

### 1. Purpose and scope

This policy outlines Papworth Trust's approach to letting its properties to ensure the correct balance between ensuring the responsibilities of a Registered Provider of social housing are achieved whilst also enabling the Trust to meet its charitable objectives for disabled people.

This policy applies to the letting of empty properties across general needs, independent living and supported properties. However it should be recognised that some deviation from this policy may be required for certain supported living schemes that are commissioned by local authorities and under separate management or operation agreements.

This policy does not apply to shared ownership or leasehold accommodation.

This policy does not apply to tenancies granted following a review of an existing tenancy, including starter/probationary or fixed term tenancies. Information regarding these are detailed in the Starter Tenancy and Fixed Term Tenancy Policies respectively.

### 2. Aims

This policy aims to:

- Actively promote and enable choice of accommodation for people who are in housing need.
- Make best use of our housing stock.
- Ensure access into housing is fair and equitable.
- Encourage and support sustainable communities.
- Offer clear application, decision-making and appeals processes
- Strike a balance between the Trusts charitable objectives and its obligations as a Registered Provider.
- Enable tenants to gain access to opportunities to exchange their tenancy with that of another tenant (Mutual Exchange)

## 3. Definitions

### **General Needs**

Papworth Trust homes with no specific adaptation or design features that would make them more suitable for disabled applicants

### **Independent Living**

Papworth Trust homes that have been specifically adapted or contains design features that make it suitable for a disabled person. No additional support is provided with the tenancy

### **Internal Transfer**

When an existing Papworth Trust tenant moves to another Papworth Trust home which is empty.

### **Letting**

The action of allocating and renting a property

### **MAPPA (Multi-Agency Public Protection Arrangements)**

The process through which the Police, Probation and Prison Services work together with other agencies to manage the risks posed by violent and sexual offenders living in the community in order to protect the public.

### **Mutual Exchange**

A mutual exchange is way for social housing residents to find a move by swapping homes with another social housing resident.

### **Nomination Agreement**

A document setting out the process for managing nominations for vacant homes usually made between a local authority and a housing provider

### **Right to Rent Scheme**

A requirement, introduced by immigration legislation, that landlords check that potential tenant(s), and all adult occupiers, are permitted to be in the UK and have the 'Right to Rent'

### **Supported Living**

Papworth Trust housing that is specifically adapted for disabled people and/or provides occupants with care and support services alongside their tenancy. These schemes are generally commissioned by partner agencies and are governed by additional local agreements.

### **Use and Occupation Licence**

An agreement that gives an occupant permission to use (live in) a Trust property. It does not offer a security of tenure and is used where it is not appropriate to offer a tenancy agreement.

## 4. Allocation Arrangements

Papworth Trust does not operate its own waiting list.

Lettings are generally made to applicants from the following sources:

- Local Authority nominations
- Partner Agency referrals
- Direct Lettings

## 5. Local Authority Nominations

Papworth Trust have nominations agreements with Local Authorities in areas in which we have general needs and independent living accommodation.

The individual nomination agreement will determine what percentage of nominations the will go to relevant local authority, however these range between 50-100% of lettings.

When letting general needs or independent living accommodation, the relevant local authority will undertake initial verification of an applicant's eligibility.

The Trust will also undertake pre-tenancy checks prior to offering a property to a nomination.

As a general rule we will decline a nomination where:

- The property is adapted or contains specific features for disabled occupants and neither the applicant nor a member of the applicants household require such adaptations or features
- the proposed tenant has been evicted from, or has abandoned, a previous tenancy as a result of a tenancy breach
- the proposed tenant has an existing debt with the Trust, or another landlord, which is not being repaid at an acceptable rate
- the proposed tenant has an otherwise unsatisfactory tenancy history, for example, anti-social behaviour, failure to provide access or poor property condition
- the proposed tenant has not been able to demonstrate that they will be able to meet the rent and other charges
- the proposed tenant will be unable to sustain the tenancy, for example, as a result of a care or support plan not being in place or available
- a risk assessment identifies that housing the proposed tenant in the property poses a serious risk to the safety and well-being of themselves, staff and / or neighbours and that risk cannot be mitigated or managed

- the proposed tenant is a potentially dangerous offender and, following a risk assessment through an appropriate agency (for example, Multi-Agency Public Protection Arrangements [MAPPA], Probation, Police, Social Services), the Trust is not satisfied that an appropriate level of support and/or monitoring can be put in place to manage or mitigate the risk
- the property is too small for the household and will be statutorily overcrowded
- the identity, and/or the 'right to rent' status, of the proposed tenant, and all adult occupiers, are not verified at sign up
- the proposed tenant has failed to provide the required information in support of their application and/or failed to complete or engage in pre-tenancy checks.

The above list is not exhaustive and all cases are treated on individual merits and not part of a 'blanket' policy. We may refuse an offer of accommodation on the basis of these reasons above or for another reason linked to the list above.

## 6. Partner Agency Referrals

Papworth Trust provide supported living accommodation across its areas of operations. Applicants for this type of accommodation are referred by partner organisations, usually the organisation that has commissioned the service or the provider that delivers care and support services to the property.

The Trust will determine what pre-verification checks have been undertaken by the referring agency and carry out its own pre-tenancy checks. For all partner agency referrals the following information may be requested:

- completed Papworth Trust application form
- copy of a care assessment or equivalent dated within the last six months
- medical reports
- any other information relevant to the applicants proposed occupation of the vacancy

As a general rule we will reject an agency referral where:

- The property is adapted or contains specific features for disabled occupants and neither the applicant does not require such adaptations or features
- the proposed tenant has been evicted from, or has abandoned, a previous tenancy as a result of a tenancy breach and there is insufficient evidence that they have modified the behaviour that caused the breach
- the proposed tenant has an existing debt with the Trust, or another landlord, which is not being repaid at an acceptable rate

- the proposed tenant has not been able to demonstrate that they will be able to meet the rent and other charges
- A package of care and support has not been agreed and confirmed to be in place from the commencement of any tenancy
- a risk assessment identifies that housing the proposed tenant in the property poses a serious risk to the safety and well-being of themselves, staff and / or neighbours and that risk cannot be mitigated or managed by the agencies involved
- the proposed tenant is a potentially dangerous offender and, following a risk assessment through an appropriate agency (for example, Multi-Agency Public Protection Arrangements [MAPPA], Probation, Police, Social Services), the Trust is not satisfied that an appropriate level of support and/or monitoring can be put in place to manage or mitigate the risk
- the identity, and/or the 'right to rent' status, of the proposed tenant, and all adult occupiers, are not verified at sign up
- the proposed tenant or the referring agency has failed to provide the required information in support of their application and/or failed to complete or engage in pre-tenancy checks.

The above list is not exhaustive and all cases are treated on individual merits and not part of a 'blanket' policy. We may refuse an offer of accommodation on the basis of these reasons above or for another reason linked to the list above.

## 7. Direct Lettings

We will use up to our nomination entitlement to undertake direct lettings. These are lettings which, in our view, enable us to make the best use of our housing stock.

Circumstances in which we will use direct lettings will include the following:

- letting to a qualifying successor/an assignee in lieu of death who we move to more suitable accommodation
- Internal Transfers

An Internal transfer is a Papworth Trust tenant moving to another vacant Trust property. They are undertaken in the following circumstances:

- temporary or permanent decants where the existing property is uninhabitable (e.g. due to fire, flood, major structural defect, other health and safety risk) or to otherwise aid the management of our assets (e.g. redevelopment, disposal). (Note: where the household is homeless, and the Trust is unable to identify suitable alternative accommodation, the local authority has a statutory duty to assist).
- moves which enable us to deal with a serious or protracted tenancy management matter.

- Lettings in to aid tenancy sustainment. This will include a move to a smaller / cheaper property to assist a tenant at risk of losing their home or a move to take up a permanent offer of employment as a means of assisting a tenant to maximise their income.
- where an adaptation is urgently needed and it is a more effective solution for the household to move
- a move to release an adapted property
- a move which assists a tenant to move on from one of the Trust's supported schemes. A move under this category would be to a property identified as low demand
- other reason where a management move is considered by Papworth Trust to be in the best interest of the tenant and/or the Trust.

Eligibility restrictions apply to internal transfers and shall follow the same size criteria as set out in this policy. One reasonable offer will be made from across the Trust's area of operation. A reasonable offer will meet the applicant's needs in terms of tenure, size (and floor level where relevant). A reasonable offer will also meet the applicant's requirements in terms of location, where this is relevant to the reason for moving.

Where more than one tenant qualifies for a internal transfer at the same property, the final decision will be made based on housing need and made by a head of service.

## 8. Pre-tenancy checks

Papworth Trust will undertake the following pre-tenancy checks on applicants prior to issuing an offer of a tenancy:

### Affordability Assessment

Applicant will be required to provide income and expenditure details to inform a decision on whether the property is affordable.

### Accompanied Visits

Applicants will be required to visit a property to determine suitability. This may be a virtual visit in certain circumstances.

### Care and Support Assessments

Applicable for supported living vacancies only, these will be undertaken jointly with a partner agency to assess suitability an applicant to both the property, the care and support service available and compatibility with existing tenants, where the property has communal living space.

## 9. Mental Capacity

Due to the nature of some of the accommodation operated by Papworth Trust there may be instances where a doubt is raised as to whether an

applicant has sufficient mental capacity to understand the tenancy agreement, both in standard form and easy-read.

Where this is the case a use and occupation licence will be issued and a guarantor will be required to enter into an agreement with the Trust to safeguard both the Trust's property and the applicant's future housing situation.

Where there is no suitable agency or individual willing to act as a guarantor, the referral will be refused.

Further information is detailed in the Mental Capacity in Tenancies Policy and procedure.

## 10. Tenancy Agreement

The type of tenancy issued by Papworth Trust will be influenced by a number of factors including:

- the type of accommodation to be occupied
- the type of tenancy, if any, held immediately prior to the new tenancy being granted
- restrictions arising from existing nomination agreements, planning consents, management/operation agreements, deed title or funding arrangements used to provide the accommodation
- whether the tenant is assessed to have mental capacity to understand the tenancy agreement

The Trust operate a starter/probationary tenancy regime for new tenants, the full range of tenancies or occupation agreements and the circumstances in which they are used are detailed in the Tenancy Policy. Each tenant is issued with their own tenancy agreement containing the terms and conditions associated with their tenancy.

Rents are determined in accordance with our Rent Policy.

Joint tenancies will be issued to those nominated by the Local Authority as joint applicants. If the potential tenant is not received by way of a nomination, we will usually offer joint tenancies to married couples, civil partners and people in a relationship who live together. We may offer joint tenancies to others at the discretion of the Business Manager – Housing Management. Any offer of a joint discretionary tenancy will be subject to verification of identity and immigration status. Joint tenancies can be granted up to a maximum of four people. There are some specific schemes where sole occupancy is a condition of the tenancy.

Papworth Trust do not usually let properties to those who are under 18. In exceptional circumstances the Trust will offer a vacancy to an applicant aged under 18. In these cases the tenancy will generally be held in trust (e.g. by the local authority, support agency or a family member) until they reach 18.

## 11. Occupancy Levels

When determining if a letting is appropriate Papworth Trust will adopt the bedroom need assessment criteria adopted by Government for the purposes of housing benefit assessment. The size criteria allows one bedroom for each person or couple living as part of the household with the following exceptions:

- children under 16 of the same gender are expected to share
- children under 10 are expected to share regardless of gender
- households where a member of the household requires a non-resident overnight carer will be allowed an extra room
- households where a member of the household is unable to share a room because of their disabilities will be allowed an extra room
- foster carers will be allowed one additional room, so long as they have fostered a child or become an approved foster carer within the last 52 weeks
- parents with adult children in the armed forces (or reservists) who normally live with them will be able to retain the bedroom for that adult child when they are deployed on operations.

Single people living alone will be eligible for bedsit, studio or one bedroom accommodation.

In the case of an urgent management move, where the existing property is too small and the correct property size is not available, we may, in exceptional circumstances, make an offer in a 'like for like' property.

It is also recognised that some one bedroom properties with a particularly small bedroom may not be suitable for expectant couples.

The Trust recognise the importance of ensuring that properties with specific disabled adaptations are occupied by people that need such features and there may be specific circumstances where under-occupation by one bedroom may be required to ensure a property is not left vacant. We will apply discretion in these circumstances.

We will also consider under-occupying a property where it is in low demand, deemed as difficult to let or where concerns exist regarding density levels in a scheme.

For any property that is under-occupied, we will ensure the incoming tenant is aware of any restrictions on eligibility for housing benefit or equivalent.

A current tenant who is under-occupying and wishes to move will be provided with advice on the housing options available to them. These will include registration with the local authority / local CBL scheme and pursuing a mutual exchange.



## 12. Service Standards

The following service standards apply to lettings:

- provision of information about the property, tenancy rights and obligations
- accompanied viewings
- a comprehensive sign up process
- a settling in visit within 6 weeks of moving in.
- an annual tenancy audit

## 13. Review

The Trust is committed to operating in a way that is transparent and fair. We will review any allocation / letting decision that an applicant or tenant believes is unreasonable or unfair.

Any such review will be written and undertaken by a staff member of greater seniority than the person who made the original decision and will be undertaken within 10 working days.

It is Trust policy not to hold any property vacant pending the outcome of an appeal

## 14. Document control

Owner	Business Manager – Housing Management
Approver	Senior Business Manager - Property
Input from	Tenant Scrutiny Panel
Date	June 2022
Next Review date	June 2025
Ratified by	None required

## 15. Version tracker

Version number	Date	Approved by	Comments/Reason for issue
1.0	10.03.2019	-	New policy
2.0	September 2020	Senior Business Manager - Property	due to Covid-19
3.0	June 2022	Senior Business Manager - Property	Review as part of review cycle, updates made to s1 and 3, definition of internal transfer included.