

Allocations Policy

1 Our approach to Allocations

- 1.1 Octavia has a responsibility to help meet local housing need. There is an acute shortage of housing in the areas where we work. We want to build strong communities in London and recognise that affordability is a particular issue in our local areas.
- 1.2 When we allocate new and existing homes, our aims are to:
- Make best use of our stock;
 - House tenants who can sustain their tenancies;
 - Work with local authority partners to help meet housing need;
 - Build strong, mixed, and balanced communities.
- 1.3 We only house applicants in our social housing who are not a home owner and who intend to live in the property applied for as their principal home. We have nomination agreements in place with local authority partners; significant numbers of our homes are let to applicants nominated by the borough.
- 1.4 This policy sets out our overall approach to Allocations. The detail on how we manage transfers, decants, under-occupation and other lettings activities are in separate procedures.

2 What we mean by Allocations

- 2.1 Allocations in this policy refers to how we decide who we let properties to, who are eligible for our homes, and how we prioritise applicants in our social rent and affordable rent housing.

3 What you can expect from our service

We will inform applicants of the outcome of their housing application within 20 working days of their application.

Where needed, we will carry out a home visit to assess re-housing within 10 working days of request.

We will provide all relevant information on Locata adverts (in relevant boroughs) including the facilities in the property, location, tenure, rent charged, and assist tenants to bid if needed.

4 The different routes to an Octavia Housing tenancy

We do not accept direct applications from non-Octavia Housing tenants, and we do not operate an open waiting list (except for Housing for Older People and Sheltered Housing). The different ways to become an Octavia tenant are:

Local authority nominations

Most of our lettings are made via this route. A condition of some of our capital funding is to operate nomination agreements with local authorities. Each borough have their own criteria in terms of income thresholds and priority groups. Nomination agreements specify a percentage of lettings to be made available to nominees of the local authority.

Transfers

Current tenants of Octavia Housing can join our Transfer List if they are assessed as having priority and in transfer bands A, B, or C. Other tenants can only join the Transfer List in band D if they currently live in a studio flat, have been an Octavia tenant for 3 years or more, have no arrears for 3 years or more (excluding technical rent arrears, for example arrears due to Housing Benefit delays), have not breached their tenancy for 3 years or more (no written formal warning), and kept their current property to a good condition. Priority and eligibility criteria are in Appendix 1.

An applicant who defaults on viewings twice without justifiable reasons is suspended from the Transfer List for 6 months.

Under-occupation

We encourage under-occupiers to downsize to help those affected by the spare room subsidy to sustain their tenancy and to increase the supply of larger homes to relieve overcrowding. We offer incentives for under-occupiers to downsize - £3k per bedroom released and removal costs (£300 for a 2 bed, £500 for 3 bed+).

To qualify the property must have at least 2 bedrooms, have a reasonable layout, and not have a difficult to let history. Only one under-occupation incentive payment will be made to a household during their tenancy/tenancies with Octavia.

Decants

We decant where essential works are needed, or the property is to be disposed of/re-developed. Decants fall into 2 broad categories: temporary decants (these cases are given high priority and direct offers are made); permanent decants (these cases are registered with Locata as A or B priority depending on the urgency). We compensate tenants with disturbance or home loss payments as appropriate. Details are in the Decants Policy and Procedure.

Lettings to LA Intermediate Rent waiting list

We will let a percentage of studio and 1 bed general needs properties to those on borough Intermediate Rent waiting lists. This will help Octavia to achieve more balanced local communities. The percentage will be set each year after reviewing the previous year's lettings trends and the current profile of Octavia households.

Supported housing move on

We will make a number of smaller properties available to re-house Octavia Housing tenants living in supported housing and assessed as no longer requiring the support offered by the supported scheme. Referrals will be from managing agents or Octavia Housing's Care and Support Team. There is no annual quota.

Referral from approved agencies

From time to time we may invite referrals from approved agencies to assist with letting properties. Generally this will only take place if no suitable Octavia Supported Housing move-on is identified within the required timescale. We review our list of referral agencies annually to ensure agencies with the greatest needs remain on the list. There is no annual quota.

Residential staff leaving Octavia employment

Some Octavia Housing staff (typically caretakers) live in an Octavia property as a condition of their employment. We offer qualifying applicants re-housing at the end of their employment if we require them to leave their home. Details are in relevant staff's individual contracts.

Moves following tenancy succession

A family member of an Octavia Housing tenant may be entitled to succeed to the tenancy on the death of the tenant, but the existing property may be too large for them or have adaptations they do not need. We will offer suitable alternative property - details are in the Assignment and Succession Policy and Procedure.

Rough Sleeper Initiative

We have a number of properties that are reserved for referrals through the Government scheme to address rough sleeping. When such a property becomes available, we seek a suitable referral through the Clearing House.

Tenants in institutional care

Where a tenant goes into institutional care (such as prison) and are willing to terminate their tenancy, in return we may agree to make them an offer of suitable accommodation when they leave the institution.

Housing for Older People (HOP) / Sheltered Housing waiting list

Where we are unable to re-let HOP / Sheltered properties (these are properties not reserved for local authority nominations unless otherwise agreed with the local authority), we will look to let the property to a suitable household on our HOP / Sheltered Housing waiting list.

Discretionary / Other

In exceptional circumstances we reserve the right to make a letting outside of the categories listed above. The Assistant Director of Housing Management approves these discretionary lettings. Examples include Split Households (releasing a larger property in return for two smaller properties and with a net gain for Octavia in bedrooms/bedspaces), and Child of Tenant lets (granting a tenancy to the adult child of a tenant where the resulting tenancy is assessed as sustainable) to relieve overcrowding.

5 New lets, choice based lettings, direct offers, 'managed' offers, Care and Support

5.1 First letting of a new property

The majority of first lettings in our new housing developments are reserved for local authority nominees. This can be 100% of new lettings for a development and is usually dependent on funding arrangements. If agreed with the local authority we may reserve one or more properties for existing tenants with an exceptional need. Where this is agreed the local authority will usually require an additional nomination right to a comparable property elsewhere.

5.2 Re-lets

Whether an existing vacant property can be re-let to an existing Octavia tenant seeking transfer depends on how the property became vacant:

- A vacancy created by a transfer or other internal move is available to applicants from our Transfers List;
- Vacancies created in other ways (for example if a tenant dies) are called 'true voids' and local authorities nominate to a proportion of true voids. The proportion differs between local authorities and is set out within individual nomination agreements. In most agreements there is a 75% local authority quota for 2 bedroom or larger properties and 50% for studios and 1 bedroom properties. Where a property was capital funded by the local authority, they may have 100% nomination rights for all true voids.

5.3 Choice Based Lettings

5.3.1 Octavia Housing is a member of the Locata West London Partnership choice based lettings scheme. We place most vacancies (other than those reserved for local authority nominations) with the scheme:

- Properties are advertised on the Locata website;
- Competing bids are assessed by priority bands (set out in Appendix 1 below), and within each band priority is in registration date order;
- Where an applicant is re-assessed and moves up a band, the priority date is the date the higher priority was given;
- Where an applicant is re-assessed and moves down a band, the priority date is the date they were first assigned that band (whether on the current or previous assessment);
- To provide greater choice, a proportion of our and other associations' properties is open to bidding by applicants of all Locata partner associations.

5.4 Direct offers

We make direct offers to a minority of applicants in exceptional circumstances. This may include (this is not an exhaustive list):

- Temporary decants / decants potentially subject to legal action;
- Child of tenant offers;
- Household split moves;
- Tenancy succession potentially subject to legal action;
- Under-occupation transfers involving high demand properties / financial hardship;
- Couples with 1 child or single parents with two children in studios moving to a 1 bed flat;
- Octavia Housing requires the property but the applicant is not bidding on Locata;
- Properties assessed as 'hard-to-let';

- A property meets the specific needs of a high priority applicant;
- Caretakers;
- Out-of-policy moves;
- Supported Housing move-on;
- 'Managed' offers (see 5.5);
- HOP / Sheltered Housing waiting list moves (see 5.7).

5.5 'Managed' offers

'Managed' offers will be considered for specific voids, for example where the previous tenant had a history of anti-social behaviour / neighbour nuisance. The need for these 'managed' offers is agreed by the Housing Services Manager (Allocations).

5.6 Extra care

Our Extra Care schemes offer self –contained homes but are staffed day and night, and offer support and care when required. We seek referrals from the local authority when there is a vacancy at an Extra Care scheme. We carry out care and housing assessments to ensure the referral is suitable for the scheme, and the level of support is appropriate for their needs.

5.7 Housing for Older People (HOP) / Sheltered Housing

Our Housing for Older People and Sheltered schemes offer self-contained homes with an on-site scheme manager providing support and checking on residents' well-being during the day.

Eileen Anderson Court and Francis House

- 5.7.1 Voids at Eileen Anderson Court and Francis House are referred to Westminster's Joint Assessment Panel for nominations.

Other HOP / Sheltered Housing - Waiting list

- 5.7.2 From time to time Octavia receives direct calls from non-Octavia residents looking for HOP / Sheltered Housing. We keep a list of suitable applicants for HOP / Sheltered Housing to facilitate efficient re-lets when we have difficulties letting these properties. The waiting list is managed by the Supported Housing Team.
- 5.7.3 We assess whether applications are suitable including the applicants' housing history and current support needs. The waiting list is prioritised according to the date of application and local connection. Details are in Appendix 2.

5.8 Adapted properties

5.8.1 Where we re-let an adapted property, we will conduct an initial assessment and consider:

- On which floor is the adapted property located and does the building have level access?
- How extensive are the adaptations?
- What are the costs of the adaptations?
- The age of each adaptation and estimated end of its useful life?

5.8.2 If the adaptation is minor and / or is near the end of its useful life, we may consider reinstating the property as a non-adapted unit.

5.8.3 If we decide to retain the adaptation/s, we will contact the borough requesting a suitable referral within 15 working days. If the borough is not able to provide a suitable referral we will:

- Review internal demand.
- Advertise on Locata where appropriate.
- Review and decide on a case by case basis (costs of any works may determine which other options are practical).

5.9 Verification

5.9.1 We assess the suitability of local authority nominees:

- We receive a shortlist of applicants (the borough provides initial information on the applicants).
- We carry out viewing/s.
- We inform the borough of the outcome from the viewing/s and they confirm who we make the offer to (usually the applicant with the highest priority).
- We request verification information about the chosen applicant from the local authority within one working day.
- We interview the chosen applicant and complete the Interview Form.
- Local authorities provide different information in different formats. From the information provided by the borough and that gathered at interview, as a minimum we require information on: household composition; proof of ID; any risk factors; any support needs and support agencies involved; past tenancy breaches; work status and household income; immigration and recourse to public funds status (if relevant).
- We will ask the local authority for clarification or further information if needed.
- If an applicant has time limited leave to remain in the UK, we may offer them an assured shorthold tenancy until they are given permanent leave to remain. If their leave expires and it is not renewed, or they are not awarded a permanent leave to remain, we will seek possession of the property with the tenant's agreement, or proceed with Section 21 possession proceedings to terminate the tenancy.

5.9.2 Under the Immigration Act 2014, if we let a property outside of the local authority nomination or homelessness processes, Octavia must check the immigration status of the prospective tenant(s)

and any adult member of a prospective tenant's household. This is ensure the applicant and their households qualify for housing under the Right to Rent. Details are in Appendix 3.

6 Property size, the household, and exclusions

6.1 Size of property we offer

Each of our properties has a designated number of bedrooms and bed spaces. We use the following principles to decide on the size of property to offer an applicant:

- Each person in a household is entitled to a bed space.
- A parent is entitled to a bedroom separate from a child.
- A couple is expected to share a double bedroom unless there are medical reasons for separate bedrooms.
- An unborn child does not require a bed space until they are born.
- Children under 10 years of age of the opposite sex are expected to share a bedroom.
- Other household members aged 10 and over (not a parent and not part of a couple) of the same sex are expected to share a bedroom;
- An adult carer not related to another household member (living full time and permanently in the property) is entitled to their own single bedroom;
- A studio property counts as 1 bed space but nil bedrooms;
- A second living room is generally counted as available for use as a bedroom;
- A room that is not a reception room, combined reception room/dining room & kitchen, bathroom, wc, or kitchen and which is 50 square feet plus in size is counted as a bedroom.
- Tenants can bid for properties with 1 less bedroom than they are entitled to providing the property has 1 bed space for each occupant;
- An under-occupying tenant can bid for a property larger than the household size (to a maximum of 1 bedroom more only) provided the transfer would result in a net gain in bedroom/s and will not result in any affordability problems.

6.2 Who is part of the household

For local authority nominations, the household is as defined by the local authority and who appears on their Housing Register. For existing tenants seeking a transfer, the general principles are that the household comprises:

- The tenant/s;
- Children born to the tenant/s;
- People who were members of the household at the time of the original letting and who have been continuously resident with the tenant since that date;
- Dependent children (under 18) joining since the tenancy started (where the tenant is the sole legal guardian and there is no other reasonable alternative housing);

- The tenant's partner (whether same sex or opposite sex) who is living with the tenant and who have lived at the property for at least the last 12 months or who are married to the tenant (or are their Civil Partner);
- The dependent children of the tenant's partner who live with the tenant and have lived with them at the property for at least the last 12 months;
- Full time live-in carer (one who has moved in with the household or is ready to do so when accommodation is made available) and Octavia's Independent Medical Advisor agrees that a carer is essential;
- If custody of a child is split between the tenant and another person, the child will only be considered as part of the tenant's household where a residence order or other custody order exists confirming that the child will normally be resident with the tenant (a minimum of 5 days a week). If a tenant has more limited access (such as a contact order), the child will not be included as part of their household for the purpose of assessing a transfer request;
- Where a tenant fosters or adopts children through a recognised agency then the tenant may include the children placed with them in their transfer request. The children will only be included when in residence with the tenant, and this is confirmed by the fostering/adoption agency.

6.3 Who we will not offer a home to

We will turn down an application if there is no housing need or we believe the tenancy would not be sustainable. Circumstances when we may refuse housing include:

- The applicant already have an interest in another property (for example they own, part own or rent another property);
- They surrendered or abandoned a previous tenancy without good reason;
- They have sublet their previous / current tenancy;
- We or another housing provider is taking legal action against the tenant;
- The nomination or verification information on a prospective tenant show a history of tenancy breaches, including anti-social behaviour or rent arrears;
- They have damaged or neglected their property or refused repairs / gas servicing;
- The applicant have needs not suited to the property, area or to independent living;
- The applicant and/or their household are subject to immigration control without leave to remain / recourse to public funds, or do not have the Right to Rent.
- Tenants who are in rent arrears are generally not eligible for transfer (see 6.4 for detail);
- Tenants must be assessed as qualifying in bands A, B, C, or D to be eligible for transfer (see Appendix 1).

6.4 Transfers, arrears and chargeable works

Tenants who are in 'non-technical' rent arrears (monies owed unrelated to benefit not yet received), owe us monies for chargeable works or other services are usually not eligible for a transfer until they clear the debt. Tenants in Bands A, B, and C and in arrears can apply for and view properties, but will not be offered a property until the arrears are cleared. Tenants already on our transfer list

in Band D who go into 'non-technical' arrears are removed from the transfer list, and must maintain a clear rent account (except for non-technical arrears) for six months before they can re-join the transfer list.

In exceptional circumstances we may consider a transfer despite the tenant being in arrears, for example because there are safety reasons or remaining in the property will lead to further debt due to the impact of welfare reform changes. These exceptions are authorised by the Assistant Director of Housing Management, and the tenant must first sign a re-payment agreement. Tenants who owe less than their monthly charge can view properties. These conditions apply to all types of transfer including Split Households and Child of Tenant moves.

7 Tenancy matters

7.1 Lettings to 16 or 17 year olds

Octavia Housing may let a property to a tenant who is 16 or 17 years old. Our standard Assured and Starter Tenancies sets out that the tenancy is held in trust for the 16 / 17 year old until their 18th birthday on which date they are bound by the conditions of the tenancy agreement. The Trustee (generally a senior manager of Social Services) signs an agreement to safeguard the tenancy until the person's 18th birthday.

7.2 Changes to tenancies

Sometimes tenancy changes are made to existing tenancies or at re-lets because the tenant's circumstances have changed or as a result of a court order, including:

- A single tenant requests a change to a joint tenancy when they get married, enter into a Civil Partnership or their partner has resided with them for 12 months or more – we require evidence of these changed circumstances.
- Joint tenants agree to one of the parties having a single tenancy as the other is leaving the property – we will require a signed joint agreement.
- A tenancy is transferred between individuals, usually as part of matrimonial proceedings – we will require a copy of the Court Order.
- Where a relationship breaks down between joint tenants, it is their responsibility to resolve related tenancy issues. Octavia will not offer separate re-housing to both tenants or create 2 single tenancies from 1 joint tenancy unless the household qualifies as a 'household split'.
- A relationship breakdown involving domestic violence where the victim is at risk despite security measures taken. More detail is in our Domestic Abuse Policy and Procedure.

8 Affordability

8.1 We want to ensure applicants can sustain their tenancies. Before the tenancy agreement is signed the Income Team carries out a basic affordability check on households for all lets and a more detailed income and expenditure assessment on some households:

- Applicants in receipt of 100% HB or transferring will require a basic check only.
- Applicants for Child of Tenant lets, Household Split lets, mutual exchange, households affected by welfare reform, and tenants under 35 who may only access the shared room rate for housing costs will generally require an income and expenditure assessment.
- Low income working applicants with income (after income tax and NI deductions) less than maximum benefit cap rates will generally require an income and expenditure assessment.

8.2 If there are affordability concerns arising from the income and expenditure exercise, the Assistant Director of Housing Management (ADHM) decides whether the letting should go ahead by considering:

- The extent to which expenditure exceeds income;
- The assessment of the applicant's budgeting skills;
- The applicant's previous rent payment history;
- The level of rent they have paid in the past;
- Findings from any credit checks available.

9 Case Reviews and Appeals

Where an applicant is unhappy with a lettings decision made by the Lettings Team, the Housing Services Manager (Allocations) will review the case.

If the applicant makes a formal complaint before the case review is concluded, the Housing Services Manager (Allocations) responds through the Early Resolution Step or as a Stage 1 complaint.

If the applicant makes a complaint and a case review has already been completed, the complaint can be responded to as a Stage 2 complaint. If the complaint is escalated to the Complaints Panel and the complainant is clearly seeking an outcome that differs from Octavia policy, the Chair of the Complaints Panel can decide to carry out a desktop Panel Hearing.

10 Making sure we are succeeding

We monitor how we are doing on Allocations to check our approach is achieving the right impact. Our Annual Lettings Report to Directors examines the profile of new tenants, access and use of Locata, under-occupation and overcrowding, and satisfaction with our lettings process.

11 Related Procedures and documents

- Transfer Procedure (Octavia)
- Under-occupation Procedure (Octavia)
- Other Lettings Procedure (Octavia)
- Decants Policy and Procedure (Octavia)
- Assignment and Succession (including mutual exchange) Policy and Procedure (Octavia)
- Rent Management Policy and Procedure (Octavia)

- Right to Rent Document Checks: a User Guide (Government)
- Right to Rent immigration checks (Government)
- Right to Rent Short Guide (Government)

Policy Owner: Housing Services, Title: Allocations Policy, Approval date: 12.12.17, Last updated: 12.12.17

Appendix 1 – Locata West London Choice Based Lettings Scheme: Banding

Band A Time - Limited Top/ Emergency Priority Rating (time limit is at our discretion)	
Emergency medical	<p>Granted in exceptional circumstances when the applicant or a member of the applicant's household has a life threatening condition, which is seriously affected by their current housing.</p> <p>Where the housing conditions and/ or other circumstances are having a major adverse effect on the medical condition of the applicant or member of the applicant's household as to warrant emergency priority.</p>
Management transfer (e.g. emergency harassment).	<p>In exceptional circumstances related to the tenant's occupation of a property and where there is imminent personal risk to the tenant or their family if they remain in the property.</p> <p>These moves do not seek to address other housing needs which may be experienced in the current accommodation especially overcrowding. Tenants expected to move to property of the same size or smaller if they are under occupying.</p>
Ex-service tenants	Ex-service tenants, e.g. caretakers or sheltered wardens, where we have a contractual obligation to re-house.
Permanent decants	The property is imminently required because of lease expiry or for essential works and the tenant will not be returning (e.g. development schemes).
Severe need	Exceptional circumstances/multiple needs warranting emergency priority.
Statutory duty	<p>Closing Order issued (property unfit for habitation as advised by Environmental Health and there are no measure to rectify the problems), or</p> <p>Similar duty where emergency re-housing is essential .e.g. CPO (Compulsory Purchase Order) to clear site for a road widening scheme.</p>
Enable fostering/ adoption	Where agreement has been reached to provide permanent accommodation as recommended by Social Services.
Release adapted property or make best use of adapted stock	<p>At our discretion - where there is an unmet need for the property occupied e.g. tenant does not require wheelchair accessible features, or</p> <p>Where current property needs major adaptations if tenant remains and it is in the interest of all parties if the tenant moves to a more suitable property.</p>
Statutory successors / non-statutory successors in priority need	Approved for an offer of 1 bedroom accommodation or giving up 2 or more bedrooms.
Under-occupation (moving to studio or 1 bed, or giving up 2 or more bedrooms)	Applicant is willing to move to smaller property under Incentive Scheme. These applicants will be exempted from minimum occupation criteria.
Band B High Priority Urgent Need to Move	
Statutory overcrowding, require two additional beds, or court order	Statutory overcrowding as defined in Housing Act 1985, households assessed under Octavia Allocation Policy as requiring two bedrooms more than the number available in their current property, or court order to re-house.
Successors and other non statutory successors	Approved for move to smaller accommodation but requiring 2 bedrooms+ and relinquishing only 1 bedroom.
Other under-occupiers	Agreed moves to smaller accommodation but requiring 2 bedrooms+ and relinquishing only 1 bedroom.
Other management transfers not in Band A	Agreed for non-urgent transfer. Transfers will be to properties of the same size and type.

	These moves do not seek to address other housing needs which may be experienced in the current accommodation especially overcrowding. Tenants expected to move to smaller accommodation if under-occupying.
Ex-tenant discharged from institution	Where a commitment has been made in order for tenants to agree to relinquish a tenancy on entering the institution.
Permanent decants	Where property is required because of lease expiry or for essential works and tenant will not be returning (e.g. development schemes).
Medical (incl. mental health) hardship	Current housing conditions are having a <u>major</u> adverse effect on household member's medical condition. Band B will not apply where the effect of housing conditions on health is moderate, slight or variable.
Severe social hardship	Multiple needs that warrant high priority. Welfare agency referral (e.g. by Social Services or Police) to give support or child protection reasons.
Band C Identified Need / Reasonable Preference	
Unsatisfactory housing conditions	<p><u>Overcrowding</u> Households who do not have the following minimum provision:</p> <ul style="list-style-type: none"> ▪ Co-habiting couples - 1 bedroom; ▪ Each independent adult (18 years +) - 1 bedroom. However 2 adult children of the same sex can share a bedroom regardless of age; ▪ Children of opposite sex can share a bedroom until the age of 10; ▪ A second reception room will generally be deemed as available for use as a bedroom; ▪ Box rooms which could reasonably be used by a child will count as a single bedroom; ▪ Any room that is not a reception room, bathroom, wc, or kitchen and that is 50 square feet plus is counted as a bedroom; ▪ Single persons occupying studio flats are not overcrowded. <p><u>Insanitary conditions</u> Insanitary conditions that cannot be addressed by Environmental Health action:</p> <ul style="list-style-type: none"> ▪ Food preparation facilities (i.e. no space for a sink or a cooker); ▪ No inside WC; ▪ Inadequate bathing and personal washing facilities. <p><u>Other unsatisfactory housing conditions</u> Substantial disrepair (assessed by Environmental Health/relevant officer).</p>
Medical (incl mental health) hardship	Current housing conditions are having an adverse effect on household member's medical condition which creates a need for them to move.
Elderly approved for Sheltered	Applicants aged over 60 needing sheltered accommodation (for households not already in sheltered property).
Social/welfare hardship	Accommodation required to assist Social Services in delivering a Care Plan or to relieve other social/welfare hardship.
Band D No priority Status (exclusions determined by Octavia Policy not Locata)	
Tenants currently in a studio flat and who meet eligibility criteria	<p>All others on housing register not included in bands A, B or C. To be eligible for band D, applicants must:</p> <ul style="list-style-type: none"> ▪ Currently living in a studio flat. ▪ Be an Octavia tenant for 3 years or more. ▪ Have no rent arrears for 3 years or more. ▪ Have no tenancy breaches in the last 3 years (no written formal warning). ▪ Have kept their current property to a good condition. <p>Applicants who do not qualify in bands A, B or C, and who do not meet the above criteria cannot join our transfer register. Exceptions made are on a case by case basis and at Octavia's discretion (by the ADHM).</p>

Appendix 2 – Managing the HOP / Sheltered Housing Waiting List

Initial contact

The Supported Housing Team contacts the applicant and uses Sheltered Housing Waiting List Basic Eligibility Checklist to confirm if the applicant meets the required basic criteria including that they are aged 50 or over, have no pets, are not a home owner, and will live in the Octavia property as their principal home. Household composition details are also taken (no re-lets will be made via this route that leads to overcrowding or under-occupation).

Basic criteria met

If the applicant meets the basic criteria, their details are recorded on the waiting list. We make clear to the applicant they are approved to go on the waiting list only and will be assessed more fully later on before being approved for housing by Octavia. We also make clear to the applicant that housing via this route is very rare, no timescales can be provided, and it may be a long time before a suitable property is available and offered to them.

Assessment

The waiting list is prioritised according to local connection and the date of application. When a household is at the top of the waiting list, within a month (or sooner if a suitable property becomes available within that time frame) they are interviewed by the Supported Housing Team to assess if they are suitable for housing by Octavia. The Sheltered Housing Waiting List Assessment Form is used. The assessment includes: the applicant's housing history (including any arrears, any ASB or other tenancy breach); income; any disability or support needs and the impact on their housing requirements; other agencies involved; contacts of current / previous landlord.

The Medical Assessment Form for HOP / Sheltered Housing is completed by applicants.

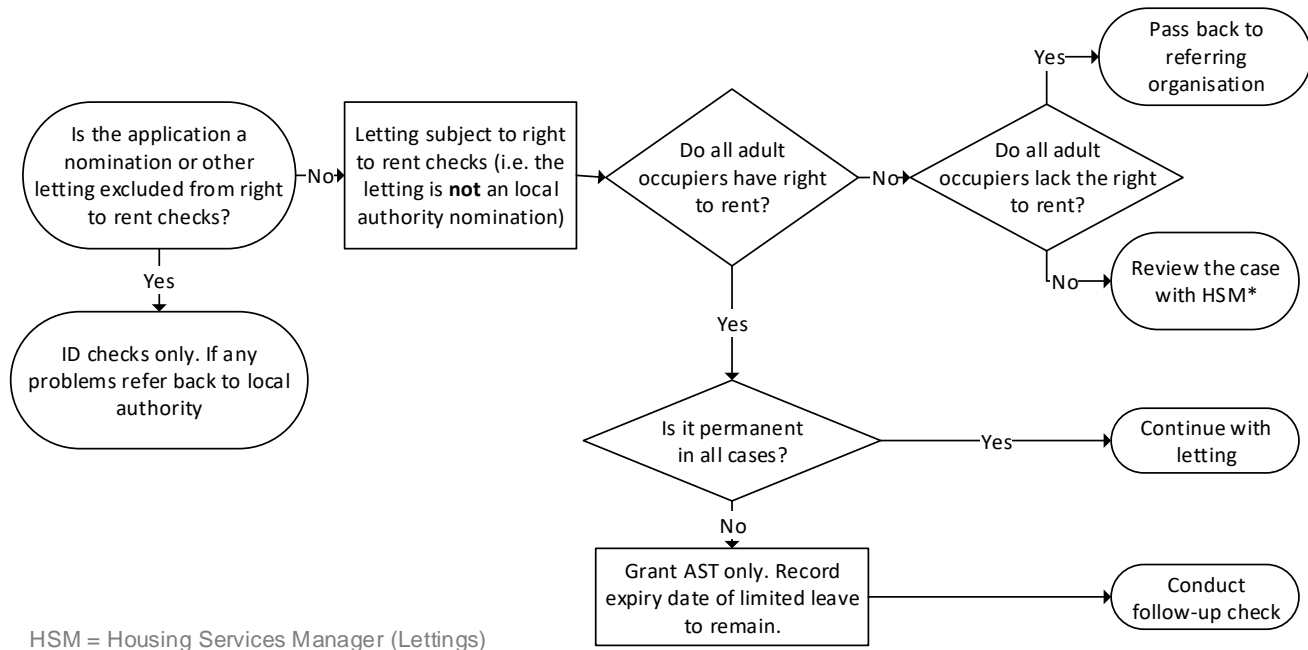
Approvals

After this full assessment, the Supported Housing and Development Manager (SHDM) approves or turns down the application. If there are any conflicts of interests, the SHDM declares their conflict of interest and refers the application to the Assistant Director of Care and Support (ADCS) for approval. In their absence the ADCS approves the application.

The approval is reviewed and counter-signed by the Housing Services Manager (Allocations). In their absence, the ADHM counter-signs the approval.

Appendix 3 – Right to rent checks and taking action if tenant do not have right to rent

Part 1 – Right to rent checks



Under the Immigration Act 2014, if we let a property outside of the local authority nomination or homelessness processes, Octavia must check the immigration status of the prospective tenant(s) and any adult member of a prospective tenant’s household. This situation will arise in the following routes:

- We are informed about, or find out about new adult household members.
- Transfers.
- Supported housing move on.
- Referrals from approved agencies.
- Housing for Older People or Sheltered Housing waiting lists.
- Rough Sleeper Initiative.
- Other exceptional circumstances.

In practice we will check the nationality and immigration status of all new tenants. We will refer nominees back to the local authority if the nominees do not have the right to rent. An occupier is deemed to have the ‘right to rent’ if they can provide us with:

- A British passport (current or expired) or a passport showing the holder is a citizen of the ‘UK and Colonies’ with the ‘right of abode’ in the UK.
- A passport or identity card (current or expired) from the EEA or Switzerland.
- A document indicating indefinite leave to remain or right of abode in the UK including: ‘permanent’ residence, ‘indefinite leave to remain’, ‘indefinite leave to enter’, ‘no time limit’ cards or a ‘residence permit’ card showing the person has indefinite leave in the UK/has ‘no time limit’ on their stay.
- A passport, immigration document, or residence card showing a ‘time-limited’ right to rent.

If the tenant, **or any adult occupier**, does not have any of the above, we check that they have two examples from the list of documents listed in 'Group 2' on page 3 of the '[Right to Rent Document Checks: a User Guide](#)' (including a UK birth or adoption certificate, full or provisional driving license, or a letter from a specified list of government bodies).

There is a step-by-step guide on the checks at <https://www.gov.uk/landlord-immigration-check>.

If the right to remain is temporary, under the '[Right to Rent Code to Practice](#)', we must check the tenant's right to remain **one month before** the temporary right to remain expiry date **or annually** if the temporary period lasts for more than one year.

We [request a Right to Rent check from the Home Office](#) if we have tried to check the applicant's right to rent by reviewing their documents but require further verification because:

- The person has an application or appeal outstanding with the Home Office.
- The Home Office is currently holding the person's documents, or
- The person tells us that the Home Office has given them permission to rent but can't show us documentation.

We must ensure that we keep copies of the documents the applicant provide. In order to avoid discrimination, staff should approach people consistently regardless of nationality or appearance, and have a consistent approach to checking documents, including those you 'think' are British.

If there is any uncertainty over the validity or detail of the documentation presented as evidence of leave to remain, we will seek specialist legal advice.

Part 2 - Recovering possession of a property if an adult resident does not have right to rent

From December 2016, it is a criminal offence under the Immigration Act 2016 for a landlord to know (or have reasonable cause to believe) that their premises is occupied by an adult who is disqualified as a result of their immigration status from occupying a property, and to allow the occupation to continue.

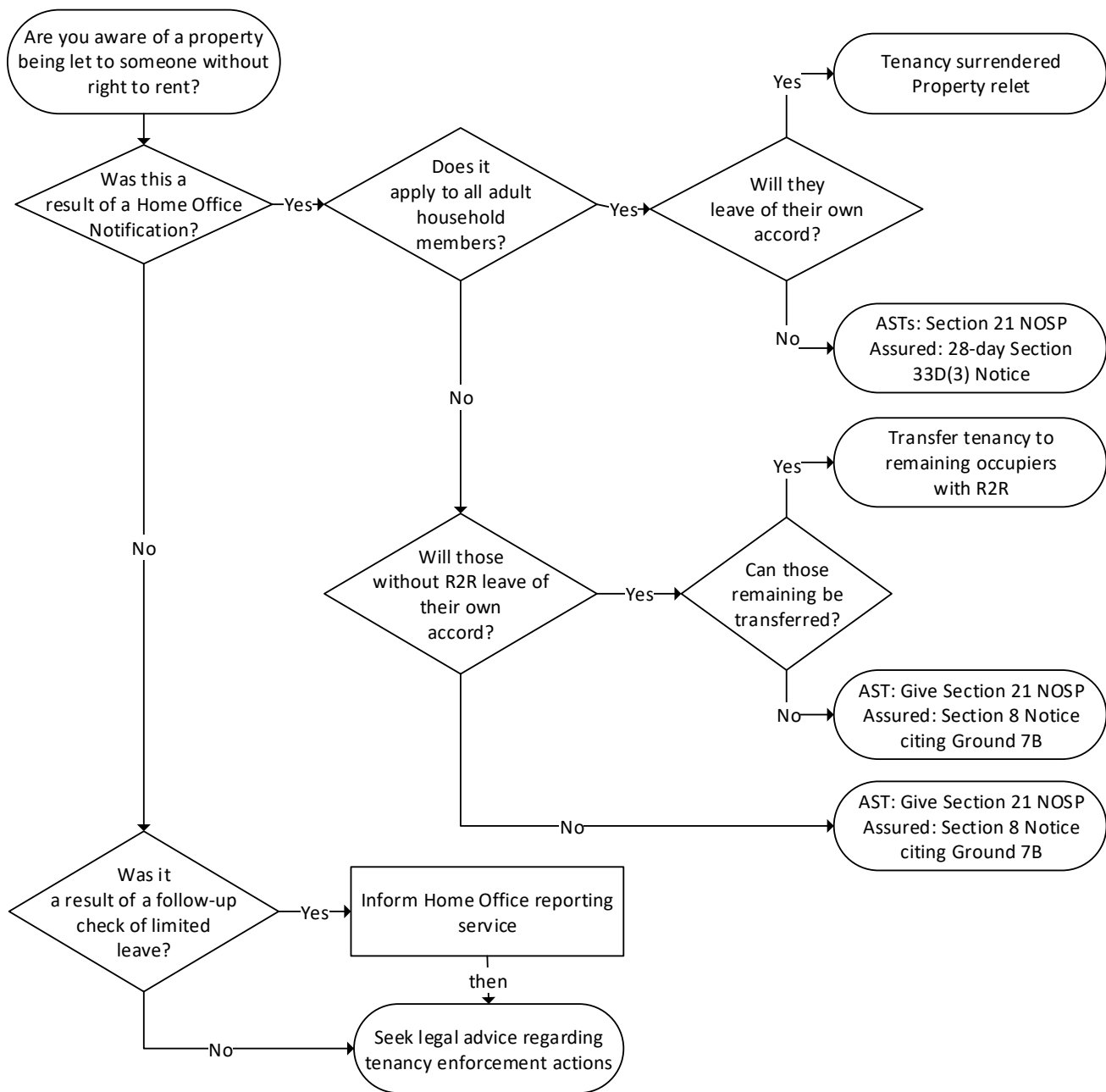
The offence applies **only to tenancy agreements which are included from the right to rent regime** i.e. when we sign new tenancies independently of the local authority or add new people to an existing tenancy. Tenancy agreements that we sign as a result of a local authority's legal duties are excluded – this covers all local authority nominations.

We must [notify the Home Office](#) as soon as is reasonably practical. Once reported, the Home Office will provide us with a unique reference number as evidence that a report has been made. We will seek legal advice regarding the next steps. We may also be informed by the Secretary of State (or Home Office) by written notice. This will involve eviction proceedings if the Secretary of State's notice refers to all the adults in the household, or transferring the tenancy to those adults who do have the right to rent.

Note:

*This duty applies to the **tenant themselves** when they let a room to a **lodger**. They should ask us for permission before they do this, and we should ask the resident to make sure the checks are completed.*

Overview



Cases where we have received notice from the Home Office

If all adults are disqualified

The easiest way to end a tenancy is through mutual agreement where the tenant(s) agree(s) to end or 'surrender' the tenancy. Where this is possible, there is no need for eviction action. The tenancy surrender should be in writing. We determine whether this option is possible within 4 weeks of receiving the Home Office notice.

Following this, for assured tenancies, we give 28 days' notice under **section 33D(3) of the 2014 Immigration Act** in the prescribed form. At the end of the 28 days, if the tenant is refusing to leave, we aim to gain possession of the property within a further 14 days by instructing a High Court Enforcement Officer ("HCEO") to enforce the notice.

For assured shorthold tenancies, we issue a section 21 notice.

If only some adults are disqualified

We determine whether the disqualified adult(s) will leave of their own accord, and seek to transfer the tenancy to any remaining adults who do have the right to rent.

If a mutual agreement is not possible we serve notice on the tenants to end the tenancy agreement. For assured tenancies this would be through the use of **Ground 7B in Part 1 of Schedule 2 to the Housing Act 1988**, using the prescribed form. As part of the possession proceedings, the Court may decide to order the transfer of the tenancy to the remaining adults who do have the right to rent.

Cases where we become aware of a resident who is disqualified from occupying premises under a residential tenancy agreement

We should make a report to the Home Office if we become aware of someone occupying one of our properties who does not have the right to rent. If this is the result of a follow-up check regarding someone with an expired limited leave to remain, we use the Home Office reporting service: <https://eforms.homeoffice.gov.uk/outreach/lcs-reporting.ofml>. If we suspect someone is living in the UK illegally without the right to rent in any other way, we can use the immigration crime reporting service (<https://www.gov.uk/report-immigration-crime>).

We will then seek legal advice regarding the tenancy enforcement actions we should take.

Standard documents

[Notice of Seeking Possession Assured \(for use with Ground 7B\) \(Section 8 Notice\)](#)
[Notice of Seeking Possession Immigration Act 2016](#)
[Starter Tenancy 09 S21 Notice Requiring Possession](#)

Guidance

Statutory Guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/572477/Statutory_Guidance_-_Defence_to_Offence_Against_Landlords_v1_0.pdf

The Immigration (Residential Accommodation) (Termination of Residential Tenancy Agreements) (Guidance etc.) Regulations 2016:

<http://www.legislation.gov.uk/uksi/2016/1060/made>

The Assured Tenancies and Agricultural Occupancies (Forms) (England) (Amendment No. 2) Regulations 2016

http://www.legislation.gov.uk/uksi/2016/1118/pdfs/uksi_20161118_en.pdf

Appendix 4 – Staff responsibilities

Staff member	Role
Housing Services Manager (Allocations) (HSM-A)	<ul style="list-style-type: none"> ▪ Overall responsibility for allocations. ▪ Authorise direct offers. ▪ Carry out case reviews where applicants challenges decisions. ▪ Authorise Split Household / Child of Tenant applications and offers. ▪ Provide annual performance report to ADHM. ▪ Decide on 'managed' lettings (with HSM – ASB and Tenancy Fraud). ▪ Recommend exceptions to the Allocations Policy (with HSM – ASB and Tenancy Fraud). ▪ Assess complex cases (with HSM – ASB and Tenancy Fraud). ▪ Counter-sign application approvals to go on HOP/Sheltered Waiting List. ▪ Maintain relationships with local authority partners.
Lettings Officer	<ul style="list-style-type: none"> ▪ Advise applicants on our approach to Allocations. ▪ Provide information and support with bidding and direct offers. ▪ Process applications for split household, child of tenant, succession moves and institutional care cases. ▪ Maintain applicants' database. ▪ Monitor bidding activity. ▪ Make offers to applicants. ▪ Provide information on properties available.
Lettings Co-ordinator	<ul style="list-style-type: none"> ▪ Maintains the Transfer List. ▪ Produce performance data for Board and Voids Monitoring Group. ▪ Identify properties for direct offers ▪ Liaise with referral agencies and Care Services. ▪ Maintain data records and share information with partners.
Resident Services Officer (RSO)	<ul style="list-style-type: none"> ▪ Advise applicants on our approach to allocations. ▪ Home visits to assess application where needed. ▪ Identify succession moves and institutional care cases.
Housing Services Manager (ASB & Tenancy Fraud)	<ul style="list-style-type: none"> ▪ Agree tenancy succession moves. ▪ Decide on 'managed' lettings (with HSM-Allocations). ▪ Recommend exceptions to the Allocations Policy (with HSM-A). ▪ Assess complex cases (with HSM-Allocations).
Supported Housing & Dev Manager/ Supported Housing Officer	<ul style="list-style-type: none"> ▪ Administer and maintain HOP / Sheltered Housing waiting list. ▪ Check applicants meet basic eligibility criteria for HOP/Sheltered waiting list. ▪ Carry out full eligibility assessment for HOP / Sheltered Housing. ▪ Approve application from HOP / Sheltered Housing waiting List (unless there is a conflict of interest).
Assistant Director Housing Management	<ul style="list-style-type: none"> ▪ Authorise any exceptions to the Allocations Policy. ▪ Approve changes to referral agencies. ▪ Respond to formal complaints where HSM-A has conducted a case review.