

Tenure and Allocations Policy

Social Rented Homes

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1. Introduction

- 1.1 This policy explains the types of tenancy that Triathlon Homes offers for social rent, how we allocate our homes and our standards and processes for letting these homes out. It includes our approach to reviewing fixed term tenancies at the end of their term.
- 1.2 This policy covers all allocations to Social Rented homes owned by Triathlon Homes including:
- Local authority nominations via a London sub regional nominations protocol
 - Nominations from the Greater London Authority (GLA)
 - Nominations from members of the East London Housing Partnership (ELHP)
 - Nominations from the Ministry of Defence (MOD) Joint Service Housing Advice Office (JSHAO)
- 1.3 While maintaining its independence as a provider of Social Rented homes, Triathlon Homes seeks to work with its Nominating Authorities/Organisations and to have regard to their Tenancy Strategies in the delivery of this policy.
- 1.4 1.4 The policy does not cover mutual exchanges, the allocation of intermediate or market rented homes, shared ownership products or the sale of homes.
- 1.5 1.5 Triathlon Homes LLP ('Triathlon Homes') is the owner of 1,379 homes within East Village, is a private landlord to the occupiers of these properties and has appointed a Managing Agent to manage the properties on its behalf. The Managing Agent is also a member of the Housing Ombudsman Service.
- 1.6 All of Triathlon Homes' policies are its own, but are implemented by the Managing Agent on its behalf. Triathlon Homes' policies are required to comply with the Regulatory Standards of the Regulator of Social Housing.
- 1.7 This document should be read in conjunction with the Triathlon Homes Glossary.

2. Policy statement

- 2.1 Triathlon Homes is committed to ensuring that we provide high quality services to all our residents regardless of race, ethnicity, sexuality, age, gender or disability. It is our aim to help create and sustain, balanced, cohesive, and sustainable communities where people will want to live.
- 2.2 The aims of this policy are to ensure that:
- We provide a quality, flexible and efficient lettings service:
 - Undertaking lettings and allocations as quickly and efficiently as possible both in the interests of the residents and to ensure the effective use of homes.

- Having the flexibility to grant different tenure types to recognise the different needs and circumstances of our tenants and to meet Triathlon Homes' aim to create sustainable communities.
- Having the flexibility to introduce other tenancy options that Government may introduce in future years for available homes released at the end of an Assured Shorthold (fixed term) or when granting a new tenancy to a true void as defined in our Nominations Agreement with the London Borough of Newham.
- The lettings process is fair to all residents and potential residents:
 - Having fair lettings and allocations that comply with relevant legal and regulatory requirements that apply to Triathlon Homes as a non - registered provider.
 - Properly reflecting the vulnerability of prospective tenants in assessing their housing need.
 - Having an effective appeals process in place to give home seekers the right to appeal decisions made under this policy.
- We clearly set out the housing options for our residents and potential residents:
 - Setting out the type of tenancies that we will grant when allocating accommodation: either Assured Periodic or Assured Shorthold (Fixed Term).
 - Giving home seekers information on accessing alternative tenure options where available and other housing mobility options such as mutual exchange between landlords or to other areas in the region and beyond.
 - Provide a fair and transparent service which sets out the circumstances and reasons for our decisions and is accessible to all eligible home seekers.
- We monitor this policy and ensure it complies with relevant regulations:
 - Regularly recording, monitoring and evaluating the processes set out within this policy to ensure that we are achieving our aims, and making this information available to residents, to local authority partners and the Triathlon Homes Board as appropriate.
 - Regularly reviewing and evaluating this policy to ensure best practice: including carrying out Equality Impact Assessments.
 - Following Data Protection legislation in the collection, storage, access, provision and disclosure of data.

2.3 Triathlon Homes will participate in the East London Lettings Company (the regional choice-based lettings scheme) and Housing Moves (the Mayor of London's pan-London housing mobility scheme).

2.4 In the event that there is no sub-regional protocol Triathlon Homes will refer to the Nominations Agreement between both the London Borough of Newham and the Greater London Authority and seek nominations from another access queue.

- 2.5 Nominees will be selected in accordance with the Local Authority Allocations scheme or in accordance with this policy (see section on Allocations below). Generally nominees are on the Local Authority's housing register and assessed as having a housing need in line with their policy and the reasonable preferences categories as set out in Part 6 Housing Act 1996 as amended.
- 2.6 All properties are 'tagged' to ensure that nomination rights remain in place for second and subsequent lettings.
- 2.7 Homes sold by Triathlon Homes as shared ownership or with retained equity or let on an intermediate market rent are the subject of the Shared Ownership, Shared Equity and Intermediate Market Rent Allocations Policy.

3. Context

3.1 Legislation, Regulation and Guidance

- Law of Property Act 1925
- Asylum and Immigration Act 1996
- Data Protection Act 2018
- Homelessness Act 2002
- Housing Acts 1985, 1996, 2002, 2004
- Housing Health and Safety Ratings System 2005
- Serious and Organised Crime and Police Act 2005 (Witness Protection)
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- Allocation of Housing and Homelessness (Miscellaneous Provisions) (England) Regulations 2006
- Equality Act 2010
- Home and Communities Agency Capital Funding Guide 2011
- Localism Act 2011
- Allocation of accommodation: guidance for local housing authorities in England 2012
- Regulatory Framework for Social Housing in England from April 2012
- Welfare Reform Act 2012
- Immigration Acts 2014 and 2016 (Right to Rent)
- Commission for Racial Equality
- UK GDPR 2021

3.2 Links to Key Triathlon Homes Documents

- Complaints Policy
- Intermediate Market Rent Re-let Policy
- Mutual Exchange Policy
- Relationship Breakdown Policy (Social Rent)
- Shared Ownership Staircasing Policy (Assignments and Lease Extensions)

- Starter (Probationary) Tenancy Policy
- Tenancy Changes Policy
- Tenancy Renewal Process
- Triathlon Homes Glossary

4. Method statement

Types of Tenancy

4.1 Triathlon Homes will grant one of two types of tenancy when allocating Social Rented homes:

- Assured Periodic (Lifetime) Tenancies, see 4.2 - 4.3 below
- Assured Shorthold (Fixed Term) Tenancies, see 4.4 - 4.11 below

Our decision regarding which tenancy to grant can be appealed as in 4.35 below.

4.1.1 Both types of tenancy will include a probationary period (starter tenancy) except for:

- Existing social rent tenants being granted an assured periodic (lifetime) tenancy who have held a social rented tenancy continuously since 1st April 2012 in line with paragraph 4.2.1 below.
- Existing social rent tenants who are no longer subject to a probationary period.
- Successors to existing assured tenancies.

Full details of starter tenancies including tenancy support are available in the Triathlon Homes Starter (Probationary) Tenancy Policy.

4.1.2 Tenants who come to Triathlon Homes by Mutual Exchange will be given the same type of tenancy as the tenant they exchanged with. (See Triathlon Homes Mutual Exchange Policy).

4.2 Assured Periodic (Lifetime) Tenancies

4.2.1 Section 2.8 of the Regulatory Framework says that “registered providers shall grant those who were social housing tenants on the day on which section 154 of the Localism Act 2011 comes into force [which was 1st April 2012], and have remained social housing tenants since that date, a tenancy with no less security where they choose to move to another social rented home, whether with the same or another landlord. (This requirement does not apply where tenants choose to move to accommodation let on Affordable Rent terms).”

4.2.2 Triathlon Homes is not a Registered Provider but is required to follow the Regulatory Framework and will grant an Assured Periodic (Lifetime) Tenancy to existing Social Housing tenants who were a Social Housing tenant on 1st April 2012 and have remained Social Housing tenants since that date.

4.2.3 Providing the tenant is not in breach of the covenants within the Assured Periodic tenancy agreement, the tenant can remain in occupation until they choose to move by service of Notice to Quit on the landlord, due to their death or abandonment, or for some other reason where the County or High Court issues an Order for Possession or Court Injunction bringing the tenancy to an end.

4.3 Assured Periodic (Lifetime) Tenancies – Vulnerability

4.3.1 Triathlon Homes acknowledges that there may be some cases where a tenant or joint tenant is vulnerable and this is unlikely to change during a fixed term period or beyond. In these circumstances granting a lifetime tenancy may be more appropriate.

4.3.2 For the purposes of this policy being ‘vulnerable’; is defined as:

- Being 60 years of age or older; or
- Having a physical or mental disability or illness where the prognosis is that there will be no significant change for the rest of the individual’s life or the condition is verified as a lifetime condition, such that the tenant will always be in need of the social rented home allocated to them. ¹

4.3.3 All home seekers who do not automatically qualify for an Assured Periodic Tenancy will be assessed on whether they qualify due to vulnerability. This will be undertaken at the nomination stage. Home seekers will be expected to provide information to support the verification of their circumstances and if required Triathlon Homes will seek further information with the permission of the home seeker to assist in the assessment and ensure an informed decision is reached.²

4.3.4 Triathlon Homes recognises that vulnerability can be difficult to define and to assess. It will look at each case carefully and collect evidence from different sources before making a determination on vulnerability. The sources will include all or some of the following as appropriate:

- Benefit entitlement including Attendance Allowance, Carer’s Allowance, Disability Living Allowance and other benefits awarded to support those with long health issues, disabilities and other vulnerabilities.
- Information from doctors and other qualified medical staff including the prognosis of a condition.
- Previous housing assessments.

¹ In line with 4.6.3 below, this bullet point has been clarified from the previous policy where bullet read “Physical or mental disability or illness where the prognosis is that there will be no significant change for the rest of the individual’s life or the condition is verified as a lifetime condition.”

² In line with 4.6.3 below, the following paragraph has been removed as it referred to a discretionary option that is not being used:

Generally only the tenant or joint tenant can be classed as vulnerable for the purpose of granting a lifetime tenancy but there is discretion to consider other household members where there is verifiable evidence that there is little prospect of the household member having the physical or mental capacity to hold a tenancy themselves now or in the future.

- View of an Independent Medical Assessment.
- Information from Social Workers, Support Workers and other Specialist Advisers.

4.3.5 All recommendations for the use of a lifetime tenancy will be assessed on a case by case basis in line with this policy, Triathlon Homes' procedures and the supporting evidence provided. The assessment will be agreed by the Head of Operations. The decision as to whether a person is vulnerable under this policy rests with Triathlon Homes.

4.4 Assured Shorthold (Fixed Term) Tenancies

4.4.1 The Regulatory Framework says that registered providers may grant an Assured Shorthold (Fixed Term) Tenancy where the circumstances in 4.2.1 above do not apply.

4.4.2 Triathlon Homes is not a Registered Provider but is required to follow the Regulatory Framework and will grant Assured Shorthold (fixed term) tenancies whenever sections 4.2 or 4.3 above do not apply. Triathlon Homes does this to support its aims to create a sustainable community as it believes that this approach:

- Strengthens our ability to end the tenancy of those who breach their conditions of tenure including sub-letting and rent arrears.
- Strengthens our ability to end the tenancy of those who are found to own homes elsewhere.
- Strengthens our ability to tackle anti-social behaviour including ending the tenancy of those convicted of a criminal offence, sent to prison, or where we establish that a tenant or member of the household is a member of a gang or engaging in gang related activities as defined by legislation.
- Gives Triathlon Homes the flexibility to bring to an end a tenancy if the tenant's circumstances have improved significantly and they have alternative housing options that they can reasonably be expected to exercise.

4.5 Assured Shorthold (fixed term) Tenancies – Length

4.5.1 The Regulatory Framework says that the tenancy should be for a minimum fixed term of five years, or exceptionally, a tenancy for a minimum fixed term of two years, in addition to any probationary period.

4.5.2 Triathlon Homes will normally grant a fixed term for a 5 year period in addition to a 12 month Probationary Period.

4.5.3 Triathlon Homes reserves the right to grant a fixed term for a shorter time where there are exceptional circumstances e.g. if the resident is subject to immigration control with a limitation on their right to remain in the UK.

Renewing or Ending Assured Shorthold (Fixed Term) Tenancies

4.6 Assured Shorthold (fixed term) Tenancies – Reviews

4.6.1 In line with the regulatory framework on fixed terms, we will conduct an assessment of the tenant’s circumstances not less than 9 months, but normally 18 months, before the expiry of the fixed term tenancy, to decide whether to:

- Issue a new fixed term tenancy to the property;
- Issue a new lifetime tenancy to the property; or
- Terminate the tenancy.³

4.6.2 The assessment will be based on the conduct of the tenancy and the prospects for the household to secure another home to live in.

4.6.3 Assessment criteria must be based on the policy that was in place when the current fixed term began. Any changes to this policy only apply to new tenancies from when the changes come into effect. All such changes are noted in the footnotes to this policy.

4.6.4 Review decisions can be appealed in line with 4.10 below.

4.7 Assured Shorthold (Fixed Term) Tenancies – Ending

4.7.1 Following an assessment, we will terminate all fixed term tenancies where:

- There has been a history of persistent tenancy breaches, for example in relation to rent arrears, anti-social behaviour, or tenancy conduct – including significant damage to the property;⁴
- There is evidence of sub-letting;
- We identify that that the tenant has an interest in another property; or
- The tenant is not living in the property as their principal home.

In such cases, Triathlon Homes will normally try to gain possession of the property before the end of fixed term. However, if the tenancy is near the end of the fixed term (i.e. less than 18 months before expiry) we will simultaneously take steps to ensure the tenancy is not renewed at the end of the term.

4.7.2 We will also consider the following as reasons to terminate the fixed term, provided the tenant is able to secure alternative housing:

- The property is under-occupied by two rooms or more.
- The property is overcrowded.

³ In line with 4.6.3 below, the option to “issue a new fixed term tenancy to another property” has been removed as Triathlon Homes is not able to complete internal transfers. See 4.13 below.

⁴ In line with 4.6.3 above, this bullet point has been clarified from the previous policy. The previous policy read “There has been a history of persistent tenancy breaches in relation to rent arrears, anti-social behaviour, and tenancy conduct”.

- There is reason to terminate based on the medical needs of the tenant and their household members. E.g. the property requires adaptations which the property cannot accommodate and/or Triathlon Homes is unable to fund.
- There is a more effective use of the asset (see 4.7.4 below).
- The gross annual household income of the tenant or joint tenants is in excess of the current Household Income Cap⁵ (see 4.27 below) and this has been the case for minimum of 12 months prior to the last day of the fixed term period. Except in the circumstances set out in 4.7.3 below.

4.7.3 Where the tenant has income in excess of the current Household Income Cap but there is no other reason to terminate and the tenant has complied with tenancy conditions, Triathlon Homes will normally renew the tenancy despite the higher income when⁶:

- Household members are engaged in a local employment/ support programme/ college course that will be at risk should the household be required to move.
- The tenant requires the home to enable their children normally living at the property, including children who are adopted or fostered, to complete their education.

4.7.4 Triathlon Homes reserves the right to end a fixed term tenancy where it identifies a different use of the asset either to meet a need within its business plan to re-let on a different tenancy and/or different rent regime or to sell the asset or as part of the Strategy to create and maintain a sustainable community. Triathlon Homes recognises that it will need the support of its funders, the local authority and the Regulator of Social Housing in order to exercise of this policy option.

4.7.5 Where Triathlon Homes' decides to bring the fixed term to an end, we will give the tenant no less than six months' notice in writing stating that we do not propose to grant another tenancy on the expiry of the fixed term and informing the tenant of how to obtain help or advice about the notice. We will then terminate the tenancy by

⁵ In line with 4.6.3 above, please note that, for the purposes of renewals, this cap only applies to tenancies which have started since this policy came into effect (see page 2 for date). Older tenancies still come under the old policy which replaces this bullet with "The gross annual household income of the tenant or joint tenants is in excess of £100k and that this has been the case for minimum of 12 months prior to the last day of the fixed term period." Older tenancies should therefore have an effective cap for renewals at whichever is higher - £100,000 or the current Household Income Cap.

⁶ In line with 4.6.3 above, section 4.7.3 has been clarified from the previous policy. The previous policy read "For the avoidance of doubt Triathlon Homes will normally grant a new fixed term tenancy if the tenant has complied with the tenancy conditions and:-

- Household members are engaged in a local employment/support programme/college course that will be at risk should the household be required to move; or
- The tenant requires the home to enable their children normally living at the property including children who are adopted or fostered or to complete their education; or
- Ending the fixed term is likely to lead to an obligation on the Local Authority to secure temporary accommodation under the Part 7 Housing Act 1996 (as amended) or Children Act unless the person(s) are likely to be assessed as intentionally homeless"

serving on that tenant a further notice not less than two months before the expiry of the fixed term.

4.7.6 If the tenant does not give us vacant possession of the property at the expiry of the fixed term we are required to get an order for possession from the courts.

4.8 **Assured Shorthold (Fixed Term) Tenancies – Advice and Assistance**

4.8.1 We will offer advice and assistance to every household whose fixed term is approaching the end of the term. Following the tenancy review and any subsequent appeal (see 4.10 below), tenants who have their tenancy terminated will be offered reasonable advice and assistance. This will include:

- Working with local authorities and other partners to ensure that all available options are explored for those moving on from Fixed Term Tenancies.
- Providing information to the tenant on other forms of housing options. This may include, but is not limited to:
 - Renting in the private sector.
 - Renting one of our properties at Intermediate Market Rents or Market Rents.
 - Low cost home ownership options.
 - In the case of under-occupation or overcrowding, seeking mutual exchange to a more suitable property.

4.8.2 We will also work with other landlords, including specialist registered providers of social housing, Local Authorities and private landlords to identify options and opportunities for more suitable housing opportunities for our tenants if required.

4.8.3 There may be circumstances where a lack of suitable properties results in the tenant remaining in the current property at the end of the fixed term or a second or subsequent fixed term.

4.9 **Assured Shorthold (Fixed Term) Tenancies – Renewing**

4.9.1 Triathlon Homes will renew all fixed term tenancies which do not come under the criteria to be ended.

4.9.2 Where the tenancy is to be renewed, the tenant will be granted a new Assured (Shorthold) Tenancy, except in those circumstances detailed in 4.9.3 below. This will normally be for a fixed term of 5 years.

4.9.3 Where the tenancy is to be renewed and the tenant now meets the criteria for vulnerability as defined in 4.3.2 above, the tenant will be granted an Assured (Lifetime) Tenancy rather than another fixed term.

4.9.4 The Triathlon Homes officer who is processing the renewal will carry out an inspection before a tenancy is renewed to verify the tenancy and to make sure that the property still meets a reasonable standard (see glossary). Any way in which the

property falls short of this standard will be noted and the tenant must sign to say they take responsibility for this and will return the property to a reasonable standard before they leave.

4.9.5 All fixed term tenancies will be brought to an end in line with contractual agreement before a new tenancy is granted. The new tenancy will commence on the day after the fixed term ends. The new tenancy will be signed in the week leading up to the end of the fixed term. Both the commencement date and the date of signing must be noted in the tenancy agreement.

4.9.6 Where a tenant is a successor to an Assured Shorthold (Fixed Term) Tenancy there will be no right to a second succession (i.e. when the successor dies their family will have no right to inherit the tenancy). This will apply through all subsequent renewals, including any renewal to an Assured (Lifetime) Tenancy. Village Managers must note if a tenant is a successor to ensure that no second succession takes place.

4.10 **Assured Shorthold (Fixed Term) Tenancies – Appeals**

4.10.1 Tenants or home seekers have the opportunity to an appeal against:

- The granting of an Assured Shorthold (Fixed Term) Tenancy rather than an Assured Periodic (Lifetime) Tenancy.
- Not being granted a second or subsequent Assured Shorthold (Fixed Term) Tenancy.

4.10.2 The tenant or home seeker should first contact the Triathlon Homes' Village Manager to discuss the reasons for the decision. The officer will have 5 working days to respond.

4.10.3 If they are still unhappy with the decision the tenant or home seeker can appeal in writing to the Head of Operations within 10 working days of the decision. A written response will be given within 10 working days.

4.10.4 If the tenant or home seeker remains unhappy with the decision they have 5 working days to request an appeal to the Managing Director (Triathlon Homes) who will have 21 days to consider and respond in writing. The decision of the Managing Director will be final.

4.10.5 Should a tenant need support with lodging an appeal, we will signpost them to an appropriate advocacy agency.

4.10.6 Triathlon Homes will not put the process of finding a new tenant on hold if the existing tenant appeals our decision not to grant a second or subsequent Assured Shorthold (Fixed Term) Tenancy. We will continue this process until the appeal is upheld.

4.11 **Informing third parties of serving a notice**

4.11.1 When serving notice on a tenant, either during a tenancy or at the end of a fixed term, Triathlon Homes will inform the following agencies of our decision to serve notice in writing:

- The local authority homeless unit.
- The social services department, where there are children or vulnerable adults in the household.
- Any other agency involved.

4.11.2 All tenants in danger of failing their tenancy will be advised to seek their own independent advice (e.g. going to Citizens Advice).

Allocations

4.12 All of Triathlon Homes' social rent properties are covered by nominations agreements with various agencies. This means that we do not allocate residents to properties ourselves but an outside agency nominates residents based on their own criteria. These criteria differ between agencies as outlined below.

4.13 Internal Housing Transfers

4.13.1 As Triathlon Homes does not allocate residents itself it is unable to do any internal housing transfers. This means that residents who wish to move to another social rented property will need to register with the appropriate nominating agency (normally either the GLA Housing Moves or the London Borough of Newham's Housing Register) rather than moving within Triathlon Homes.

4.14 Nominations from the London Borough of Newham and the Greater London Authority

4.14.1 Most of Triathlon Homes' social rent properties, including all the larger 3 and 4 bedroom family sized homes we own, are covered by direct nominations agreements with the London Borough of Newham or the Greater London Authority.

4.14.2 Allocations to these properties are entirely decided by the nominating agency according to their own policies, criteria and priorities. However, the standards listed in 4.19-4.27 below will normally still apply.

4.15 Nominations from other East London Boroughs

4.15.1 A small number of our homes are allocated to other local authorities in East London. These properties were initially allocated to under-occupiers or hidden households (see glossary) but new allocations will be entirely decided by the nominating agency according to their own policies, criteria and priorities. However, the standards listed in 4.19-4.27 below will normally still apply.

4.16 Nominations from Triathlon Homes Partners

4.16.1 A small number of our homes are allocated to two of the three partners of the Triathlon Homes consortium – East Thames Limited and Southern Housing Group. The partners may nominate applicants to these properties in line with housing need priorities set by their Allocations Policies, provided that nominees are in employment, work ready (see glossary) or in a category exempt from employment e.g. retired or disabled. The standards listed in 4.19-4.27 below will normally still apply.

4.17 **Nominations for Service Personnel**

4.17.1 A small number of our homes are allocated to service personnel as nominated by the Ministry of Defence (MOD) Joint Service Housing Advice Office (JSHAO) and other specialist housing organisations providing services to ex-service personnel in order to provide housing and “move on accommodation” (see glossary) for this client group. From time to time Triathlon Homes and these organisations will review the eligibility and referral arrangements for this priority group.

4.17.2 The nominating agency will check eligibility for these homes according to the following eligibility criteria:

- Open to both serving and ex serving personnel up to five years after discharge and their widows/widowers or surviving partners up to five years after death in service.
- Applicants must have a housing need such as losing military accommodation. However, accommodation must not have been lost due to a breach of tenancy or licence obligations e.g. rent arrears, anti-social behaviour.
- Applicants with a local connection to Newham or the East London Sub Region will have a higher priority than those that do not.
 - The local connection may be place of work, place of birth, family connection, or place of residence prior to service term.
- Applicants must be in employment (see glossary), work ready (see glossary) or in a category exempt from employment e.g. retired or disabled.
- Applicants must have an appropriate support/care package if needed.
- Household gross income must normally be no greater than the Triathlon Homes Household Income Cap (see 4.27). The cap will only apply to the tenant or joint tenants.

4.18 **Triathlon Moves Hidden Household/ Under-Occupier Properties**

4.18.1 A small number of our homes were originally allocated to Hidden Households or Under-Occupiers from a selection of referring landlords via a Choice Based Lettings style scheme on the Triathlon Moves website. The referring landlords for these homes were not nominating agents so have no right to nominate at re-let and the Choice Based Lettings style scheme has now closed.

4.18.2 These homes have now been shared between East Thames, Southern Housing and the MOD for nomination at re-let.

- East Thames and Southern Housing may nominate applicants to these properties in line with housing need priorities set by their allocations policies, provided that nominees are in employment, work ready, or in a category exempt from employment e.g. retired or disabled. The MOD may nominate applicants to these properties in line with their normal eligibility criteria as set out in section 4.17.2 above.

Bedroom Standard

4.19 We will normally use the following guidelines known as the ‘Bedroom Standard’ to determine the number of bedrooms (as opposed to bed spaces) that will be allocated to home seekers.

4.19.1 Triathlon Homes reserves the right to use its discretion to allocate a larger home under limited circumstances. Where discretion is applied it is subject to the tenant having the means to cover the cost of the larger home bearing in mind the effects of the under-occupancy penalty (also known as the “Bedroom Tax”).

4.19.2 Examples of where this discretion might be used are when a household is downsizing, or where a child who is currently expected to share a room with a sibling of a different sex is approaching the age of 10 when they will be entitled to their own room.

4.19.3 The Bedroom Standard allocates one bedroom for:

- Each single adult over 21.
- Each couple (couples will not be offered separate bedrooms unless there is medical evidence to support this).
- Any single adult under 21 who is a member of the household but not part of the same family.
- An adult carer, living full time and permanently in the household, and caring for a member of the household (see 4.20 below).
- Any two children under 10 (children under 10 of the same or different sexes will not be offered separate bedrooms unless there is medical evidence to support this).
- Any two children/younger adults under 21 and of the same sex.

Only one child will be allocated to a single room. This means that a property that has two bedrooms comprised of one double and one single will only be allocated to a household with one child.

Babies will be considered from birth but where a home is pre-allocated weeks or months before occupation, an unborn child will be considered as part of the application provided the applicant is 12 weeks or more into the pregnancy at the time of the pre-allocation.

4.20 Provision for Carers

4.20.1 In line with section 4.19 above, Triathlon Homes will offer an additional single bedroom where the person looking after the home seeker is a carer. Triathlon Homes normally defines a carer as a person who fulfils the following criteria:

- They are the principal carer and need to be a permanent resident; and
- They are in receipt of Carer's Allowance for the resident they are looking after; and
- The resident they care for gets the higher rate of Disability Living Allowance, the higher rate of Attendance Allowance, the daily living component of a Personal Independence Payment, or an Armed Forces Independence Payment.

4.21 Household members

4.21.1 Household members will need to provide proof that they have been a member of the household for 12 months before we agree to re-house them with the nominated tenant (this will not apply to infants under one).

Lettings Process

4.22 Equal Treatment

4.22.1 Triathlon Homes aims to provide a fair and equitable lettings service. To ensure this Triathlon Homes will take the following steps:

- All home seekers who apply for housing at East Village will be interviewed by a member of staff at the pre-allocation stage to ensure the information we have is reliable and complete.
- Standard forms will be used at all stages of the lettings process so that all residents are assessed on the same basis.
- The lettings process will involve more than one member of staff and will be conducted in line with this policy and with reference to the following written criteria:
 - Triathlon Homes' overall priorities for letting outlined within the Lettings Strategy.
 - Local nomination agreements and protocols and service level agreements with partners.
 - Triathlon Homes' bedroom/household size standards.

4.23 Household Details Checks

4.23.1 We will double check all the details we receive about a nominated household in line with our normal procedures. This includes details on household size, names and ages of household members and any special requirements. We check these details to ensure that the household is allocated the right property for their needs.

4.24 Right to Rent Checks

- 4.24.1 Triathlon Homes will carry out checks in accordance with the Immigration Act 2014 to establish whether or not prospective tenants have the right to rent a property in the UK.
- 4.24.2 When carrying out checks, we will need to establish that all adults over 18 for whom the property will be their only or main home have the right to rent. This is dependent on their nationality, citizenship, and immigration status.
- 4.24.3 Prospective tenants will need to prove their status using relevant documentation, or in cases where documentation is not available, Triathlon Homes will use the Home Office’s Landlord Checking Service.
- 4.24.4 Tenants without the right to rent will not be granted a tenancy. The length of tenancies considered for those with time-limited right to rent will not exceed the duration of their right to remain in the UK.

4.25 Affordability Checks

- 4.25.1 Affordability assessments will be carried out on all new lets to ensure that the tenancies are sustainable and risks of affordability problems are identified from the outset.
- 4.25.2 In most cases the information from the check will be used to identify appropriate support and advice which can be offered to the home seeker to minimise the risk of them falling into arrears. However, in some cases the tenancy may be refused on the basis that it will be unaffordable for the tenant.
- 4.25.3 Affordability checks take into account expenditure levels against current income, including benefit entitlement. We will be particularly aware of the affordability risks associated with welfare reforms such as the benefit cap, the social sector size criteria (aka “bedroom tax”), or the shared accommodation rate for single households under 35 years old.

4.26 Credit Checks

- 4.26.1 Triathlon Homes will undertake credit checks on all newly nominated home seekers. The information from the check will be used to inform the affordability check and to check the tenant’s eligibility for housing. Home seekers will be informed of the check.

4.27 Household Income Cap Checks

- 4.27.1 All applicants for a home managed by Triathlon Homes will be subject to a Household Income Cap. The cap will be set in line with the upper gross household income for applicants applying for one or two bedroom homes on an intermediate tenure (shared ownership or intermediate market rent) as set by the Mayor of

London. The cap will only apply to the tenant or joint tenants, not other members of the household.

4.27.2 The cap will be reviewed on an annual basis and applied to new nominations.

4.28 Viewings

4.28.1 To make sure our empty homes are let quickly we may arrange ‘multiple viewings’ for between two and five home seekers with the highest bids for the property as determined by the nominating authority’s allocation scheme. If the home seeker given highest priority by the nominating agency refuses the offer, the property will be offered to the next home seeker in line, and so on until a home seeker accepts the property on offer. Home seekers may be asked to view properties up to 6 weeks in advance of the property becoming available for letting.

4.29 Offers

4.29.1 All home seekers will normally be made one offer of accommodation which is consistent with Triathlon Homes’ bedroom standards and any known special requirements (e.g. wheelchair access). Sometimes we may need to withdraw a property that has been advertised/offered without notice. We may also need to delay or stop an offer of accommodation being made because it has come to light that there has been a breach of tenancy, that fraud has occurred or that the property size is incorrect.

4.30 Joint tenancies

4.30.1 Unless otherwise advised by the nominating local authority, Triathlon Homes will offer joint tenancies to all couples.

4.30.2 Couples who are married or civil partners will be offered a joint tenancy regardless of how long they have lived together. Cohabiting heterosexual or same sex couples will be offered a joint tenancy if they can demonstrate that they have lived together for at least 12 months.

4.30.3 Sole tenancies will be granted in all circumstances other than those mentioned above.

4.31 Tenancy Sign Up

4.31.1 For social rent tenants, tenancy start dates commence on the Monday following the offer and acceptance of the property.

4.31.2 Home seekers must bring all the documents requested with them to the viewings in order to successfully sign the tenancy agreement and arrange moving in. If the relevant details are not provided at the sign up appointment we will give the tenant a reasonable timeframe to supply the missing documents. If this timeline is not met, we reserve the right to reject the application and offer the property to the next qualifying home seeker.

4.31.3 At sign up we will explain how to pay rent and the tenant's rights and responsibilities under the tenancy agreement.

4.32 Photographs

4.32.1 We will collect photographs of all home seekers when allocated a home or when they enter into a new tenancy agreement. This is part of confirming the identity of the lead/joint tenants and also part of a range of information that will be used to combat fraud including helping ensure that properties are not unlawfully sublet.

4.33 Rejections

4.33.1 An application may be rejected at any stage in the lettings process for the following reasons:

- The application was not returned by the set date.
- The resident has failed to provide the proofs we need to meet our eligibility criteria within the stated time limit or when requested.
- The numbers of household members would overcrowd the property as set out in the Housing Act 1985.
- The resident wants a home in an area or with features that Triathlon Homes does not have.

4.33.2 A Home Seeker has the right to appeal Triathlon Homes' decision to reject their application as set out in 4.35 below.

4.34 Data Protection

4.34.1 Triathlon Homes and its managing agent will abide by Data Protection legislation in storing photographs and other personal information.

4.35 Appeals

4.35.1 If a home seeker disagrees with a decision on their qualification for rehousing, the priority they are given or the reasonableness of an offer, they can appeal to the agency which nominated them. Triathlon Homes cannot deal with these appeals directly.

4.36 Complaints

4.36.1 Complaints about the implementation of this policy and any resulting decisions including the allocation of accommodation will be handled through the appeals process.

4.36.2 Any other complaints about the service received from Triathlon Homes will be dealt with through our internal Complaints Policy.

Special Cases

4.37 Asylum seekers and other people from abroad

4.37.1 Asylum seekers and other people from abroad are eligible to apply for permanent housing from Triathlon Homes provided that they can demonstrate that they have enough income, either earned as wages or with the help of benefits, to be able to afford the rent and to cover their other household costs.

4.37.2 The scheme is not open to those in the UK illegally. As in section 4.24 above all home seekers must have the right to rent under the Immigration Act 2014.

4.38 Housing under 18 year olds

4.38.1 There are legal restrictions on renting homes to under 18 year olds. However, if someone who is under 18 years old is nominated by a local authority or partner agency for housing we may grant them an “equitable tenancy”, which will be an assured shorthold tenancy, as long as additional support is being given and the nominating agency or authority act as a guarantor to protect the interests of the minor.

4.39 Relationship Breakdown

4.39.1 Triathlon Homes recognises that some of our sole tenants are married to or co-habiting with individuals who are not tenants. In the event that these relationships breakdown Triathlon Homes will not normally consider applications for separate re-housing from an ex-spouse or former partner who is not a tenant. In the event that a relationship breaks down between joint tenants, or an order is made by the court pursuant to the Children Act 2004 or Matrimonial Causes Act 1981, Triathlon Homes will have regard to any relevant binding court decisions which affect the tenancy agreement.

4.40 Sensitive Lettings

4.40.1 While all allocations need to be managed sensitively, some allocations may be extremely sensitive due to the behaviour of previous residents or the specific circumstances of immediate neighbours. From time to time Triathlon Homes will need to make particularly sensitive lettings in order to ensure that future tenancies are sustainable and the immediate environment has an opportunity to recover from previous difficulties. When a property is identified as in need of a sensitive let then the reasons for this will be clearly stated in the nomination request process. Triathlon Homes will refuse nominations that do not meet its criteria and will work with local authority partners to ensure the reasons for sensitivity are known and accepted.

4.41 Other Opportunities for alternative Housing

4.41.1 We are committed to identifying and promoting housing options for our tenants through a variety of schemes. These schemes include:

- Mutual exchanges
- Housing mobility options such as Housing Moves or national mobility schemes

- Intermediate market rental
- Private rental
- Affordable Home Ownership
- Right to Acquire
- Buying a home on the open market
- Retirement options
- Seaside and Country Homes Scheme
- Signposting to specialist providers
- Specialist and supported housing

4.41.2 We will also work with other landlords, including specialist registered providers of social housing, Local Authorities and private landlords to identify options and opportunities for housing for our tenants or applicants for housing.

Exclusions

4.42 All home seekers are subject to the same rules on qualification and exclusion including our own internal identity verification checks. This includes local authority nominees, nominees from the Greater London Authority, and nominees from our other partners.

4.42.1 The following exclusions will apply to all applicants:

- We will not house people who own other residential property.
- We will not house home seekers with an income above Triathlon Homes' stated gross household limit as set out in 4.27.
- We will not house home seekers who have insufficient means to cover rent and service charges as set out in 4.25 above.
- We will not house home seekers who do not sign up to East Village good neighbour agreement.
- We will not house perpetrators of harassment or anti-social behaviour (ASB). Exclusion will be based on evidence of the anti-social behaviour, including:
 - This includes:
 - Eviction of an applicant or member of their household for ASB
 - A previous injunction taken out against the applicant or a member of their household
 - An Antisocial Behaviour Order (ASBO) against the applicant or a member of their household
 - If the applicant currently holds a demoted tenancy because of ASB.
 - We will overlook previous tenancy enforcement action for ASB if it occurred two or more years prior to the date of application and the tenant's household has conducted a tenancy satisfactorily in the intervening period.
- We will not house applicants who have been assessed as vulnerable without an appropriate support package:

- Where our assessments indicate vulnerability for whatever reason, we will work with the local authority and other agencies to arrange appropriate support so that it is available at the start of the new tenancy.
- A home seeker may be excluded if they are unable to meet the conditions of the tenancy without additional support and if, despite every effort, we are unable to ensure appropriate support is available.
- We will not normally house home seekers with arrears where these are of their own making and not due to the late payment of Housing Benefit. The Head of Operations may exercise discretion in this area on a case-by-case basis.
- We will not normally house home seekers with any outstanding notices served against their tenancy.
- We will not normally house applicants previously evicted from a social housing tenancy.

5. Monitoring and Evaluation

5.1 This policy will be monitored by the Head of Operations who will review this policy periodically as set out above capturing best practice, customer feedback and legislative changes to inform this review.

5.2 Measures of success

5.2.1 In addition to ad hoc customer feedback this policy will be measured through:

- Monitoring refusal reasons.
- Monitoring the time it takes to let an empty home.
- Monitoring rent loss due to vacant homes
- Monitoring tenancy turnover rates.
- Feedback from satisfaction surveys.
- Feedback from residents' complaints and compliments about the lettings service.
- Reviewing the nature and types of appeals against lettings decisions.
- Using the CORE system (continuous recording of lettings & sales information).

6. Equality Needs Impact Assessment

6.1 Triathlon Homes recognises its duty to eliminate unfair treatment and discrimination in the services it provides and to promote and value respect in everything it does.

6.2 An equality impact assessment of this policy was undertaken in November 2017.

7. Glossary

Employment – For the purposes of our eligibility criteria for allocations, employment is defined as paid work of 16 hours or more a week for 13 weeks continuously.

8. Hidden Households – When two households who would normally each live in a separate home are sharing a home, one of these households is considered to be “hidden”. For

example, if a woman with two children is sharing a home with her brother, the brother is likely to be considered a hidden household.

Move On Accommodation – Accommodation that allows those currently housed by the military to permanently leave military housing is called “move on” accommodation.

Reasonable Standard – A property will be considered to be in a reasonable standard if, excluding normal wear and tear, it is in a good state of decoration, there are no outstanding repairs (including damage to carpets), and there are no missing or broken white goods or accessories (e.g. oven trays).

Under-Occupiers – When a household has more bedrooms than would be allocated to them through the bedroom standard they are considered to be under-occupying.

Work Ready – A home seeker is work ready if they are capable of securing and sustaining employment in a role suitable to their skills and experience.

9. Accessibility of information

9.1 This information will need to be made available to all potential customers. It will be made available on East Village, Triathlon and partner websites. Relevant sections of this policy will be summarised and made available as a part of the Residents Information Pack entitled “East Village: you and your landlord”.

Policy Controls sheet		
Author	Date	Main changes and why (i.e. change in legislation, change in internal processes)
Customer Services Policy Manager	May 2021	Moved policy into new template and correction of typing errors. Updated references to data protection legislation.
Policy and Research Officer Approved by Managing Director, Triathlon Homes	January 2018	<p>Merger of Social Rent Allocations and Tenure policies.</p> <p>Full scale review of wording, structure and formatting.</p> <p>Update of allocations and nominations sections to reflect ongoing policy after original let.</p> <p>Full review of tenancy renewals as noted in footnotes.</p> <p>Income cap for renewals changed from a fixed cap of £100k to a cap matching the current Household Income Cap.</p> <p>Expanded sections on right to rent checks and affordability checks.</p>
	July 2015	Minor change to Social Rent Allocations Policy to reflect policy to only allocate single rooms to one child.
	November 2012	Review of Tenure Policy.
	September 2012	Original Social Rent Allocations Policy