory and proportionate approach in decision-making. We'll also consider the impact of an allocation on the existing community and not just those considered sensitive lets.

However, there are some circumstances in which we may not offer a home:

- You do not have a permanent 'Right to Remain' in the United Kingdom or would fail the habitual residence test
- You are not able to pay the rent. This includes if you are unable to get public funding or other issues that could affect your ability to pay the rent

- You have outstanding rent debt or recharge debt with Flagship Group or any other landlord. If there is a payment plan in place and the debt is reducing, we may be able to allocate a home to you
- You have been evicted by Flagship Group or another landlord. The specific reasons will be taken into consideration
- You, or someone in your household, has committed anti-social behaviour that has had a significant impact on neighbours or the community
- You, or someone in your household, pose a significant risk of harm to staff, local residents, or visitors to the property. We'll consider criminal convictions when we assess the risk
- Flagship Group has previously let you a home and this has resulted in significant costs to the Group. This could include repairs to the property, clearance or legal costs, as well as others not listed here
- The home isn't suitable for the size and/or make-up of your household. When we assess this, we will consider whether the property is under/over occupied, existing adaptations or adaptations that are needed
- You have failed to provide adequate identification documents, proof of address or other information to back up your application
- You have provided misleading information on your housing application to obtain a tenancy deceitfully
- You have previously sub-let your home to someone else without Flagship Group's permission
- You haven't maintained your existing home in line with your tenancy
- We are unable to get hold of satisfactory references
- The home and/or location are unsuitable and the applicant is highly unlikely to be able to sustain the tenancy [for example lack of care and support in place, or available locally which would be crucial to meet the obligations of the tenancy agreement. Where we use this refusal reason, a manager will be involved in the decision.

Housing mobility

To make the best use of our homes, we will work with and support you should you wish to move. If appropriate, and depending on availability, we may be able to move you to another of our homes for example if you are at risk of harm. We will agree this with the relevant Local Authority if necessary.

Local Authorities have a statutory duty to reduce homelessness and you should always contact them in the first instance to discuss your housing needs and options. We promote the use of mutual exchanges, so you have greater choice when looking for a home. Please refer to our Tenancy Management Policy for details on how we manage under-occupation, over-occupation, or the death of a tenant.

Appeals

You may appeal if we refuse to allocate you a home. You must do this within 14 days from the date that you were refused the home. You can appeal in writing (including email) or over the phone. You will need to provide all relevant and supporting information by this time. We will implement the necessary reasonable adjustments to ensure equal opportunities for applicants who require them. Please be aware we will continue with our allocations and lettings process for the home; we will not keep the home vacant for you.

Any appeal will be considered by members of staff who were not involved in the original decision, and we will respond within 14 days of it being submitted.

Where the appeal relates to a decision made by the Local Authority, you should direct your appeal to them.

Further information about this policy

This policy replaces the Flagship Homes 'Letting and Allocations Policy' (2018); Victory Housing Trust's 'Allocations Policy' (2018) and Suffolk Housing 'Lettings Policy' (2017). In addition, from December 2023, this policy replaces the Flagship Group 'Tenancy Policy' (2023).

EIA statement

An Equality Impact Assessment was undertaken for this policy on in June 2024, and all identified negative impacts have been mitigated.

Training statement

This policy will be trained to all members of our housing teams.

Measuring effectiveness

A policy effectiveness review will be completed by the Heads of Housing every three years or as necessary.

Review period

It will be reviewed as necessary, and at least every three years, by the Heads of Housing and approved by the Customer Committee.