

THE PIONEER GROUP

Stockland Green Community Housing Allocations Policy (Social Housing)		Version: 1	Ref: 511
Lead Officer:	Head of Housing and Customer Services		
Approved by:	SGCH Board	Approval Date:	9/2/22
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1. Policy Aim

- 1.1 This policy aims to strengthen the Stockland Green Community through supporting those in housing need, giving priority to those with a local connection. Through this policy, we support a sustainable, community-driven approach to allocating properties.
- 1.2 This policy demonstrates how we will allocate housing fairly, transparently and in line with our obligations as a private registered provider of social housing.
- 1.3 This policy details the maintenance of our waiting list (housing register) and policy principles for prioritisation of applications and allocation of properties to applicants.
- 1.4 We recognise that we hold a very small number of social housing homes in the Stockland Green area and this interim policy reflects this. As our portfolio grows it is expected that we will review our approach to lettings in consultation with residents to ensure our practices continue to meet housing needs in the area.

2. Scope and definition

- 2.1 For the purposes of this Policy an “**allocation**” is defined as occurring when SGCH, as part of The Pioneer Group, makes an offer to be an assured tenant of social or affordable rented stock owned by the Pioneer Group and let under the Stockland Green Community Housing branding. Actual entry by an applicant into a tenancy agreement for a particular property, is beyond the scope of this policy
- 2.2 This policy applies to all allocations to properties with social or affordable rents made by SGCH which are not allocated under the terms of a nominations agreement with Birmingham City Council. This policy applies to properties let under Assured Tenancies and Assured Shorthold Tenancies awarded as Starter Tenancies.
- 2.3 This policy does not apply to the allocation of garages, market rent properties, or properties let by other organisations that form the Pioneer Group. Market rent properties under the SGCH branding are let in accordance with the Stockland Green Market Rents Allocations and Tenancy Management Policy.
- 2.4 This policy does not apply to lets made under decant programmes or temporary lets to enable major works.
- 2.5 This policy does not apply to lets made under other defined policies (including mutual exchanges and tenancy changes) or occupants left in occupation following the end of a tenancy.

3. Related Documentation

The Stockland Green Community Housing Board have agreed that policies in place for the management of stock let under the Castle Vale Community Housing (CVCH) brand will apply to the social rented properties in Stockland Green, with the exception of this policy, and as such any reference below to CVCH, also applies to SGCH's social housing stock. The following documents should be considered in application of this policy:

- 121 Code of Conduct (Pioneer Group)
- 501 Allocations Procedures (CVCH)
- 502 Transfers and the Preserved Right to Buy (CVCH)
- 504 Empty Property Policy (CVCH)
- 508 Starter Tenancy Policy (CVCH)
- 703 Complaints, Compliments and Comments Policy (CVCH)
- 708 Compensation Policy (CVCH)
- 801 Antisocial Behaviour Policy (CVCH)
- 806 Domestic Abuse Policy (CVCH)
- 913 Probity Policy (Pioneer Group)
- 1424 Data Retention, Data Sharing, GDPR, Information Security and Privacy Policies (Pioneer Group)
- 1702 Equality and Diversity Plan
- Pioneer Group Corporate Plan and Strategic Goals
- Pioneer Group Value for Money Strategy
- Castle Vale Neighbourhood Plan
- Birmingham City Council Housing Allocation Scheme 2018 (and subsequent replacements)

This policy is not subject to the Appeals Policy.

4. Compliance

This policy complies with the following legislation:

- Housing Act 1985
- Housing Act 1996
- Localism Act 2011
- Housing and Regeneration Act 2008
- Children Act 2004
- Immigration Act 2014
- Data Protection Act 2018
- Equality Act 2010
- The regulatory framework for Private Registered Providers of social housing in England published by Homes England (now the Regulator of Social Housing), in particular the Tenancy Standard published April 2012

5. Background/Context

SGCH, as part of the Pioneer Group, allocates social housing, defined as homes for people whose housing needs cannot be met by the general housing market, in line with our responsibilities as a private registered provider of social housing. As such, we have an obligation to let homes in a fair, transparent and efficient way.

In determining the provisions of this policy, we have considered the low number of properties in management and our legislative obligations and the regulatory obligations to support the strategic housing aims of Birmingham City Council.

6. Policy Detail

6.1. Principles of the policy

6.1.1 We operate a waiting list in order to:

- take applications and determine whether a person is eligible and qualifies to join the waiting list;
- shortlist applicants on the waiting list for an offer of accommodation

6.1.2 We operate a nominations agreement with Birmingham City Council. The ratio of properties offered under the nominations agreement and those offered to applicants on the SGCH waiting list will vary depending on the terms of the agreement.

6.1.3 An applicant will not be able to join the waiting list if they are either ineligible or disqualified. Once accepted on the list, applicant will be issued priority points to determine their place on the list.

6.1.4 We will take reasonable steps to alert anyone likely to be affected by this policy, and to undertake consultation if required, if and when there are significant changes to the policy or procedure.

6.1.5 SGCH and Pioneer Group board members are prohibited from taking part in any decision on an individual allocation, other than where appointed to serve on a review panel or under point 12.1.6 in this policy.

6.1.6 Copies of this policy, and details of rights to information, advice and assistance regarding the policy, are available free on request.

7. Information, Applications and Decision-Making

7.1 Information

7.1.1 This policy will be kept available for inspection at the principal offices of Pioneer Group. Copies are available on request, and published on our website. General information may be provided on request profiling our housing stock.

7.1.2 Information will be provided in translation and alternative formats (e.g. Braille, large print, audio etc) as needed and/or upon request. Any alternative requirements of specific groups of prospective applicants will be taken into account when making arrangements for access to information and advice.

7.1.3 Every person will be provided with information and advice on request about their rights to make an application to the waiting list. Assistance will be provided free of charge on request to any person who is likely to have difficulty in making an application.

7.1.4 Every applicant will be provided with the following general information, accompanied by a copy of a free published summary of this Policy:

- Whether or not they have been accepted as eligible
- Whether or not they qualify
- Their allocation points and how this has been calculated
- Any facts taken into account when making a decision as to whether to make an allocation of housing accommodation
- The right to request a review of any decision as set out in section 8.

7.1.5 All applicants have the right to confidentiality. An application will not be divulged to another party without the applicant's consent except where necessary to verify information submitted or to seek additional evidence or references to support the application. Exempt from this policy position is an application that gives rise to a safeguarding concern or a requirement to share information for the prevention or detection of crime.

7.2 Applications

7.2.1 All applications must be made on the application form supplied by SGCH. We will provide assistance to complete the form where required or when requested.

7.2.2 A usual household member will constitute a person who primarily (that is for the majority of the time) or exclusively lives with the applicant, or who usually lives with the applicant but is temporarily absent due to circumstances beyond their control. Usual household members must be included in the application. Anyone who might usually reside with an applicant, or who might reasonably be expected to reside with an applicant, may be included in the application.

7.2.3 The following documents must be submitted as evidence to verify the information provided by the main applicant, plus any other person who resides or may reside with the applicant. Applicants must supply this information before their application will be live on the waiting list. We will check the validity of any such evidence submitted. We may check this evidence prior to making an offer to an applicant, and may request additional supporting evidence where required. We will re-check this evidence prior to entering into a letting with an applicant:

- Passport and/or relevant visa (if applicant does not have a passport, we will request two alternative proofs of identity, usually a birth certificate and driving licence)
- A utility/Council Tax bill from the last three months
- National Insurance Number
- Proof of acceptance and banding under the Birmingham City Council Housing Allocations Scheme.

We will not gather excessive evidence and we will only request specific evidence to support point allocation if an offer of accommodation is likely and imminent. No proof of employment will be required at this stage (if the application depends on a local connection on employment grounds), residency, armed forces membership etc but we will require evidence in the event that an offer is likely to be made.

7.2.4 We will receive applications from any person, regardless of location of current residence, including those of no fixed abode.

7.2.5 All applicants will be required to renew their applications biennially (every two years), on or about the anniversary of being accepted onto the waiting list. Failure to renew an application will result in removal from the waiting list and the need to make a new application. Applicants will be reminded prior to the renewal deadline and will be given a minimum period of 8 weeks

in which to renew their application. We will not seek further evidence (as set out in 7.2.3 above) at renewal stage unless there has been a change in circumstances.

- 7.2.6 Applicants will be disqualified, and may be prosecuted, if they deliberately withhold information, provide misleading information or do not notify SGCH of any change in circumstances (e.g. change in income, change in household) before accepting an offer of accommodation. If they are allocated a property based on false information mandatory grounds for possession may be used by application to the Court.
- 7.2.7 Applicants will be assessed for eligibility and then for qualification. An applicant who becomes ineligible or disqualified after joining the waiting list will be removed from the waiting list.
- 7.2.8 Before making an offer, we will check whether the applicant:
- Is still eligible
 - Is still qualified
 - Meets any specific lettings criteria for the particular property
 - Has a household size that matches size criteria for the property
 - Can afford to pay the housing costs of the property
- 7.2.9 Applications will be processed within a reasonable period of time. This should not usually exceed 28 days.
- 7.2.10 Current Pioneer Group tenants may make an application for accommodation and their application will be processed in line with those of other applicants.
- 7.2.11 If an application indicates that a person may be homeless or at risk of homelessness, we will seek the applicant's consent and refer to Birmingham City Council as part of the organisation's Commitment to Refer.
- 7.2.12 Decisions as to whether an applicant is eligible and qualifies to join the waiting list will be made in line with this policy and its associated procedures. Discretion on decisions is limited to the Head of Housing and Customer Services and the Housing and Customer Services Director or equivalent (except where it is delegate to the Neighbourhood Operations manager as explicitly set out in this policy). All discretionary decisions will be clearly documented
- 7.2.13 Any decision made regarding an application may be subject to internal review or audit, to check we are acting in line with policy principles and taking steps to identify error and fraud. Decisions which, following review or audit, are deemed to have been made outside of policy principles or incompatible with statute or the aims of the organisation will be overturned and the application or offer will be reconsidered.
- 7.2.14 Unsuccessful applicants, who have been declared ineligible or disqualified or who have refused three reasonable offers of accommodation, can make a further application only when there has been a material change to their circumstances. We may exclude an applicant from reapplying if we do not believe there has been any such material change. No such prevention from re-application will apply after 12 months of the decision to exclude.

7.3 Processing and Decision-making

- 7.3.1 Decisions on accepting or assessing applications will be notified in writing by post or email. Applicants will be given reasons for the decision based on the relevant facts of the case.

7.3.2 SGCH will process applications within a reasonable period of time after all the documentation has been received. Upon receipt of an application, SGCH will inform the applicant that if they considered the progress of their application to be unduly slow they are entitled to make a complaint using the Complaints Policy. Applicants may also be informed of their right to seek judicial review on any point of law if SGCH has allocated social rented housing contrary to the rules set down in the Policy

8. Review

8.1 Applicants may request an internal review of any of the following decisions:

- Ineligibility to join the waiting list
- Disqualification from waiting list
- Type of property to be considered for
- Extent of applicant's household
- Affordability, behaviour, tenancy history including arrears, local connection
- Reasonableness of any offer of accommodation
- Refusal of a joint tenancy

Applicants may also request internal review of the facts that have been taken into account in determining any of the decisions above.

8.2 An internal review will consider whether the original decision was made in line with the provisions of this policy, and will take into account any additional personal circumstances supplied by the applicant that may have changed the original decision. The review will not overturn a decision that has been made reasonably and in line with policy, regardless of whether the same decision would have been made by the reviewer. Reviews may be carried out by any manager or senior officer within the Pioneer Group who was not involved in making the original decision. We will respond to all requests for review in full within 28 days. Where this is not possible we will notify the applicant of the reasons why and our expected timeframes for a full response. If we require more information from the applicant we will notify them within 28 days, clearly setting out what is required.

8.3 Applicants will be informed of their right to pursue an appeal to the court, where they believe there is evidence that a decision is unreasonable, illegal or fails to follow public law procedural requirements. This includes a refusal to take an application, plus any internal review decision.

9. Eligibility and Qualification

9.1 Eligibility

9.1.1 All applicants will need to demonstrate a legal right to rent property in the United Kingdom in order to be eligible to join the SGCH waiting list.

9.1.2 A joint tenancy cannot be granted to two or more people if any one of them is not eligible. If one person is eligible, a tenancy may be granted to the eligible person. All household members or people who can reasonably be expected to live in the property will need to prove the right to legally occupy property in the United Kingdom.

9.1.3 Eligibility provisions do not apply to applicants who are already secure or introductory tenants of a local authority, or assured or starter tenants of a private registered provider of social

housing, except where those provisions relate to household members.

9.1.4 Only persons who are habitually resident in the United Kingdom will be eligible for an allocation of housing accommodation.

9.1.5 Birmingham City Council will have carried out immigration status checks as part of their acceptance onto their scheme. Social Housing tenants are not subject to the requirement to carry out right to rent checks. Checks will be carried out through the Government's Right to Rent portal for any offer made under the discretionary terms of this policy.

9.2 Qualification

9.2.1 Applicants will be disqualified from joining the waiting list if:

- The applicant is incapable of holding a tenancy agreement, i.e.
 - a person defined as a child in UK law (anyone aged 0 - 17 years of age) or
 - a person defined as a child in need as a result of a s17 Children Act 1989 statutory assessment
- The applicant has not been accepted onto, and been awarded a banding, under the Birmingham City Council Housing Allocations Scheme. This provision does not apply to existing Pioneer Group Social Housing Tenants, although they are encouraged to join the BCC scheme to qualify for the appropriate points as set out in section 10. This exemption does not apply to non-social tenants of Pioneer Group.
- The applicant, or anyone who usually lives with them or might reasonably be expected to live with them, is guilty of behaviour which would give a ground for outright possession, i.e.
 - been given an order made in a civil court that is linked to a property or the locality of a property;
 - perpetrators of domestic violence who are subject to a non-molestation order, an injunction order, an occupation order or a restraining order;
 - having an unspent criminal conviction committed in, or in the locality of a property in which they were resident at the time of the offence;
 - having committed an act of fraud, withheld, falsified or misrepresented any information pertaining to access to public funds and/or services;
 - having displayed threatening, violent or otherwise abusive behaviour towards an employee or person employed to undertake work on behalf of their landlord, either local authority or registered provider
- The applicant, or anyone who usually lives with them or might reasonably be expected to live with them, has debt owed to the Pioneer Group exceeding £150. Applicants will remain disqualified until the total amount owed is reduced to below £150 and an arrangement is in place to clear the debt. Any debt that is statute barred will not be considered. Exceptions to this criteria will be considered on a case by case basis by the Head of Housing and Customer Services or Housing and Customer Services Director. Exceptions are likely to be granted in cases of domestic abuse.
- The applicant, or anyone who usually lives with them or might reasonably be expected to live with them, has been evicted for a breach of tenancy (including by a private registered provider of social housing under Section 21 of the Housing Act 1988), including but not limited to:

- sub-letting some or the whole of their property without permission;
 - failing to report repairs;
 - failing to allow contractors to enter their property to carry out maintenance;
 - running a business from their property without consent of landlord;
 - allowing their property to be used for illegal or immoral purposes;
 - any failure to comply with lawful conditions set out in the agreement between the previous landlord and applicant
- The applicant, or anyone who usually lives with them or might reasonably be expected to live with them, is a homeowner, including where the property is mortgaged.
 - The applicant, or anyone who usually lives with them or might reasonably be expected to live with them, has savings in excess of the Housing Benefit upper savings limit.
 - The applicant, and any partner, has a combined income classified as high income for the purposes of the Regulator of Social Housing’s Rent Standard.
 - They are unable to live independently.
 - Applicants require a property size (as set out in section 12.9) which we do not own so there is no prospect of an offer being made. Where we do not own a property of a particular size, but we have started on site a development which includes a property of that size, then they will not be excluded.
 - The Neighbourhood Operations Manager, on a case-by-case basis, may exercise discretion as to whether an applicant qualifies when considering whether circumstances that may potentially disqualify them are still relevant, especially in relation to matters of criminal or antisocial behaviour

9.2.2 The applicant will be assessed regarding their eligibility and qualification at the time of joining the waiting list and before an offer is made. This may be reviewed internally at any point while they are on the register. A decision that an applicant is ineligible and/or disqualified will be notified in writing with the grounds for that decision.

10. Allocation Points, Lettings Schemes and Equality

10.1 Points and time on the waiting list

10.1.1 Once accepted as meeting the eligibility and qualification criteria, applicants will be awarded points as defined in the table below.

Local connection to the B23 postcode area	500
Local connection to the Stockland Green Ward (excludes those in the B23 area)	200
Local connection to neighbouring wards of: 1) Kingstanding 2) Perry Common 3) Erdington 4) Gravelly Hill 5) Nechells	100

6) Aston 7) Perry Barr	
BCC Band A	200
BCC Band B	150
BCC Band C	100
BCC Band D	50
Existing Pioneer Group tenant	100
Armed Forces Personnel (regular or reserved)	500
Discretionary Points	750

BCC band relates to the banding allocated by Birmingham City Council under their allocations policy.

10.1.2 Where customers can demonstrate more than one local connection (for example living, working and having a child in school in the area) only one set of local connection points will be awarded (i.e. 1x500, not 3x500). Similarly, locality points will only be awarded at the highest rate, not a combination of two local connection areas (eg – living in the B23 postcode area and having a child in school in the Perry Common area will attract 500 points only, not 500+100).

10.1.3 **Definition of local connection**

- Currently resides in the defined area and has done for a minimum of 12 months
- In paid employment in the defined area at the time of application and at the time of any offer of accommodation under this scheme
- Has close relatives residing in the area – (Parent, Child, Grandparent, sibling) – who can demonstrate occupancy for at least 12 months
- Child currently enrolled in a school in the specified area
- Household member receives carers allowance to look after someone in the defined area

10.1.4 **Discretionary Points**

Discretionary points will not be awarded routinely and are expected to be used in an emergency situation. An example of this may be where an existing Pioneer Group tenant or resident is fleeing violence (domestic abuse or other violence which can be substantiated) or where an emergency rehousing need is identified – for example potential homelessness due to loss of a Pioneer Group home through fire, flood, major repair issue.

Points may be awarded when working on special projects or initiatives – for example when working with domestic abuse organisations to rehome households ready to move on from refuge or similar accommodation.

Each case will be judged on its individual merits and as such the above is set out for indicative purposes only.

Discretionary points may only be awarded by the Head of Housing & Customer Services or the Housing and Customer Services Director (or equivalents).

10.1.5 If as result of a change in circumstances an applicant moves to a higher points value, their application date will be amended to reflect the date of the change. If their banding does not change, their application date will remain the same. No change of date will be made where

the change of circumstances results in a lower points value.

10.1.6 Application Date

Where more than one applicant on the waiting list has the same points, priority will be given based on the length of time on the waiting list, using the date the application was accepted as full and complete (or as set out in 10.1.5 above). Incomplete applications will be rejected and the applicant will be informed in writing (by letter or email) as to the reasons why. This will normally be within four weeks of receipt. Applications will be process in strict order of receipt.

10.2 Local Lettings Schemes

10.2.1 We may remove properties from the scope of this policy for specific alternative arrangements in order to make most effective use of our properties. This may be in respond to demand, e.g. for hard to let properties; to meet a local or central government request that falls outside of the nominations agreement; or for another substantial reason. Alternative arrangements, where applicable, will be agreed by the Head of Housing and Customer Services or Housing and Customer Services Director.

10.3 Equality

10.3.1 Allocations and waiting list decisions will be monitored annually to ensure we act in accordance with the Equality Act 2010.

10.1.3 Any substantial variations to this policy will be subject to a new equality impact assessment.

10.1.4 Applicants who consider that there has been unlawful discrimination or infringement of human rights will be informed of their right to seek assistance from the Equality and Human Rights Commission

11. Best interests of Children

When formulating this Policy, SGCH has considered the need to safeguard and promote the welfare of children, in accordance with the Children Act 2004, section 11

When making decisions about individual applications for an allocation of social rented housing, the best interests of any children involved will be treated as a primary (but not overriding) consideration. Active involvement from the Local Authority Children Services department will be sought when making decisions about housing allocations where there is involvement from the Local Authority's children's services

12. Lettings

12.1 Available homes will be offered directly to applicants, who must respond to the offer within two working days. Applicants will be informed of their right to refuse an offer, along with any consequences of doing so.

12.2 The offer will be conditional on the provision of evidence to support the point allocation. Evidence required will be proportionate and not excessive – for example a recent payslip would suffice for evidence of employment in the area.

- 12.3 Applicants will not be able to request that they are allocated to specific properties. Applicants may be able to request that they should not be allocated properties in specific localities if there is a significant reason for the request, e.g. risk of abuse.
- 12.4 If the applicant (or bidder where property is offered via the nominations agreement) who is first in priority refuses the offer, the next highest applicant will be made an offer, and so on. Failure to respond to an offer within two working days will be considered a refusal unless an applicant has informed us that they will be unavailable for a fixed period in advance and we have acknowledged that notification in writing. Properties will not be held in such circumstances, but the applicant will not be treated as having refused a property.
- 12.5 We may reject applicants via the nominations agreement if they would be unsuitable for the property, either as ineligible or disqualified or due to household size, under the terms of this policy.
- 12.6 Applicants who refuse a reasonable offer will have their application date amended to reflect the date of refusal. A reasonable offer must be suitable for the applicant when considering affordability, household, care requirements, locality restrictions, accessibility and any other relevant information.
- 12.7 Applicants who refuse three reasonable offers will be removed from the waiting list.
- 12.8 Applicants will not be offered a property that would result in them being statutorily overcrowded or likely to become statutorily overcrowded within the next 12 months.
- 12.9 Applicants will be offered properties that meet their requirements for bedroom size, based on one bedroom per:
- Couples who are married, have a civil partnership or are cohabiting couple
 - Adults aged 16 years or more
 - Single or a pair of children or adolescents aged 0-15 years of the same sex
 - pair of children aged under 10 years regardless of sex
 - An adult or child who cannot share due to a disability or medical condition
 - For households with a single child aged under 16, the child shall be allocated one bedroom.
 - No entitlement to additional bedrooms shall be awarded for applicants who are pregnant at the point of allocation other than at the discretion of the Neighbourhood Manager.
- 12.10 Applicants who are eligible for a one-bedroom property may request to also be considered for a two-bedroom property, providing that they can demonstrate affordability.
- 12.11 Where an applicant has care requirements that necessitate use of a spare room, we will take this into account and offer an additional bedroom if possible, providing that the applicant can demonstrate affordability.
- 12.12 Applicants will not be made an offer of a property in a locality in which they have previously been a perpetrator or victim of anti-social behaviour, hate crime, violence or domestic abuse, where we are made aware of the related incidents. Where a victim can demonstrate that a material change has removed the risk, the Neighbourhood Operations Manager will have discretion in this matter.
- 12.13 Should an applicant request a joint tenancy, this will be considered as long as the other party

is also eligible and qualified by the terms of this policy. If the joint tenancy is refused, the applicant will be advised in writing.

12.14 Applicants will not normally be offered a property where they cannot reasonably afford to pay all related potential rental and service charges, as determined via affordability assessment. An applicant who is considered unable to afford a particular property will not be excluded from the housing register, but will only be made an offer of a property with demonstrable affordability. Applicants will need to be able to demonstrate that they will be able to pay all (or claim welfare benefits to assist making some or the whole) of the following charges:

- Housing costs (e.g. rent, service charge)
- Council Tax
- Water (supply and sewage)
- Electricity
- Heating (gas, electricity, oil or solid fuels)
- Food
- Clothing
- Transport
- Priority debt

12.15 Applicants will be expected to pay one month's rent in advance at letting.

12.16 Where a property is to be let to a Pioneer Group (or any subsidiary) employee, board member or shareholder, or a close relative, a tenancy may only be granted in line with the stipulations of the Pioneer Group Probity Policy and Code of Conduct. Points allocation and decision making for the whole process will be scrutinised by the Head of Housing and Customer Services in such circumstances before approval is sought in accordance with the aforementioned policies.

13. Data Protection Statement

The Pioneer Group manages all of the data referred to in this policy in accordance with current data protection legislation. The administration of this Policy will ensure compliance with this legislation and the requirements of The Pioneer Group Data Protection Policy. Applicants will be advised of their right to make a complaint to the Office of the Information Commissioner (ICO) if they believe The Pioneer Group has failed to fulfil its obligations and responsibilities as set out in the Data Protection Act 2018.