



# Westfield Housing Association

---

## Access to Homes Policy

### 1.0 Policy Statement

Westfield Housing Association aims to provide good quality homes at reasonable rents for those people in the greatest need.

### 2.0 Purpose

We aim to ensure that everyone is treated fairly and has equal opportunities. We will not discriminate on any grounds. The Association adhered to the Equality Act 2010, which covers everyone and protects people from discrimination, harassment and victimisation. For more information please click on this link [Equality Act 2010](#)

### 3.0 Allocations

In deciding the priority of applicants, we base our decision on the housing needs of each case.

In assessing applications for the waiting list, the ability of an applicant to pay rent and any other charge may be taken into account and applicants would be expected to work with officers to ensure all welfare claims are made at tenancy sign-up appointments.

The Association is committed to tackling homelessness and will work with local authorities in meeting their duties towards the homeless.

The Association is committed to consulting and co-operating fully with local authority partners.

The Association is committed to responding to tenants' requirements for mobility and participates in national and local mobility and exchange schemes.

The Association welcomes referrals from other agencies; for example, social services, health authorities, probation services or voluntary groups. However, the same criteria applies to all applicants when being accepted on the housing register whether it was a direct referral or via an agency.

The Association considers it has a responsibility to existing tenants. Transfer applicants are considered for all suitable accommodation requested when such property becomes available, where there is deemed to be a housing need.

The Association considers it has a responsibility to the wider community. The Association will consider transfer requests from existing tenants that support community sustainability and cohesion.

In deciding the priority of applicants, no account is taken of the date of application, except in the rare case of those where applicants are considered to have an identical degree of housing need.

Wherever possible, the Association visits an applicant in their existing home environment in order to ensure that all applicants are being assessed on essential and comparable information.

Only in exceptional circumstances will an applicant with an outstanding debt to this Association, or to another housing association or local authority, be allocated a tenancy.

Where an applicant has a debt, each case will be looked at individually and in certain circumstances be considered for a tenancy with the Association. Examples include but are not limited to:

- Customers who have been accepted by a local authority as unintentionally homeless and in priority need.
- Applicants who need to move due to domestic abuse threats from an ex-partner or family member they do not live with, extreme threats of violence, extreme harassment, or other extreme circumstances deemed to significantly affect a household's welfare and wellbeing. Who can demonstrate they have been assessed at MARAC or by subsequent multi agency as needing to move for the safety of themselves or dependent children that are assessed as being in immediate danger.
- The customer can demonstrate the debt arose due to the customer's vulnerability.
- The customer has suffered financial hardship as a result of welfare reform or the cost of living crisis. Where moving home would significantly reduce their financial hardship.

In all the above circumstances, applicants must have a regular payment plan in place which had shown to have reduced the outstanding amount to less than £500. Offers would only be considered if there was a regular payment plan in place that has reduced the original debt by 25% or outstanding debt could be cleared before commencement of tenancy.

In allocating its properties, the Association seeks to ensure the best use of its housing stock by avoiding excessive under-occupation; i.e. two or more bedrooms surplus to household requirements. Where under-occupation is likely to occur, either immediately or in the foreseeable future, the sustainability of the tenancy (given potential restrictions to welfare benefit) may be a consideration in the allocation decision.

Applicants with pets, such as a cat or dog, may not be allocated a tenancy of a flat with an entrance shared with other flats, with the exception of a guide dog.

Only in exceptional circumstances will a household with a child under 10 years of age be allocated a tenancy of a flat above ground floor level.

In order to allow flexibility in dealing with local housing or social conditions, elements of the lettings policy may be amended or refined. For example, where an area is identified as suffering from severe problems (such as crime, harassment, vandalism) a particular approach to allocations may be adopted to allow greater sensitivity to be exercised in the allocation decision.

The Association will apply any "local lettings policy" and "Section 106 Agreements" of a local authority which may advise that to qualify for a property in certain areas (for example Cockermouth) the housing applicant must satisfy at least one of the criteria. The criteria will be listed in the "local lettings policy".

When applicable we will work with the local authority to identify tenants where they have the nomination rights to that development/scheme. Any applicant identified by the Local Authority would need to meet our letting criteria and demonstrate their affordability through undergoing a pre tenancy and affordability assessment.

The Association has established appeals and complaints procedures for those applicants who are dissatisfied with decisions made or the service they receive.

#### **4.0 Assessment of Application/Housing Need**

All applicants are issued with a housing application form and an information pack.

Following the receipt of a fully completed application form and assuming all necessary and appropriate information has been provided, the housing need of the applicant is assessed and a Priority Category awarded:

A*	Priority Homeless Nominations
A	High Need
B	Medium Need
C	Low Need

This is designed to ensure that the most urgent cases receive priority consideration in the allocation of a tenancy.

The Association is determined to avoid giving “false hope” to applicants. We will, therefore, inform those applicants with low housing need when they have no realistic chance of being assisted. This will usually happen where an applicant is seeking a home in an area where demand for our houses is very high.

Existing or previous tenants will be asked to provide a reference from their current or previous landlord. Where an applicant has not held a tenancy, a character reference will be requested from a professional person who has known them for at least two years. Where an applicant cannot provide a reference, information may be sought from other agencies through the information sharing protocol, providing it is within General Data Protection Regulations.

Where an applicant indicates that they have an unspent criminal conviction, further information will be sought about the offence from the applicant, and possibly from the police. Information gained will not automatically result in the applicant’s exclusion but will be used to make an informed decision about any offer of a property.

The Association aims to notify applicants of acceptance onto the waiting list within 14 days of the receipt of the application form, although this cannot be guaranteed when further information has to be sought.

Association reviews its waiting list on a regular basis to make sure it is up to date.

All rejected or cancelled applications are retained for 28 days pending an appeal against the decision. Applicants have 28 days from the date on the decision letter to appeal against a banding or eligibility decision. Such appeals should be directed to the Operations Manager. A further appeal may be made to the Chief Executive, and thereafter, to the Board.

The Association has a detailed Complaints Procedure, a copy of which is available on request or on our website. This procedure should be used if an applicant is dissatisfied with the service or responses given.

The Association has the right to refuse to accept an applicant if it poses a risk of violence or harm to tenants, the community or Association staff.

## **5.0 Tenancy Agreements**

Westfield will normally grant one of the following agreement types

- Secure tenancies under the Housing Act 1985
- Assured Tenancies under the Housing Act 1988
- Assured Shorthold Tenancy under the Housing Act 1988

The circumstances in which we will grant tenancies of a particular type.

Secure tenancies will be offered to tenants who currently have secure tenancies with Westfield but move to other properties owned by Westfield. These are lifetime tenancies.

Assured tenancies are also lifetime tenancies and will be offered to existing Westfield assured tenants who are transferring to another property owned by Westfield and any new tenants.

Assured Shorthold tenancies for intermediate rent. These do not have a fixed term but are 'periodic' i.e. they run month to month until they are brought to an end.

## **6.0 Transfers**

As part of its responsibility to existing tenants, the Association accepts all transfer applicants onto its waiting list and such applicants are considered for all suitable accommodation requested, where they can demonstrate a housing need.

With regard to racial and other harassment, wherever possible, efforts will be made to resolve the situation without transferring the victim as detailed in our Anti-Social Behaviour Policy and Procedure. The Association will seek to move the perpetrator of any harassment rather than the victim. In serious cases of harassment, eviction of the perpetrator will be considered.

Only in exceptional circumstances will a tenant with rent arrears or with any other debt to the Association, or with a suspended possession order against their current tenancy, be included onto the shortlist of applicants for consideration for a vacant property. Such cases may be;

- The debt arose due to the customer's vulnerability.
- The customer has suffered financial hardship as a result of welfare reform or cost of living crisis.

Transfer applicants included on the shortlist for an allocation will receive a home visit and be advised of any repairs or re-decorations which need to be carried out before they can be granted a new tenancy. Such works will relate to the tenant's obligations in respect of internal decorations and repairs as detailed in the tenancy agreement. In addition, the Association may withhold consent to a transfer because the tenant has failed to fulfil any other obligation or requirement of the tenancy agreement.

## 7.0 Mutual Exchanges

All tenants of the Association have the right to exchange their home with another tenant of the Association, local authority or other housing association, providing the Association agrees in writing.

It is important to recognise that applicants may lose their current statutory rights as per the Localism Act 2011. Click here for further details are in the Mutual Exchange Policy and Procedure [Mutual Exchange Policy and Procedure](#)

Before a mutual exchange can take place, an application form must be completed in respect of those moving into an Association property. In addition both partners to the exchange will be visited by the Association, where possible, and a report will be obtained from the incoming tenant's landlord where appropriate.

No exchange can take place without the approval of the Association in writing. Such approval will clearly advise the incoming tenant that they are, in effect, taking over the outgoing tenant's responsibilities in respect of any breaches of the tenancy agreement. In particular, the Association will accept no responsibility to repair damage caused by the outgoing tenant's misuse or neglect. It is, therefore, the responsibility of the incoming tenant to ensure that the property is in good repair before accepting the tenancy.

The Association may withhold consent to an exchange until the Association's tenant has fulfilled an obligation or requirement of the tenancy (for example, to keep all internal fittings in good repair).

The Association may refuse consent to an exchange in, for example, the following circumstances:

- a) the tenant or proposed exchange partner has a possession order outstanding against them or a notice of seeking possession still in force;
- b) the incoming tenant would substantially under-occupy the property (i.e. by two or more bedrooms);
- c) the property is not suitable to the needs of the incoming tenant, including accommodation size;
- d) the accommodation is provided for disabled people or people with special needs and the incoming tenant does not meet the established criteria.

## 8.0 Succession

For the purpose of this Policy, 'succession' is defined as the process where a tenancy can be taken over by another person on the death of the tenant.

The Association recognises that following the death of a tenant, their family members will be upset and grieving and that any requests for succession need to be handled with sensitivity and care.

On the death of a sole tenant, their spouse, civil partner or person who lived with the deceased as their spouse or civil partner has a statutory right to succeed to the tenancy provided they lived in the property as their only principle home immediately before the death of the tenant.

Where there is a joint tenancy and one of the tenants' dies the remaining tenant will succeed to the tenancy by the rights of survivorship (as opposed to a statutory succession).

In these circumstances there is no need for the remaining tenant to make an application to take on the tenancy or prove residence at the property for any length of time, it is an automatic statutory right. We will, however, write to the remaining tenant advising them that they are now the sole tenant within 10 working days of the notification of death being received.

### **Contractual Successions**

The Association uses its powers to grant additional contractual succession rights to other family members of the deceased tenant that are not defined in the associated Regulations and where this is the case, it will be expressly stated in its tenancy agreements, provided:

- The family member can demonstrate they are a member of the deceased's household
- The family member can demonstrate they have lived with them for the 12 months preceding the death of the tenant.
- The family member can demonstrate they have used the deceased tenant's home as their only and principal dwelling, and
- Agree in writing to abide by the terms of the tenancy

In these circumstances family members could be a parent, grandparent, child, grandchild, brother, sister, aunt, uncle, nephew, niece or step child or partner of the deceased tenant.

In all contractual successions, we will take a view on the successor's suitability' in line with this Access to Homes Policy and associated procedures. Decisions on 'contractual succession' will be made by the Operations Manager as appropriate.

Where a succession takes place and the property is not suitable for those taking on the tenancy, for example it is larger than their family needs or there are adaptations that are no longer required, we will make reasonable offers of alternative accommodation more suited to their needs and on the same terms and conditions.

Westfield Housing Association reserves the right to apply to court for possession if a successor refuses to move where an alternative accommodation has been offered or will be made available when the possession order takes effect.

If a tenant dies owing rent arrears, these will not become the responsibility of the person succeeding to the tenancy unless:

- They are also the beneficiary of an estate (arrears will then be payable from the estate)
- A suspended or postponed possession order was in place at the time of the tenants death and a condition of the order is arrears are paid by instalments (the successor will then be responsible for paying these instalments and clearing of the arrears)
- They were joint tenants at the time of death

The method of succession i.e. by deed of assignment or by surrender and re-grant of tenancy will be determined by the length and type of tenancy held by the deceased tenant. We will advise those succeeding to tenancies of the method to be used on a case by case basis.

## Exemptions to the Right of Succession

There is no right of succession if the tenant who died:-

- Was a successor himself/herself
- If the deceased was a joint tenant who obtained the tenancy as a surviving tenant
- Had the tenancy assigned to them through a mutual exchange and had been a successor in the previous tenancy

## 9.0 Homeless and Local Authority Nominations

The Association is committed to working closely with local authorities and seeks to participate fully in any liaison groups or partnership arrangements. The Association has a Service Level Agreement with Allerdale covering nomination arrangements.

The Association is determined to contribute as fully as possible to the fight against homelessness and gives the highest priority to applicants classified as statutorily homeless.

Applicants will only be classified as statutorily homeless if they have been assessed as such by the local authority and formally nominated to the Association.

Statutory homelessness is defined in the Housing Act 1996 and the Homeless Reduction Act 2017. In simple terms, applicants must fulfil all the necessary criteria to be classed statutorily homeless.

In order to minimise delays in re-housing, where a local authority nominates an applicant as statutorily homeless (or so threatened) the Association will not necessarily require a home visit to be carried out as part of the housing need assessment.

All nominations made in respect of Homeless Priority Needs Households will be accepted by the Association unless accepting the nomination will put at risk from violence or harm either the applicant or member of the immediate community where the applicant is to live. Evidence of such risk will need to be provided by the Association and to have been verified by the Police.

The Association also gives a degree of priority to applicants who are homeless or threatened with homelessness within 56 days, but who have not been formally nominated by the local authority as statutorily homeless – such applicants being classified as ‘relief homeless’ or ‘prevention homeless’. The Association recognises that a large proportion of the single homeless may fall within this non-statutory category.

Under the Town & Country Planning Act 1990 some of our properties are subject to Section 106 planning obligations which usually requires properties to be let to applicants with a local connection to stated Parishes. Where this applies only those applicants meeting the requirements of the Section 106 agreement will be eligible for an offer of a property.

The terms of a nomination agreement we hold with the Local Authority requires us to give 100% nominations on Balmoral Close, Westfield Drive. Applicants wishing to be considered for this scheme will need to register on Choice based lettings (CBL) in addition to being registered with Westfield Housing Association. The local authority will identify potential tenants for any vacancies on this scheme via CBL and refer them to Westfield Housing Association for a pre tenancy assessment. All referred applicants will need to meet Westfield Housing Associations letting criteria which is assessed through completing a Pre tenancy interview and affordability assessment. This assessment must be completed with shortlisted

applicants before any offers will be made. Offers will be made to those who demonstrate the highest housing need.

#### **10.0 Mobility Schemes/Agency Referrals**

The Association accepts a responsibility to support national and local mobility for tenants as well as to support statutory or voluntary agencies dealing with clients who may experience housing need.

As in the case of local authority nominations, it is essential that referrals fall within the Association's Access to Homes Policy and are in housing need.

Referral agencies dealing with clients who need support to sustain a tenancy are required to provide that support after the client has been housed.

Referrals which may be considered to fall within the "Care in the Community" regime should be allocated a tenancy only when a Support Agreement has been established for that referral. The Association must be identified as a key participant within any Care Plan (which should also form part of the Support Agreement).

#### **11.0 Older Persons Scheme**

The Association provides homes within developments specifically for older persons.

On occasion, people below the minimum requirement age may be left in sole occupation of a property which has been specifically provided to meet the needs of the elderly. When this occurs, the Association may seek to re-house the "under-age" occupier(s) in order that the property may be re-allocated to people over the minimum requirement age.

The issue of the re-housing of "under-age" occupiers will be treated with extreme sensitivity by the Association. Prior to identifying any suitable alternative accommodation, the question of a move will be raised with the occupiers and their needs and preferences discussed. The Association will endeavour to ensure that any move is made by mutual agreement.

The Association new developments of bungalow around the estate are designed for the use of the older audience with a need for level access accommodation. Applicants wanting to be considered for a bungalow will need to identify this in an application to the Association demonstrating their need for a bungalow and submit the medical evidence of their need.

#### **12.0 Medical Condition**

Applicants who indicate that their housing need is increased by medical condition will be awarded a higher banding if it is considered that re-housing would improve the medical condition or relieve stress and make their condition more manageable.

Where their medical condition is degenerative/terminal, the suitability of a property to the long term needs of the applicant will be an important factor in the allocation decision. The possible future need for accommodation to provide space for a carer, or for medical equipment, will be taken into account, where this need can be demonstrated and confirmed by a medical professional.

The Association has a number of properties adapted to meet the needs of disabled people and, in allocating these properties, the tenancy will generally be granted to the disabled applicant(s). On occasions, able-bodied people may be left in sole occupation of such a property. When this occurs, the

Association may seek to re-house the able-bodied occupier(s) in order that the property may again be available to meet the needs of disabled people.

The issue of the re-housing of able-bodied occupiers will be treated with extreme sensitivity by the Association. Prior to identifying any suitable alternative accommodation, the question of a move will be raised with the occupiers and their needs and preferences discussed. The Association will endeavour to ensure that any move is made by mutual agreement.

### **13.0 Board Members, Staff Members and Close Relatives**

The Association aims to be scrupulously fair in the allocation of its properties to Board members, members of staff, and their close relatives (being defined as spouse, partner, parent, grandparent, child, grandchild, brother or sister and equivalent step-relatives).

Accordingly, where such an application is received:

- a) the decision to accept the applicant onto the waiting list is made by the Operations Manager, following a review of the initial assessment of the housing application; and
- b) the decision whether to grant a tenancy to the applicant will be made by the Chief Executive (following a check of the shortlist) and/or Association's Board depending on the circumstances.

Throughout the assessment and allocation processes, the person in question will receive exactly the same consideration, in respect of their housing need, as any other applicant.

### **14.0 Equal Opportunities**

In providing homes and housing services, the Association aims to ensure that everyone is treated fairly and protected from discrimination and harassment.

As part of our lettings process, applicants are asked to complete questions in respect of their ethnicity, nationality and economic status. This is used solely for the purpose of Government Recordings of Lettings in England.

The Association offer a range of provisions that can support current and potential tenants including those with support needs, those where English is not their first spoken language and/or may have difficulties with written English. These provisions are promoted on our website.

### **15.0 Home Visits**

Wherever possible, the Association visits applicants in their existing home environment in order to ensure that all applicants are being assessed on essential and comparable information.

The structure to the home visit is provided by the Pre-Tenancy Assessment survey which enables an officer of the Association to check elements of housing need and also prompts further investigation to guide the final allocation decision.

The primary objective of the home visit is to assess the housing need of the applicant. Any additional information gained through such a visit is essential in the final comparison of applicants which precedes the allocation decision.

The home visit also provides the opportunity to more fully explore any alternatives open to the applicant to resolve or ease their housing difficulties, often without having to move home.

Whilst the initial assessment of any applicant may involve consideration of income, capital, savings or employment status, the home visit provides the opportunity to explore fully the ability of the applicant to sustain a tenancy. Consideration should be taken of any applicant who own their own home. Any equity which can be released through the sale of the applicant's current property (if they are the owner) may be highly relevant.

A further objective of the home visit is to explain the aims and objectives of the Association and how it is achieving them in the area. The suitability of the Association's stock to the applicant's requirements should be fully discussed, as should financial matters such as affordability and welfare benefit entitlements.

In certain cases, the home visit may prompt the involvement of statutory or voluntary agencies (e.g. social services) in the provision of support to the applicant.

Following the home visit, the priority category of the applicant will be reviewed and, where appropriate, revised. Applicants who are found to have deliberately provided misleading information will have their application cancelled.

Following a pre tenancy assessment the completed pre tenancy assessment survey, proof of income and 3 months bank statements is checked to establish the letting would be affordable and sustainable. On some occasions all paperwork will be passed to the income management officer to confirm affordability.

## **16.0 Exclusion of Applicants**

In exceptional circumstances, the Association may exclude applicants from entry onto its waiting list and/or consideration for certain properties, for example:

- a) if there is evidence that the applicant and/or person(s) named on the application for housing has:
  - i) engaged in anti-social behaviour;
  - ii) had rent arrears either with the Association or other landlords and is not making regular payments to reduce; in accordance to Housing related debt chart in banding matrix
  - iii) abandoned or wilfully damaged a property owned by the Association or another housing provider;
  - iv) caused racial or other harassment; or
  - v) given false information that the Association would rely upon in reaching their decision to grant a tenancy.
- b) if the applicant or a member of their household has threatened or committed acts of violence against staff or other members of the community.
- c) if the applicant will be unable to meet the conditions of the tenancy agreement without additional support and the support needed is of a type or level which the Association cannot provide and has been unable to encourage another body to provide.
- d) if the applicant is under 18 years, they will not usually be considered for a general needs tenancy. We will signpost or refer these applicants to Children's Services and/or the Local Authority Housing Options Team.

- e) if the applicant has refused 3 offers of accommodation (including any reasonable offer made through management discretion) within 12 months of the date of their first offer, they will have their application for housing cancelled for a 12-month period. After this 12-month period, the applicant may reapply.
- f) Those who have the financial resources to purchase a property.

## **17.0 Access to Information/Appeals and Complaints Procedure**

The Association acknowledges that applicants will need to submit detailed and sensitive personal information in support of their application and undertakes to treat such information as strictly confidential. The Association will process and retain any information provided in accordance with the UK General Data Protection Regulations.

Applicants (and tenants) have a legal right to check any information they have provided themselves in support of their application. In addition, the Association gives applicants the right to see any information we have recorded about their application (including information held on computer). However, the Association will not be able to disclose information provided by a third party (for example, a solicitor or doctor) without that third party's approval.

In order to ensure fairness, applicants are free to appeal against decisions at all stages of the application and allocation process. Such appeals should be directed, in the first instance, to the Operations Manager. If an applicant should continue to be unhappy with a decision made, or explanation given, then a further appeal should be made to the Chief Executive and, thereafter, to the Association's Board.

In addition to the above appeals procedure, the Association also operates a detailed Complaints Procedure. A copy of the Complaints Procedure is available at the Association's office or on our website.

## **6.0 Monitoring and Reporting**

The letting of social housing is reported through Continuous Recording (CORE).

Internally properties let are monitored and reported by:

- Average relet days
- Void rent loss
- Number of refusals
- Levels of satisfaction

## **6.0 Legal Framework/Regulatory and References**

The allocation of social housing is covered by the following legalisation and regulations.

Regulatory of Social Housing (RSH) Tenancy Standard as set out in the Regulatory Framework states that registered providers shall:

- Let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how their lettings:
  - o Make the best use of available housing
  - o Are compatible with the purpose of the housing

- o Contribute to local authorities' strategic housing functions and sustainable communities
- o Have a clear application, decision-making and appeals processes

Legalisation and guidance relating to the allocation of social housing, includes:

- Housing Act 1996
- Localism Act 2011
- Local authority nomination agreements

## 7.0 Linked Documents

Tenancy Fraud Policy  
 Mutual Exchange Policy  
 Rent Setting Policy  
 Anti Social Behaviour Policy  
 Data Protection Policy  
 Complaints Policy

---

### To be completed by Corporate Services Officer

#### Document Control

<b>Business Owner (name &amp; job title)</b>	Debbie Fox, Operations Manager
<b>Policy Author (name &amp; job title)</b>	Debbie Fox, Operations Manager
<b>Date Reviewed</b>	1st February 2023
<b>Next Review Due</b>	1 <sup>st</sup> February 2024
<b>Effective Date</b>	23 <sup>rd</sup> February 2023

#### Document History

<b>Date</b>	<b>Version Number</b>	<b>Author</b>	<b>Description of Update</b>
February 2023	2.0	DF	Policy has been put into new format and updated to provide further guidance on those who would be accepted with outstanding arrears and to include the local authority's nomination rights on Site M which will be processed through Cumbria Choice. Other minor changes are highlighted in red throughout the document.
March 2022	1.0	DF	Additional section added to policy on Succession.