

	Allocations & Lettings Policy
	Doc No: P001

Version No	Title	Author	Draft Date	Approved By	Approval Date	Live Date	Review Date
1	Allocations & Lettings Policy	P Latham	Oct 2023	Board	Nov 2023	Nov 2023	Nov 2026

1 Introduction

- 1.1 This policy sets out how Eldonian Community Based Housing Association, (ECHBA), will allocate and let its properties this includes its approaches to identifying new tenants, managing waiting lists and transfers of existing tenants.

2 Aims and Objectives

- 2.1 Through the implementation of this policy and plan ECHBA aims to:
- Make the best use of its housing stock to meet local housing need.
 - Contribute to the ongoing development of a balanced, sustainable community.
 - Contribute to the strategic objectives outlined in the Scheme Councils' housing, homelessness and tenancy strategies;
 - Ensure that every applicant and tenant receives a good quality, fair, consistent and equitable service.
 - Meet ECBHA's regulatory and legislative obligations.
- 2.2 ECBHA recognises that it currently operates within an operating environment where the demand for the vast majority of accommodation is higher than that which is available. We are therefore sensitive to ensuring that our approach is realistic and manages the rehousing expectations of those applying for accommodation.
- 2.3 In addition, as a small Registered Provider (RP), ECBHA must also be mindful of ensuring that our approach does not create a disproportionately excessive administrative burden on the organisations limited resources.

3 Legislation & Regulation

- 3.1 Several pieces of legislation and guidance have informed this policy including
- Data Protection Act 2018.
 - Homelessness Reduction Act 2018.
 - Housing Act 1996 (as amended by the 2002 Homelessness Act).
 - Equality Act 2010.
 - The Localism Act 2011.

- Welfare Reform and Work Act 2016.

- 3.2 LCC has significant statutory duties regarding housing and its allocation. Through the nominations agreement ECBHA seeks to support LCC in meeting these responsibilities, however these duties are not considered delegated to ECBHA.
- 3.3 The content of this policy is also informed by the Regulator of Social Housing (RSH) Tenancy Standard and associated guidance and best practice to drive ECBHA with these regulatory obligations.

4 Policy Application

- 4.1 This policy applies to all rented social housing owned by ECBHA. It doesn't apply to shared ownership or leasehold management homes.
- 4.2 This policy will be considered active from 1st December 2023.
- 4.3 Transfer applicants and direct applicants considered to be under the LLP arrangements, already confirmed to be on the waiting lists will maintain this status based on the date of application, including any priority enhancements. We will however review the property size and type that existing waiting list applicants will be eligible for under this revised property. All existing waiting list applicants will be provided a letter confirming their calculated application date and the property type and size for which they are considered eligible under this revised policy.
- 4.4 All applications that are unprocessed or part processed at the point that this policy is considered active will be reviewed and assessment concluded under this policy.

5 Definitions

- 5.1 **Sub-Regional Choice Based Lettings Scheme (SRCBLS)** – The document outlining the policies and structure and strategic approach for PPP. The SRCBLS, at point of development lists RP's that are defined as the scheme landlords. ECBHA is not on this list but seeks to interact with and participate in the SRCBLS in alignment with the scheme landlords.
- 5.2 **Property Pool Plus (PPP)** – Is the local choice based letting scheme for Liverpool City Council (LCC) and the wider sub region that delivers the SRCBLS. PPP manages applications, prioritisation, waiting lists and allocations for most social housing stock in the area in a manner to meet statutory obligations. ECBHA nominations from LCC are delivered via PPP.
- 5.3 **Local Lettings Plans (LLP)** – Enacted as part of the Homelessness Act 2002, An LLP enables a local authorities to introduce flexibility into agreed allocation policies. LLP's have also been adopted by RP's as a means to develop allocations criteria to suit local circumstances and needs. In ECBHA context, the LLP is the approach taken to all direct lettings to members of the public that are not nominations, transfers or mutual exchanges.
- 5.4 **Reasonable Preference Groups** – The Housing Act 1996 determined there are certain groups of people who must be given priority in housing allocations. In the context of this

policy, ECBHA seeks to support the housing of reasonable preference groups through its nominations agreement with LCC and its participation in PPP.

- 5.5 **Nominations Agreement** – The formal contract between LCC and a ECBHA outlining the arrangements to provide an agreed minimum percentage of available relets are made available for allocation by LCC. LCC generally opts for these to be made available via PPP.
- 5.6 **Management Lettings** – an offer of accommodation made to a ECBHA tenant outside of the normal criteria in very exceptional circumstances.
- 5.7 **Transfer** – When an ECBHA tenant moves from the ECBHA property that they currently occupy to another ECBHA property that is more suitable to their housing requirements with the agreement of ECBHA. A transfer is consider a continuation of tenancy and the revised address and rent is tenancy variation agreed by both tenant and landlord.
- 5.8 **Allocations Panel** – An ECBHA Allocations Panel will be used for a number of functions within the allocations and lettings activities. It will comprise a least three members of the ECBHA team and include one of the Leadership Team who will take the role of chairing the panel. Example activities the Allocations Panel include:

- Assigning the method under which a property will be let.
- Proposing when a property may be needed for a Management Letting.
- Agreeing LLP applicants eligibilities and admission to the waiting lists.
- Agreeing the preferable applicant from supplied PPP nominations.
- The opening and closing of waiting lists as the number of applicants meets the threshold / limits.

This is not an exhaustive list of Allocation Panel functions and it will be the forum to agree operational responses to allocations and lettings matters that are not covered within this policy but necessary for the smooth running of the allocation and letting operations. Such exceptional decisions will be approved by the Chief Executive, reported at least annually to the Board for information and monitoring and will inform future updates to the policy content.

- 5.9 **Adequately Housed** – Means that the accommodation that the applicant household currently occupies is:
- Sufficient in size for the number of people in the household that reside without being under or overcrowded as defined by the bedroom criteria in Appendix 3.
 - Sufficient to meet the access / medical needs of the householders. An Occupational Therapist report will be required to confirm if this is not the case.
 - Provide sufficient security of tenure of at least an Assured Shorthold Tenancy on a fixed term or periodic basis and the landlord is not seeking possession through court action.

- That the current home is in reasonable condition with no significant faults. If the property has been inspected by the LCC Private Sector Housing or Environmental Health Team and has been deemed to category 1 and/or category 2 faults under the Housing Health and Safety Rating System (HHSRS) and is subject to enforcement action it will not be considered to be in reasonable condition.

5.10 **Live Date** – The date used to prioritise applicants accepted onto the waiting lists under the LLP. This differs from the date that the application was received or date it was accepted onto the waiting list.

6 **Policy Statement**

6.1 ECBHA will:

6.1.1 Address housing need and making the most of its housing stock available while balancing the need to ensure a balanced and sustainable community with the realm of our charitable objectives.

6.1.2 Operate housing allocations services in a manner that is transparent, open and fair.

6.1.3 Support prevention of homelessness, giving adequate priority to homeless people while balancing the needs of other applicants.

6.1.4 Where appropriate, enable opportunity for applicant and tenant choice and preference whilst having regard for availability, high housing demand and managing applicant expectations in relation to ECBHA's ability to provide housing.

6.1.5 Consider each application/nomination on its individual merit and any extenuating circumstances will be considered within the policy parameters.

6.1.6 Seek to house those that are deemed to be in an eligible housing need as per the SRCBLS.

6.1.7 Will seek where feasible to maximise the occupancy of a property to ensure that we make the best use of our homes applying the bedroom criteria as per the SRCBLS. We will not let homes to a household that would be statutorily overcrowded.

6.1.8 Have an approach that is proportionate to the volume of lettings being undertaken each year, currently expected to be circa 20-30 homes per annum.

6.1.9 Assess applicants based on the household's current circumstances and the type of accommodation they currently live in. Assessments of need will be carried out at initial application and reviewed if there is a change in applicant circumstances and prior to a firm offer of accommodation. It is the applicant's responsibility to ensure that details of their circumstances remain up to date.

6.1.10 All properties will be let to a safe and consistent standard as determined by the ECBHA Voids Policy.

6.1.11 Operate an approved lettable standard as outlined in the Voids Policy. To ensure the

optimum use of its housing stock, provided a property is safe and compliant, it may be let with agreed follow on works to be completed within an agreed timeframe to meet the lettable standard.

- 6.1.12 Permit waiting list applicants, both transfers and external LLP applicants, to reject two applications, the rejection of a third will lead to the cancellation of the application on the basis that refusal of suitable accommodation evidences a lack of housing need.
- 6.1.13 Monitor its allocations and lettings performance, reporting the same to Board on a quarterly basis using agreed and defined performance indicator measures. Allocations and letting related data will be shared more widely within the organisations Annual Report.
- 6.1.14 Seek external independent assurance of its allocations and lettings approach at least every three years and report findings and recommendations to Board.

Ineligible Applicants

- 6.2 ECBHA defines applicants with the following status as ineligible for an ECBHA home:
 - 6.2.1 Applicants under the age of 16.
 - 6.2.2 Applicants aged 16-17 except in exceptional circumstances with a corporate co-signatory guarantor such as LCC Social Services and an appropriate externally provided package of tenancy sustainment support until at least 18 years of age.
 - 6.2.3 Applicants that are deemed to be adequately housed.
 - 6.2.4 Applicant households that are homeowners, including shared owners. However, homeowner applicants over 55 years of age will be considered on a case-by-case basis provided there is a demonstrated commitment to the property being sold to ensure that there is a demonstrated need for social housing and the features of ECBHA older peoples housing.
 - 6.2.5 Applicant households with gross earnings of £60,000 or more per annum to support there is a need for social housing.
 - 6.2.6 Applicants with savings in excess of £35,0000, however applicants over 55 years of age with higher savings will be considered on a case-by-case basis if there is a need for features of our older persons housing.
 - 6.2.7 Applicants with rent arrears and/or a housing related debt equivalent to or greater than 8 weeks gross rent net of the cycle of any Housing Benefit / Universal Credit payments made in arrears. Arrears subject to a Debt Relief Order or Individual Voluntary Arrangement will still be considered to be arrears for the purposes of assessing eligibility.
 - 6.2.8 Applicants previously evicted from, or who abandoned a social housing tenancy with another social landlord.
 - 6.2.9 Applicants where they, or any household member has displayed abusive or threatening

behaviour towards ECBHA staff.

- 6.2.10 Applicants with a previous ECBHA tenancy where the applicant or a member of their household seriously breached the tenancy agreement or behaved in a way that would constitute a tenancy breach that would be reasonable for Court to grant a Possession Order.
- 6.2.11 Applicants where they, or a member of their household, have been guilty of unacceptable behaviour, including anti-social behaviour, deemed serious enough to make them unsuitable to be a tenant as it would constitute a risk to the tenancy, a nuisance to other tenants and/or the local community or would be a serious threat to staff and contractors.
- 6.2.12 Applicants with an evidenced history or conviction for fire starting and/or arson.
- 6.2.13 Applicants where they, or member of their household has an unspent conviction for a serious offence that would potentially pose a significant risk to the local community or staff. Examples of serious offences include: - nuisance, vandalism, hate crimes, violence, drug dealing, supplying & cultivation, gang related activities, gun violence, burglary or robbery. To clarify, this does not intend to prevent all applicants with convictions from accessing an ECBHA home.
- 6.2.14 Applicants that are offenders/ex-offenders who are subject to Multi Agency Public Protection Arrangements (MAPPA) that are not being referred through a MAPPA lead agency with an appropriate level of risk assessment, management and mitigation.
- 6.3 An initial assessment of an applications eligibility will be made at the point that it is received. If required, further supporting information will be requested. A more detailed assessment will then take place to ascertain if the application will move to the waiting list. Further verification of eligibility will take place at the point of offer prior to the signing of the occupancy agreement.
- 6.4 The ineligible applicant criteria outlined above is considered compatible with that applied by PPP.
- 6.5 For nominations, ineligible applicants are likely to have already been identified and removed before the nomination is received, however ECBHA will undertake assurance checks and verifications.
- 6.6 For LLP applicants ECBHA will undertake more in-depth scrutiny of applications to determine eligibility. ECBHA will carry out investigations with partners and agencies on applicants who have a previous history relating to tenancy conduct, enforcement action, sanctions & formal complaints for domestic abuse, hate crime and harassment.
- 6.7 Eligibility will be considered, decided and recorded by the Allocations Panel. All applicants will be notified in writing of the application decision and reason(s) for it.
- 6.8 For eligible applications, the letter will:
- Confirm the eligible property type and size.

- The date that the applicant is considered to be added to the waiting list (inclusive of any local connection priority).
- How and when ECBHA will keep in touch while on the waiting list.

6.9 For ineligible applications, the letter will:

- Confirm the reasons that the application has been deemed ineligible.
- Outline that the decision can be appealed via the ECBHA complaints procedure.
- Provide signposting for other housing options support.

6.10 Any applications received while a waiting list is closed will be notified in writing that their application cannot currently be considered.

6.11 Applicants who are:

- LCC Councillors.
- ECBHA Board Members.
- An employee of ECBHA, PPP and ACCESS (including their close relatives e.g. partner / spouse, parent, brother, sister or child)

May register and application with PPP potentially leading to an ECBHA nomination or apply directly to ECBHA under the LLP, however the relationship must be disclosed with the application at the earliest point in the application process.

6.12 This will be logged as a declaration of interest that will be held with the application on SDM and within ECBHA governance provisions. ECBHA will then put a plan in place to provide assurance that the application, and any subsequent offers, are treated in accordance with this policy, the LLP if applicable and any related procedures. Failure to, or late disclosure will be considered with the false and withheld information provisions within this policy.

6.13 In addition above, applications from ECBHA Board members and their relatives, will be managed to ensure compliance with the organisations adopted Code of Governance. This will be overseen by the Company Secretary. Any letting to a Board member will need to be approved by the Board as an urgent decision outside the scheduled Board meetings, without the subject present due to the conflict of interest.

Nominations

6.14 As a RP, ECBHA is committed to work in partnership with Liverpool City Council (LCC) to assist the local authority in its statutory duty to meet housing needs within the district. This is principally through ECBHA making a percentage of its empty properties available for allocation through a formal nominations arrangement with LCC. This agreement can be found in Appendix 2 of this policy.

- 6.15 Any amendments to the nomination agreement will be negotiated between LCC and the ECBHA and agreed in writing by both parties. The ECBHA, Chief Executive Officer can agree and approve such amendments. The Board will be notified of any variations to the nominations agreement.
- 6.16 LCC mainly makes its nominations via PPP, the recognised local choice-based allocations provision. LCC may however make direct nominations where it believes appropriate to do so and within the provisions of the SRCBLS. This is an LCC led decision, however ECBHA will suggest where a nominations approach outside the choice-based method may be appropriate.
- 6.17 PPP operates both its main choice based lettings system and an ‘available now’ advertising model, usually for properties in lower demand. It is anticipated that properties being let under the nominations agreement will usually be via the choice based lettings approach or direct let as outlined above. However if a property is not let via the choice based lettings approach, direct let or fails to be let under ECBHA’s LLP then it will be referred to PPP to be marketed under ‘available now’ on a first come, first served basis to the first applicant that is evidenced to be in housing need, meets the criteria for the house type and the wider letting policy criteria and applicant checks and verifications.
- 6.18 While ECBHA agrees to accept nominations, it reserves the right to undertake the following checks before making an offer of accommodation to a nominated applicant:
- Confirmation of application details (mandatory – including Right to Rent)
 - Confirmation of tenancy history including arrears/anti-social behaviour issues (mandatory)
 - Confirmation of employment status if applicable (mandatory)
 - Confirmation of local connection (mandatory)
 - Ability of applicant to afford tenancy (mandatory)
 - Take up of references if required (discretionary)
 - Home visit to the applicants current accommodation (discretionary)
- 6.19 ECBHA reserves the right to reject a nomination, where this occurs the reason for doing so will be communicated to PPP and also the applicant directly if appropriate. Where there is a dispute between ECBHA and PPP regarding the suitability of a nomination this will be resolved through the disputes provision within in the nominations agreement.
- 6.20 For clarity the nominations agreement is included in Appendix 2 of this policy.

Adapted & Accessible Properties

- 6.21 ECBHA will work with LCC’s Accessible Homes Liverpool (ACCESS), in conjunction with PPP, to allocate adapted or purpose-built specialist properties to applicants requiring those adaptations or property type.

- 6.22 All fully adapted vacant properties will therefore be offered for nomination to ACCESS within the nomination agreement. Adapted properties that are not suitable for allocation by ACCESS will be allocated via the standard nominations approach or LLP as determined by the Allocations Panel. If a property is let via ACCESS this will be considered as within the nominations agreement and contributing to the agreed targets.
- 6.23 While ECBHA is committed to work with ACCESS to provide accessible homes, it also needs to efficiently let stock to minimise void loss, therefore it reserves the right to let accessible stock through other routes if unreasonable delays occur.

Local Lettings Plan (LLP)

- 6.24 ECBHA will operate an LLP for the percentage of empty properties that are not allocated through the nominations approach with LCC. Details of this LLP can be found in Appendix 1.
- 6.25 The LLP will be reviewed annually to ensure that it continues to effectively contribute to the aims and objectives of this policy.

Management Lettings

- 6.26 ECBHA may directly match vacant properties to existing tenants in exceptional circumstances and where it may be necessary to comply with statutory matters that are not accommodated elsewhere in this policy.
- 6.27 Examples of exceptional circumstances that will be considered include:
- Emergency health and safety issues such as fire or flood.
 - Failed succession applications of long term ECBHA householders
 - Where an ECBHA home needs to be vacated to allow substantial refurbishment or redevelopment.
- 6.28 Management lettings will be considered and proposed by the Allocations Panel, approved by the Chief Executive and reported to Board as an exception from the standard letting approaches for information and monitoring purposes.

Transfers

- 6.29 ECBHA recognises that appropriate transfers supported ensuring a balanced and stable local community. However this needs to be balanced with ensuring that vacancies are used for those with housing need and the efficient use of housing stock. ECBHA will:
- 6.29.1 Set out a clear process for tenants to apply for a transfer.
- 6.29.2 Keep a waiting list of current tenants seeking an internal transfer.
- 6.30 For an internal transfer to be accepted on a waiting list an applicant must be either:

- Assessed as over or under occupying their current ECBHA tenancy utilising the bedroom criteria outlined in the SRCBLS.
- Have an accessibility or medical requirement as outlined in the SRCBLS.

6.31 In addition, to be admitted to the waiting list, tenants must have conducted their existing tenancy in a satisfactory manner, principally that:

- There has been no rent or service charge arrears on their account other than typical Housing Benefit / Universal Credit cycle.
- There has been no management action against the tenant for anti-social behaviour in the last three years.

6.32 Prior to any applicant for a transfer being added to the waiting lists a home inspection will be carried out to verify that the property has been kept in good condition and can be relet by ECBHA at minimal expense. Where property condition issues are identified, the applicant will be given the opportunity to address these. While doing so their transfer application will be considered on hold until an inspection verifies that ECBHA are satisfied with the property condition. An exception to this will be made for long standing, older or vulnerable tenants who have been struggling to maintain their current home and are downsizing to more appropriate accommodation at the discretion of the Allocations Panel.

6.33 Any rent arrears, management action against the tenant for anti-social behaviour or property condition concerns while on the transfer waiting list will result in a transfer application being suspended or removed at the discretion of the ECBHA Chief Executive.

6.34 Transfer applicants can decline two reasonable offers of alternative accommodation. If a third offer is not accepted then the transfer application will be cancelled. A re-application can be made after one year.

6.35 Transfer applications will be held on the same waiting list as LLP applicants and will be prioritised on the same date order basis. Transfer applicants will be eligible for the same local connection priority enhancements as LLP applicants.

Affordability Checks

6.36 ECBHA seeks to create sustainable communities; our aim is for all tenancies to succeed. We carry out affordability checks prior to any formal offer of accommodation. These checks include using on-line tools such as 'entitled to' to ensure all benefit entitlements are considered and the use of credit checking agencies to establish affordability in the context of other financial commitments. ECBHA does not use credit scoring in its allocations decision making.

6.37 The checks are used to establish if the applicant can afford to pay their rent and service charge. Where we identify that an applicant will have challenges in meeting their tenancy obligations, we will provide tenancy support or refer to specialist financial inclusion services

for more detailed help and advice to enable them to sustain their tenancy with us.

- 6.38 There may be occasions despite considering the support available, that it is clear an applicant will not be able to afford to pay the rent and other charges on the property that they have applied for. In such situations ECBHA may refuse to make an offer of accommodation.

Communications

- 6.39 ECBHA will ensure that it is clear and definitive in its communication with applicants, tenants and stakeholders regarding allocations and lettings.
- 6.40 Communications with stakeholders will usually be via email to ensure that there are clear audit trails available of discussions and decisions. For example interactions with PPP regarding nominations.
- 6.41 Where possible, we will tailor our communications with applicants to the needs and preferences that they indicate at point of application. However there will be key elements within the allocations and lettings process that will require clear written communication of options and decisions. ECBHA will highlight these in its processes and use agreed template documents that will be generated through the SDM IT system.

False & Withheld Information

- 6.42 Where an applicant is found to have deliberately provided false information or has withheld information that has led to an improved position in respect of a potential offer of accommodation it is within ECBHA's discretion if it will:
- Allow the application to be re-assessed based on the correct information or;
 - If the application will be cancelled and the applicant barred from re-applying for one calendar year.
- 6.43 Where applications with false or withheld information have been received PPP as a nomination, PPP will be informed. If any offer of accommodation has been made then the offer will be withdrawn.
- 6.44 If, following a letting, ECBHA becomes aware of false or withheld information by the tenant at the application stage it may take action to end or extend a starter tenancy. If there is evidence at any point in a tenancy that it was obtained by deception ECBHA would consider it appropriate to seek and recover possession through the County Court.
- 6.45 ECBHA reserves the right to liaise with PPP to verify any LLP or transfer applicant application details.

Determining the Lettings Approach of a Property

- 6.46 ECBHA seeks to take a structured and transparent approach to determining the allocations approach for all properties that become vacant. To achieve this the following decision-making approach will be applied:
- 6.47 When ECBHA is aware that a property has or will become vacant, it will first check if the property has design features or adaptations that would make it appropriate for nomination via the LCC ACCESS team.
- 6.48 If the property is not appropriate for the ACCESS team, The Allocations Panel will make the decision if a property will be allocated via the nomination agreement arrangements with PPP or if it will be allocated to a waiting list applicant (transfer or LLP applicant). The decision will be based on:
- 6.48.1 The proportion of year-to-date lettings that have been made via the nominations agreement. Ensuring that ECBHA is on track to achieve its percentage nominations commitment on a quarterly basis.
- 6.48.2 The balance of the stock profile, year to date, made available via the nominations agreement. Ensuring there is a fair opportunity for nomination and waiting list applicants to all stock types and sizes.
- 6.48.3 How quickly the property can be made ready to let. It is anticipated that waiting list allocations can be a quicker turnaround and therefore better suited to properties that don't require significant void works.
- 6.48.4 Any estate management concerns that could impact on the sustainability of a letting. There is a greater possibility of a nomination resulting in a high priority vulnerable applicant.
- 6.48.5 To clarify, none of the decision factors listed in sections 6.48.1 – 6.48.4 represent an individual blanket policy, they are factors that the Allocations Panel will seek to reasonably balance to meet ECBHA's range of priorities and obligations.
- 6.49 The considerations and outcomes relating to these decisions will be logged on SDM in provided fields.
- 6.50 If a property doesn't let under the PPP choice based lettings approach or under the ECBHA waiting list then it will be advertised via the 'Available Now' method available via PPP.

7 Appeals

- 7.1 All applicants have the right to appeal a decision made in the implementation of this policy. Appeals should be made to Chief Executive Officer who will investigate the situation and respond accordingly. Ideally appeals should be made by email or in writing, however if an applicant has specific communication needs we will endeavour to accommodate these.
- 7.2 Any appeal should highlight how the policy has been incorrectly applied, and/or, how the content of the policy has unfairly impacted on an applicant. Appeals should be made within

twenty working days.

- 7.3 Appeals will be acknowledged on receipt and responded to in writing to the address supplied by the applicant, usually within twenty working days.
- 7.4 If an applicant feels their appeal has not been suitably considered, they can raise the matter through the ECBHA complaints procedure.
- 7.5 To clarify, ECBHA has an obligation to ensure that properties are let efficiently, therefore the letting of vacant properties will not be delayed as a consequence of pending appeals.
- 7.6 If a decision is revised on appeal, and as a consequence of the initial appeal an applicant may have been disadvantaged as a consequence of the original decision, the Chief Executive Officer will determine how this will be reasonably reflected in the applicants priority for future lettings.

8 Data Sharing

- 8.1 In taking applications under the policy, we are aware that we will be handling personal information. All handling of the personal data will be conducted under the ECBHA Data Protection Policy ensuring compliance with the Data Protection Act 2018.
- 8.2 Personal data that is inappropriately accessed or disclosed may constitute a data breach. The GDPR (General Data Protection Regulation) requires organisations to keep a record of all data breaches and, where the breach is likely to result in a risk to the rights and freedoms of individuals, the organisation must notify the Information Commissioner within 72 hours of becoming aware of the breach. If the data breach results in a high risk to the rights and freedoms of individuals, those individuals must be notified without undue delay.
- 8.3 ECBHA will seeking to hold only required data and as much of this information as possible will be held in secure electronic format. ECBHA is working towards and committed to digitalising it allocations related practices as much as reasonably possible.
- 8.4 ECBHA will also regularly review its data sharing with PPP to ensure that it remains effective, proportionate, reasonable and legislatively compliant.

9 Equality & Diversity

- 9.1 ECBHA is committed to ensuring that no person or group of persons will be treated less favourably than another person or group of persons and will carry out our duties with positive regard for the following protected characteristics: age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion, sex, sexual orientation.
- 9.2 We also recognise that some people experience disadvantage due to their socioeconomic circumstances, employment status, class, appearance, responsibility for dependants, unrelated criminal activities, being HIV positive or with AIDS, or any other matter which

causes a person to be treated with injustice. ECHBA will also ensure that all services and actions are delivered within the context of current Human Rights legislation.

- 9.3 Within our allocations practice, we will seek to collect data regarding recognised Protected Characteristics of applicants, applicants made offers and applicants accepting offers. This will be analysed and benchmarked annually and reported to the Board at the end of each financial year. It is recognised however that the potential sample is limited and therefore will be presented with caution.

10 Review

- 10.1 The document will be subject to an annual review of its operation and will be updated at least every three years unless there are changes to the SRCBLS and/or the nominations agreement or there is case law, internal learning or regulatory/legislative change that prompts an earlier review to ensure continued compliance and effective operation.

Appendix 1 – Local Lettings Plan (LLP)

1 Property Use Definitions

1.1 General needs properties (Houses)

Can be allocated to applicants with any household type that meet the size criteria for the property.

ECBHA does not currently have any one bedroom general needs properties and therefore it is unlikely that it will be able to allocate a general needs property to households comprising individuals and couples, with the following exceptions:

- Households with an expectant mother are treated as though the child has been born once the Pregnancy Maternity Certificate (MATB1) has been provided.
- Households with a member that has a non-resident carer who is regularly required to stay overnight, usually multiple nights per week, to attend to evidenced personal care/health needs. These care/health needs need to be compatible with the general needs house types available.

1.2 Applicants over 55 years of age or applicants under 55 years of age with Accessibility / Medical Needs (Bungalows)

These units are designated and/or designed for applicants of any age that require single level living due to their evidenced accessibility and/or medical needs. They are also made available to applicants over the age of 55 in anticipation of current and future accessibility needs.

They generally contain some features that support ease of mobility sometimes with more comprehensive adaptations that may have been carried out for previous occupants.

While ECBHA does not deliver care and support services third party providers in conjunction with local authority and health authority commissioners will consider packages of services tailored to the needs of the individual.

1.3 Applicants over 55 years of age only (Flats)

These units are designated and/or designed for older applicants, generally those over the age of 55 years. They generally contain some features that enable independent living sometimes with added security elements.

While ECBHA does not deliver care and support services third party providers in conjunction with local authority and health authority commissioners will consider packages of services tailored to the needs of the individual on a case by case basis.

2 LLP Applications

- 2.1 ECBHA provides a standard Apply for a Home Form and guidance for all applicants. This is currently a paper document however is anticipated to transfer into an online process by 31st March 2024.
- 2.2 All correspondence with applicants will be by email as the default method of communication. The exception will be for applicants that have expressed they have specific communication need, in which case, at the point the application is received, an alternative method of communication will be agreed and used. The use of email is to ensure there is a clear audit trail of correspondence. Standard letters will be raised from SDM and emailed, with the email action being recorded on SDM. All email exchanges with applicants will be via a shared Housing Team inbox applicants@eldonians.org. On occasions staff may need to contact applicants by phone regarding specific queries. Such calls should be followed up with an email and logged on SDM.
- 2.3 Applicants must ensure that every data field on the form is completed and provide associated evidence to support the content where necessary and appropriate in accordance with the guidance provided. Provision of email and telephone numbers are important as this will be the primary communication methods with applicants.
- 2.4 The current paper document form and associated documents can be posted or handed in at the ECBHA offices. Upon receipt the application will be logged on SDM generating an application number, This application number, along with an acknowledgement and outline of the next steps will be communicated to the applicant by email within five working days of receipt.
- 2.5 The initial application and accompanying evidence will be reviewed by within ten working days of receipt. If there are any queries or further evidence required for the application, these will be communicated to the applicant by email and logged on SDM. The communication will make clear to the applicant that a response is required within ten working days of being sent, otherwise the application will be cancelled unless an extension of time to respond is reasonably requested and agreed.
- 2.6 Once any additional requests have been received and logged on SDM, checks, references and verifications will take place within twenty working days of receipt. The Housing team member assessing the application will reach a preliminary decision on the application. A different member of ECBHA staff will undertake a peer verification review of the information and decision making. The rationale for the decision making will be recorded on SDM. The outcome of the application will be recorded on SDM and communicated to the applicant via a standard system generated letter sent via email.
- 2.7 If the application is unsuccessful, the application will be closed on SDM. If successful the application will be given its 'live' date inclusive of any local connection priority time and be assigned to the appropriate waiting list on SDM.
- 2.8 All applications over three months old will be contacted by email in March each year to confirm that they wish to remain on the waiting list. The communication will request contact back to confirm that the applicant is still in housing need within 15 working days of the email being sent, or the application will be cancelled. A reminder email will be sent midway through the 15 working days Applicants that do not respond will receive an email and letter

confirming the cancellation of the application and the grounds for appeal.

- 2.9 Applicants are responsible for notifying ECBHA if there is a change of circumstances that will impact the assessment of their application. Applicants will be encouraged to report a change of circumstances on the applicants@eldonians.org email. If a change of circumstance is notified, then the application will be reviewed to within ten working days to consider:
- If the applicant remains eligible for ECBHA housing
 - If the change of circumstances impacts upon the property type/size for which the individual is eligible.
- 2.10 Once a review of the change of circumstance is completed the Allocation Panel will meet to agree and approve the assessed impact on the application. The applicant will be notified by email of the impact and decision relating to the change of circumstance. If an applicant now qualifies for a different property type and/or size their application will transfer to the relevant eligible waiting list and the applicant will retain their original 'live' application date.
- 2.11 If an applicant has particular communication needs or vulnerabilities and the organisation is made aware of these, then ECBHA will endeavour to provide reasonable additional support, formats and time to ensure fair and equitable access to the application and subsequent allocation and lettings processes.

3 Waiting List

- 3.1 For properties to be let under the LLP, ECBHA will operate a waiting list for each property type and size.
- 3.2 ECBHA anticipates letting circa 10-12 properties per annum via the LLP although the exact number and stock profile of vacated homes is difficult to predict. To manage the expectations of being housed for applicants and prevent undue administration for the organisation from excessive applications, the numbers of live applications on the waiting list at any one time will be limited.
- 3.3 In addition, there will be a threshold for each property type and size for when the waiting list will be opened.

The thresholds and limits are outlined in the table below:

	Waiting List Opening Threshold.	Waiting List Closure Limit.
General Needs Properties		
2 Bedroom Houses	4	10
3 Bedroom Houses	4	10
4 Bedroom Houses	2	5
55+ and/or With Accessibility / Medical Needs		
1 Bedroom Bungalow	2	4
2 Bedroom Bungalow	4	8

3 Bedroom Bungalow	2	5
55+ Only		
1 Bedroom Flats	3	6
2 Bedroom Flats	3	6
Total	24	54

- 3.4 Thresholds and limits are set based on the size of the stock type and the profile of relets in the previous year.
- 3.5 The waiting list status for each property type / size will be updated and published on the ECBHA website. Opening and closing of waiting lists will be monitored by the Allocation Panel.
- 3.6 At the point that this policy and LLP becomes active, it is likely that for some housing types and sizes the existing waiting list will have a number of applicants above the upper limit. In these instances, that waiting list will remain closed to new applicants, all existing applicants eligible under this revised policy will remain on the waiting list and the upper limit will be applied once that list is opened upon reaching the lower threshold.
- 3.7 The thresholds and limits will be reviewed annually and any changes will be approved by the Board.

4 Waiting List Priority

- 4.1 The waiting list includes both transfer and LLP applicants. Allocations will be on date order basis with the longest standing applicant given priority for a waiting list letting.
- 4.2 ECBHA was established on the premises of supporting and enabling the local community and this principle very much remains. Therefore, any transfer or LLP applicants that demonstrates a substantial community link will be awarded additional time on their application to promote community cohesion. The additional awarded time will be based on:

12 months added:	
Criteria:	Evidence Required in the Applicants Name:
If you have lived within L3 or L5 postcodes for more than a year	Council Tax bill Electoral roll
If you have worked or studied for more than 16 hours a week in the L3 or L5 area for more than a year	Letter of confirmation from the employer or admissions department of the educational establishment
If you have volunteered more than 16 hours a week with a charity, mutual benefit society, community interest company or some other not for profit entity that provides community based services in the L3 or L5 area for more than a year.	Letter of confirmation from a director or senior leader within the charity, mutual benefit society, community interest company or some other not for profit entity.
Are leaving the armed forces and have a	ECBHA will be flexible regarding this as

previous L3 or L5 connection.	<p>potentially some ex-armed forces applicants may have been out of the area for an extended period of time. The Allocation Panel can deem if evidence provided is sufficient.</p> <p>Armed forces discharge papers – if you have served in the armed forces and are due to be discharged within 3 months or have serviced in the armed or reserved forces and been discharged within the past 12 months.</p>
18 months added:	
Criteria:	
If you currently reside in an ECHBA property either as a tenant or household member and have done so for more than a year.	<p>Tenancy agreement or;</p> <p>ECBHA held household data or;</p> <p>Council Tax bill</p> <p>Electoral role</p>

4.3 There will be no additional priorities provided linked to any other personal circumstances on the waiting lists. If an applicant could potentially be within any other reasonable preference groups then ECBHA will signpost them to applying via PPP which is equipped to recognise this and provide priority to a wider range of housing options through the choice based lettings model.

4.4 LLP applicants and transfers applicants seeking an accessible property or a property with an extra bedroom for one of the situations outlined in Appendix 3 will be required to provide evidence to support allocation to larger property than would otherwise be considered suitable. Potential evidence can include:

- Evidence of commissioned care through health, social services or a personalised budget
- Letter of support from a GP
- Evidence of highest rate Personal Independence Payments (PIP)

4.5 The Allocation Panel will determine that it is satisfied with evidence received.

4.6 As:

- New applicants can be added to the waiting lists who may have additional priority time added to their applications;
- and changes of circumstances of applicants move them to different property type lists and;
- the organisation may need to make management moves the order position of applicants on the waiting list can change.

ECBHA will not confirm to applicants their position on the list at any given point in time.

5 **Waiting List Allocations**

5.1 When a property becomes vacant, the Allocations Panel will meet to determine the allocation route that will be applied to the property. If the property is determined to be let under the waiting list, the Allocation Panel will then consider the applications for that property type and size on the waiting list and determine the highest priority applicant and their applications appropriateness for the vacant property. In most instances this will be the applicant with the earliest 'live' application date. If there is a divergence from this for an extraordinary reason this will be put forward to the Chief Executive for approval.

5.2 Once the applicant is chosen for a 'preliminary offer', this will be logged on SDM. The preliminary offer will be initially made by phone call, immediately followed by an email detailing the property and tenancy terms will be sent in writing to the applicant who will be asked to contact the office within three working days from sending to confirm their interest. Once interest is confirmed a member of staff will contact the applicant to:

- Arrange for supporting evidence to be resubmitted within three working days if the evidence on record is over a year old
- Arrange consent and details for the credit check verification
- Carry out home visit to verify that the housing need remains live and the circumstances of the applicant remain compatible
- Arrange a Right to Rent check.

5.3 Once the applicant status has been confirmed by the steps in 5.2 and it is confirmed that the tenancy will be affordable, a viewing of the property will be arranged subject to the property availability within the voids process. The viewing will be confirmed by email to the applicant. At this point the offer of accommodation will move from 'preliminary' to 'confirmed'. This correspondence will also outline:

- The confirmed offer status
- The date and time of the viewing
- The anticipated tenancy commencement date
- The weekly rent and service charge details
- That if the applicant wishes to proceed with the property following the viewing they will be expected to sign the tenancy agreement at the property or ECBHA office on the day of the viewing and make payment of one weeks gross rent in advance.

And will include the following attachments:

- A blank copy of the proposed occupancy agreement
- Energy performance certificate
- Gas safety certificate

- Electrical safety certificate
- Prescribed 'How To Rent' guidance

5.4 Once accepted the allocations and letting will be considered concluded. The tenancy set up will be progressed.

5.5 If the offer is rejected, withdrawn or there is no contact following the 'preliminary offer', then steps 5.1 to 5.3 will be repeated to re-allocate the property.

Any rejections by an applicant will be noted on SDM and the applicant will be emailed to inform them of either:

- The number of remaining offers they can expect before their application is cancelled. Waiting list applicants, both transfers and external LLP applicants are permitted to reject two applications, the rejection of a third will lead to the cancellation of the application.
- If they have reached the maximum number of rejected offers for their application type that their application will forthwith be cancelled and how to appeal.

Appendix 2 – Nominations Agreement

Dated **2023**

(1) Liverpool City Council

and

(2) Eldonian CBHA Ltd

**Nominations Agreement
relating to
allocations**

THIS AGREEMENT is made on

2023

BETWEEN:

- (1) [LIVERPOOL CITY COUNCIL] of [] (the "Local Authority");
and
- (2) [ELDONIAN COMMUNITY BASED HOUSING ASSOCIATION LTD (company
number 1P24822R) whose registered office is at [TONY MCGANN CENTRE
BURLINGTON STREET LIVERPOOL L3 6LG (the "Private Registered Provider").

1.0 Background

- 1.1 The Local Authority has various statutory duties and powers arising under:
- (a) Parts 6 and 7 of the Housing Act 1996;
 - (b) Sections 39 and 40 of the Land Compensation Act 1973;
 - (c) Section 28(7) of the Rent (Agriculture) Act 1976;
 - (d) Section 27 of the Children Act 1989; and
 - (e) Homelessness Act 2002.
- 1.2 Future legislation may impose further obligations on the Local Authority and/or may change the Local Authority's existing duties.
- 1.3 The Housing Act 1996, Part 6, section 170 requires private registered providers of social housing to co-operate on request and to the extent which is reasonable in the circumstances by offering accommodation to people with priority under a local housing authority's housing allocation scheme.
- 1.4 The Housing Act 1996, Part 7, section 213(1)(a) requires private registered providers of social housing to co-operate on request and to the extent which is reasonable in the circumstances by assisting local housing authorities to discharge their homelessness duties.
- 1.5 This Nominations Agreement sets out the Local Authority's request to the Private Registered Provider to co-operate with it by offering nomination arrangements to applicants who are eligible and qualify to join the Housing Allocation Scheme.
- 1.6 Both parties acknowledge that the Local Authority may also make additional specific requests for a particular type of dwelling for a person whom the Local Authority has a duty to accommodate. Such requests do not fall within the scope of this Nominations Agreement.

2.0 Definitions and interpretation

- 2.1 In this Nominations Agreement where the context so admits, the following words and phrases shall bear the following meanings:

"Dwelling" means any residential house, bungalow, maisonette, flat or other unit of accommodation, other than any which the Private Registered Provider cannot use for housing nominees due to planning restrictions or restrictive covenants.

"Housing Allocation Scheme" means the [Local Authority's][Property Pool Plus][Under One Roof] Housing Allocation Scheme.

"True Voids" are defined as:

- (a) new build Dwellings;
 - (b) Dwellings which have been converted;
 - (c) Dwellings which are available to re-let;
 - (d) Dwellings built or adapted for people with specific needs; and
 - (e) Dwellings designated for older people,
- which are vacant and available for occupation having regard to the principles of good housing management practice and applying any statutory or regulatory requirements relating to fitness for occupation.

- 2.2 Subject always to the provisions of clause 15.1, reference to any statutory provisions shall be deemed to include reference to any such provisions as from time to time amended, varied, replaced, extended or re-enacted and to any orders or regulations made thereunder.
- 2.3 In this Nominations Agreement:
- (a) clause headings are included for ease of reference only and shall not affect this Agreement or the interpretation of it; and
 - (b) reference to a clause or a schedule shall be deemed to be reference to a clause or schedule of this Agreement.

3.0 Property available for nominations

- 3.1 This Nominations Agreement relates to all properties let by the Private Registered Provider in the geographical area of the [Liverpool City Region][].
- 3.2 The proportion of True Voids available to let that the Private Registered Provider will make available to the Local Authority will be:
- (a) 50% of all available True Voids (excluding new build Dwellings); and
 - (b) up to 50% of all new build Dwellings,
- unless there is a site-specific agreement in place in which case that will take precedence.
- 3.3 Affordable rent and social rent general need lettings are included within the scope of this Nominations Agreement.
- 3.4 The Private Registered Provider agrees to offer accommodation which reflects the full range of its Dwellings in terms of size, type, new build, refurbished and relets, and fair proportion of its void stock across the relevant geographical area.

- 3.5 If the Private Registered Provider fails to offer its required proportion of lettings to nominations in any given quarter, it must offer the difference for additional nominations in the following quarter.

4.0 Information required for all nominations

- 4.1 The Local Authority will select and prioritise applicants for a nomination of social rented housing available to let, in accordance with the rules of the Housing Allocation Scheme.
- 4.2 The Local Authority will provide the following information about nominees to the Private Registered Provider:
- (a) the applicant's banding status and the factor that afforded them a reasonable preference for a nomination of social rented housing;
 - (b) name and current address;
 - (c) contact details, including phone number and email address;
 - (d) household type and composition;
 - (e) age and gender;
 - (f) ethnic origin;
 - (g) details of any long-term illness, health problems, or disability that requires specific or specialist housing, care or support;
 - (h) details of other care and support needs, for example because of vulnerability due to learning disability;
 - (i) details of existing and previous packages of care provision provided by statutory or other bodies (where known);
 - (j) relevant and reasonable information with regard to any previous history of anti-social behaviour that might impact on the safety of the community;
 - (k) type of accommodation moving from and any additional available accommodation history;
 - (l) immigration status;
 - (m) nationality;
 - (n) relevant needs and risk assessments from other partners such as adult and children social care, plus support providers to ensure holistic coverage of all support needs; and
 - (o) any additional support available.
- 4.3 The Private Registered Provider will provide the following information about each Dwelling available for nomination:
- (a) address;
 - (b) dwelling type;
 - (c) room numbers;
 - (d) confirmation that the accommodation is vacant and available for occupation in accordance with principles of good housing management practice;
 - (e) anticipated start date of tenancy (if known); and
 - (f) any other information that may be relevant to the letting.

- 4.4 Nominations made by the Local Authority will constitute an allocation of social rented housing and so will be governed by and made in accordance with the rules of the Housing Allocation Scheme.
- 4.5 The Private Registered Provider will collect and report the following information to the Local Authority quarterly and annually. For the purposes of this clause, **"Nominations"** is as defined in the CORE manual:
- (a) the number of Dwellings which became vacant;
 - (b) the number of Nominations received by the Private Registered Provider (by property type, bedroom number and lettings type);
 - (c) the number of Nominations accepted by the Private Registered Provider;
 - (d) the number of Nominations refused by nominees;
 - (e) the number of Nominations rejected by the Private Registered Provider due to:
 - (a) breach of the Private Registered Provider's lettings criteria;
 - (b) rejections involving 'unsupported vulnerable' applicants;
 - (c) rent arrears;
 - (d) affordability;
 - (e) local lettings schemes; and
 - (f) other reasons.
- 4.6 The Private Registered Provider will provide such other information as the Local Authority may reasonably require from time to time to meet its statutory obligations.

{Drafting Note: Include either clause 5 or clause 6 depending on which method is used in practice.}

5.0 Process for direct nominations

- 5.1 The Local Authority will prior to any nomination notification being sent:
- (a) ensure the nominee is applicable for that type of property, location etc;
 - (b) [where a copy of the Private Registered Provider's lettings criteria has been provided in advance with the notification of an available Dwelling, consider whether the nominee is eligible under that and whether any further assistance can be offered;]
 - (c) where possible, contact the nominee to discuss the nomination; and
 - (d) ensure all relevant information is provided to the Private Registered Provider with the nomination.
- 5.2 All notifications will be made and accepted by email via the following email addresses:
- (a) Anthony.Mousdale@liverpool.gov.uk for the Local Authority; and
 - (b) contactus@eldonians.org for the Private Registered Provider
- 5.3 Nominations by phone will be followed up with an email notification within 1 working day.

- 5.4 Nominations will be applicant-led, with the Local Authority nominating an applicant to the Private Registered Provider.
- 5.5 The agreed timescales for each stage of the process are:
- (a) the Private Registered Provider will notify the Local Authority by email as soon as reasonably possible after becoming aware of a True Void, subject to:
 - (a) such notification being no more than 28 days before a True Void (excluding new build Dwellings) is ready to let; or
 - (b) such notification being no more than 12 weeks before a new build Dwelling is ready to let.

If the availability of a Dwelling is likely to be delayed due to unforeseen repairs and/or maintenance or the notice period has been extended, the Private Registered Provider will contact the Local Authority immediately to agree whether or not the nomination should be withdrawn and an alternative Dwelling given in its place or whether the nomination should stand, in agreement with the nominee;
 - (b) within 5 working days of receipt of notification, the Local Authority will either make an initial nomination or inform the Private Registered Provider that it has no nominations to make by email. When sending the initial nomination notification, the Local Authority will (where possible) send another 2 nominations to be considered if the initial nomination fails;
 - (c) within 10 working days of receipt of the nomination email, the Private Registered Provider will confirm to the Local Authority whether the nomination has been accepted, rejected or been unsuccessful;
 - (d) if a nomination has been accepted, the Private Registered Provider shall simultaneously offer the nominee a tenancy of the Dwelling;
 - (e) if a nomination has been rejected, the Private Registered Provider will simultaneously:
 - (a) explain to the Local Authority the reason for the rejection; and
 - (b) inform the nominee (in writing, with a copy to the Local Authority) of the reasons for the rejection, how the matter will be progressed under clause 7.0 and the nominee's rights to complain (under the lettings policy and subsequently to the Housing Ombudsman) and to seek a judicial review and/or appeal to the Equality and Human Rights Commission if the applicant considers there has been unlawful discrimination,

and the provisions of clause 7.0 will apply;
 - (f) if an offer is refused by the nominee (or no response has been received within 5 working days), the Private Registered Provider will within 1 working day inform the Local Authority by email. The notification from the Private Registered Provider will include the name of the nominee, the property offered, the reasons for refusal and a copy of the signed refusal if there is one;
 - (g) within 1 working day of receipt of such notification, the Local Authority will use reasonable endeavours to speak to the nominee. The Local Authority will determine whether or not the nominee should be offered another Dwelling, and/or be informed of their right to request a review and will notify this decision to the Private Registered Provider by email; and

- (h) if the nomination has been unsuccessful for any reason, the Local Authority will, within 5 working days of receipt of the notification, be able to make a second nomination to the same Dwelling.

6.0 Choice-based lettings nominations

- 6.1 Nominations will be processed via the choice-based lettings website, [] ("Website").
- 6.2 When the Local Authority accepts an applicant who will be eligible for a nomination, it will arrange for that applicant to be registered on the Website so that the information detailed in clause 4.2 is available to the Private Registered Provider if a successful bid is made by that applicant.
- 6.3 The agreed timescales for each stage of the process are:
 - (a) the Private Registered Provider will advertise the Dwelling (with the information detailed in clause 4.3 and a photograph) on the Website as soon as reasonably possible after becoming aware of a True Void, subject to:
 - (a) such advert being no more than 28 days before a True Void (excluding new build Dwellings) is ready to let; or
 - (b) such advert being no more than 12 weeks before a new build Dwelling is ready to let.

If the availability of a Dwelling is likely to be delayed due to unforeseen repairs and/or maintenance or the notice period has been extended, the Private Registered Provider will immediately remove the advert;
 - (b) properties will be advertised on [Tuesday] each week and the advertisements will run until midnight the following [Sunday];
 - (c) the Private Registered Provider will be responsible for taking bids on behalf of any applicant registered on the Website and for providing the necessary advice in relation to each bid;
 - (d) within 5 working days of the bidding cycle closing, the Private Registered Provider will contact the nominees in priority order to offer the Dwelling and such offer will qualify as a nomination;
 - (e) within 10 working days of the bidding cycle closing, the Private Registered Provider will confirm to the Local Authority whether the nomination has been accepted, rejected or been unsuccessful;
 - (f) if a nomination has been accepted, the Private Registered Provider shall simultaneously offer the nominee a tenancy of the Dwelling;
 - (g) if a nomination has been rejected, the Private Registered Provider will simultaneously:
 - (a) explain to the Local Authority the reason for the rejection; and
 - (b) inform the nominee (in writing, with a copy to the Local Authority) of the reasons for the rejection, how the matter will be progressed under clause 7.0 and the nominee's rights to complain (under the lettings policy and subsequently to the Housing Ombudsman) and to seek a judicial review and/or appeal to the Equality and Human Rights Commission if the applicant considers there has been unlawful discrimination,

- and the provisions of clause 7.0 will apply;
- (h) if an offer is refused by the nominee, the Private Registered Provider will within 1 working day inform the Local Authority by email. The notification from the Private Registered Provider will include the name of the nominee, the property offered, the reasons for refusal and a copy of the signed refusal if there is one; and
- (i) within 1 working day of receipt of such notification, the Local Authority will use reasonable endeavours to speak to the nominee. The Local Authority will determine whether or not the nominee should be offered another Dwelling, and/or be informed of their right to request a review and will notify this decision to the Private Registered Provider by email.

7.0 Rejections by the Private Registered Provider

- 7.1 The Private Registered Provider will consider all nominees on their own merits, with all relevant matters and circumstances and will not use blanket bans (for example, relating to age). The Private Registered Provider will consider whether their exclusion criteria might have a disproportionate effect on any specific group, such as homeless applicants.
- 7.2 Before rejecting any nominee, the Private Registered Provider will consider whether anything can be done to resolve the objection to the nominee and will discuss the objection with the Local Authority.
- 7.3 Nominee rejections due to a potential breach of the Private Registered Provider's lettings criteria will be referred for dispute resolution between the parties in accordance with clause 8.0.
- 7.4 Nominee rejections involving 'unsupported vulnerable' applicants or applicants with insufficient information will be notified to the Local Authority who will have a further 5 working days to provide and/or share additional information in accordance with the Local Authority's *Information Sharing Protocol*.
- 7.5 Nominees with rent arrears who are homeless or threatened with homelessness and who are unable to secure a letting of social rented housing due to former tenancy arrears, will be provided with the following assistance:
 - (a) such nominees will obtain a loan to the value of one-third of the rent arrears from a credit union, payable to the Private Registered Provider. Those that are unable to borrow from a credit union will be assisted by a loan from the Local Authority;
 - (b) the Local Authority will underwrite the loan from a credit union and match the loan payment with a grant equal to a further third of the debt to the Private Registered Provider; and
 - (c) the Private Registered Provider will write off the final third, allowing the nominee to be considered for the Dwelling,
 but this is subject to the nominee agreeing to receive money management and budgeting advice from Citizens Advice and other tenancy related support from the Private Registered Provider to prevent a repeat occurrence of homelessness.

7.6 Nominees which do not satisfy an affordability assessment will only be rejected if the applicant has less than the amount equal to the prevailing rate of jobseeker allowance and/or income support after housing costs are deducted. An affordability assessment should determine whether hypothetically a nominee can satisfy affordability requirements, based on actual and potential entitlement to welfare benefits.

7.7 Nominees who will not receive enough priority due to a local lettings scheme, will be considered individually, and such schemes will not be used as blanket refusals. The Private Registered Provider will assist the Local Authority by providing alternative housing options for those who would otherwise be disadvantaged by local lettings policies.

8.0 Dispute Resolution

8.1 Any disputes about nominations will be openly discussed between the parties in the first instance and efforts will be made to resolve any disputes, including about ineligibility.

8.2 If the parties cannot resolve a dispute within 10 working days, the dispute will be determined by an independent expert with at least 10 years' experience of nominations (the "**Expert**").

8.3 The Expert will be appointed by agreement between the parties or, if they cannot reach an agreement, either of them may ask the President for the time being of the Chartered Institute of Housing to nominate an Expert.

8.4 The Expert will:

- (a) act as an expert and not as an arbitrator;
- (b) give both parties an opportunity to make written representations and to comment on each other's representations;
- (c) be instructed to make his final and binding determination within 20 working days of the matter being referred to him.

8.5 If the Expert dies, becomes unwilling, unable or incapable of acting, another Expert may replace him.

8.6 The Expert's fees will be shared equally between the parties, unless the Expert determines otherwise.

8.7 In addition, if the Private Registered Provider does not fulfil its statutory duty to co-operate in the face of a request from the Local Authority, the Local Authority will still be entitled to pursue the matter with the Regulator for Social Housing or through the courts.

9.0 Review Meetings

- 9.1 On the date of this Nominations Agreement, each party shall provide a named officer who will be the main point of contact regarding any matters connected with nominations and this Nominations Agreement.
- 9.2 Representatives from each of the parties shall attend periodic review meetings (not less frequently than once a quarter) to discuss any matters connected with nominations and this Nominations Agreement, including (but not limited to):
- (a) the figures the Private Registered Provider has reported for the previous quarter pursuant to clause 4.5 of this Nominations Agreement;
 - (b) if the Private Registered Provider has failed to offer its required proportion of lettings to nominations in any given quarter, how the additional nominations will be made available in the current quarter pursuant to clause 3.5 and why the failure occurred;
 - (c) any disputes; and
 - (d) how the percentage of available True Voids made available to the Local Authority under this Nominations Agreement should be allocated, dependent on need.

10.0 Confidentiality and data protection

- 10.1 Any information shared about applicants being nominated by the Local Authority will be subject to the provisions of the Data Protection Act 2018. The Local Authority will secure written consent from every applicant before sharing their information with the Private Registered Provider. Information sharing between the parties is governed by the Local Authority's *Information Sharing Protocol*.
- 10.2 Each party agrees that it shall not disclose any confidential information it receives pursuant to or as a result of this Nominations Agreement except:
- (a) to employees, officers or members who need to know such information to discharge their duties;
 - (b) to the extent required by law;
 - (c) to the extent necessary to comply with any requirements of any regulatory body;
 - (d) to the extent necessary to comply with or give effect to this Nominations Agreement;
 - (e) to professional advisors on a confidential basis;
 - (f) to the extent required by that party's reporting obligations, including an annual report by the Local Authority containing the data received pursuant to clause 7.1;
 - (g) to the extent information is already in the public domain; or
 - (h) with the written consent of the other party which is not to be unreasonably withheld or delayed.

11.0 Good Faith

11.1 Both parties agree that the terms of this Nominations Agreement are binding and that they shall act in good faith towards each other in connection with the provisions of this Nominations Agreement.

11.2 [The parties recognise that a degree of flexibility may be required to best meet each party's legal obligations and their obligations under this Nominations Agreement and so the parties declare that they intend that this Nominations Agreement will operate fairly between them having regard to all relevant circumstances including (but not limited to):

- (a) the fact that the Local Authority does not own its own housing stock, but is subject to statutory obligations to provide housing so it relies on nominations agreements to satisfy those obligations;
- (b) the fact that the Private Registered Provider is an independent body, subject to its own governing documents;
- (c) that a balance has to be struck between the needs of existing social rented housing tenants (e.g. tenants awaiting management move, for example because of harassment or transfers in cases of serious overcrowding) and applicants on the Local Authority's housing register; and
- (d) that this Nominations Agreement should be responsive to local housing market conditions.]

12.0 Duration and amendments

12.1 This Nominations Agreement will continue to bind both parties until it is replaced by a further written nominations agreement.

12.2 The parties agree to review this Nominations Agreement every two years (or more regularly if necessary) to respond to the changing needs of both the Local Authority and the Private Registered Provider.

12.3 Any amendments to the Nominations Agreement shall be documented by way of a further nominations agreement entered into between the parties in replacement of this Nominations Agreement.

13.0 Assignment

13.1 The Local Authority shall be entitled to assign its benefits under this Nominations Agreement to any other statutory body that assumes its obligations as a Local Housing Authority.

13.2 If at any time during the term of this Nominations Agreement, the Private Registered Provider transfers its property (or any part comprising more than 9 Dwellings) to another private registered provider of social housing, it shall ensure that such private registered provider of social housing enters into a direct agreement with the Local Authority in which it undertakes obligations in like form to the obligations on the part of Private Registered Provider in this Nominations Agreement.

14.0 Transfers

14.1 Transfer applicants will be subject to standard nomination arrangements.

15.0 Amendments to legislation

15.1 If any legislation is repealed or modified or other legislation is enacted in such a way as to change the responsibilities of the Local Authority, either party shall be entitled to request that the terms of this Nominations Agreement are varied so as to enable the Local Authority to discharge its new responsibilities.

16.0 Other matters

16.1 Both parties will ensure that employees will receive training on the contents of this Nominations Agreement within 6 months of commencing responsibility for administering nominations and will receive an annual update on the law and practice of administering nominations for an allocation of social rented housing.

16.2 Both parties will at all times have complete regard to the terms of this Nominations Agreement.

16.3 Elected Councillors of the Local Authority and board members of the Private Registered Provider will not have any involvement determining whether to make, withdraw, accept or reject a nomination for an allocation of social rented housing.

16.4 [The provisions of this Nominations Agreement are personal to both parties (and any successor body of either party) and shall not bind any mortgagee or chargee of the Private Registered Provider's property.]

16.5 This Nominations Agreement shall be construed in accordance with English Law and the parties submit to the jurisdiction of the English Courts.

THIS DOCUMENT has been executed and delivered as a deed on the date stated at the beginning of this Agreement.

Appendix 3 - Extract of SRCBLS Outlining Property Size/Bedroom Criteria & ECBHA Quick Reference Guide.

1 The standard to be applied is as follows

One bedroom is required for the applicant and their partner. One bedroom is then added for the following people living with the applicant:

- Married or cohabiting couple;
- Adult aged 21 years or more;
- Pair of adolescents aged 10 to 20 years of the same sex;
- Pair of children aged under 10 years regardless of sex;
- A child with severe disabilities who requires frequent care during the night;
- A foster child, where a separate bedroom is a requirement of the fostering authority;
- A non-resident carer who is regularly required to stay overnight to attend to personal care/health needs.

Any unpaired person aged 10 to 20 years is paired, if possible, with a child aged under 10 years of the same sex or, if that is not possible given a separate bedroom. The same applies to any unpaired child under 10 years.

This standard is then compared with the number of bedrooms available for the sole use of the household. Bedrooms converted to other uses are not included; bedrooms not in use are included unless they are uninhabitable.

While adolescents of the same gender aged 16 to 20 years sharing a room will not be classified as overcrowded the policy will allow applicants to bid for an additional bedroom, where the household includes adults in this age group.

Due to the shortage of larger properties, applicants who are eligible for four bedroom properties may also be considered for larger three bedroom properties, for example a three bedroom property with two separate living rooms where one can be considered to be used as a bedroom.

Households with an expectant mother are treated as though the child has been born once the Pregnancy Maternity Certificate (MATB1) has been provided. Please note where the addition of the unborn child into the household may not result in the requirement for an additional bedroom (based on the Bedroom Standard calculation in relation to who would share a bedroom 5.12.2) the decision to include the unborn child can be deferred until the gender is established or the child is born.

A second ground floor living room can be regarded as a bedroom, and included in the assessment of an applicant's bedroom need as such, except where the property has a through kitchen/lounge or kitchen/diner and only one other separate living room or the dividing wall between two living rooms has been substantially removed. In considering the use of a room which could be used as a bedroom, regard will be given to whether the room has a fixed heating appliance with exposed flame which would make it unsuitable for use as a bedroom.

Where an applicant has staying contact with children, the children will only be considered as part of that housing application if the applicant can provide proof, they live with the applicant for most of the time (over 50%). The proof may be documentation from the court or solicitor, written confirmation from the child's other parent or being in receipt of Child Benefit.

Where access has been shared equally between two partners, it is unlikely that accommodation of the same size will be made available to both parents. A parent with staying contact for children for less than 50% of the time may be allocated one additional bedroom for those children subject to an affordability assessment. For example a single person may be eligible for a two bedroom property.

2 ECBHA Size Criteria Quick Reference

2.1 The table below is a quick summary reference for the typical household types that could be accommodated in different property types within the ECBHA housing stock based on the detailed criteria above.

A more detailed guide with all potential household combinations for particular stock types will also be made available for staff as additional guidance, these include household requiring overnight carers, those with additional adults and those with foster children and children with medical needs.

2.2

Single person or couple age 55+ or under 55 with a medical need requiring an accessible property. ECBHA does not have any 1 bedroom general needs properties, therefore applies only to applicants with medical needs requiring a bungalow or age 55+ that can be considered for a bungalow or an independent living flat.	1 bedroom property
Single person or couple with MAT1B evidence of later stage pregnancy	3 person, 2 bedroom property
Family with one child	3 person, 2 bedroom property
Family with two children under 11	4 person, 2 bedroom property
Family with two adolescence aged 11-21 of the same sex	4 person, 2 bedroom property
Family with two adolescence aged 11-21 of different sex	4 person, 3 bedroom property
Family with three children	5 person, 3 bedroom property
Family with four children	6 person, 3 bedroom property or 6 person, 4 bedroom property
Family with five or five+ children	7 or 8 person, 4 bedroom property

ECBHA does not have any properties that would be considered large enough for a family of more than eight persons.