



CUS-POL-06-01
Torus Allocations Policy

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1. Introduction

Torus Housing Group (“Torus”) own approximately 40,000 properties, most of which are located in Liverpool, St Helens and Warrington.

Torus will seek to co-operate with Local Authorities’ strategic housing functions in line with the Regulator of Social Housing Standards and the general requirement on Registered Providers to assist local authorities to discharge their statutory duties.

This Policy sets out how Torus will make best use of its available housing, contribute to local authorities’ strategic housing function and co-operate with local authorities to create sustainable communities.

This policy takes into account the Regulatory Standards set by the Regulator of Social Housing and aims to:

- Comply with the regulatory framework and other relevant legislation;
- Contribute to local authorities’ strategic housing function and statutory housing duty;
- Make the best use of Torus properties; and
- Help to create sustainable communities.

2. Scope

There are a small number of our properties, allocated under local arrangements (Local Lettings Policies and local allocation schemes) or managed as part of a joint venture, which are not governed by this policy.

We are committed to maximising the choices and help available to people in need of housing because they are in charitable need (see section 3). Part of this commitment involves helping customers move to the homes they want to live in as quickly and easily as possible.

Torus aim to allocate the majority of its properties through Local Authority Schemes using each Local Authorities’ allocations policy to determine priority and eligibility.

Torus has entered into Nomination Agreements with Local Authorities. These agreements state how Torus and the Local Authority will work together to assist applicants on the Housing Register. There are different nomination arrangements in place relating to each Local Authority. These Nomination Rights Deeds will continue to apply until the parties to those Deeds agree otherwise.

Although the Nomination Rights Deeds refer to ‘vacant properties’ it is often the case that a property will be advertised before it actually becomes vacant (for example where the tenant has given notice to leave). Accordingly, on some occasions it will be necessary for us to withdraw a property from the allocations process where the tenant does not in fact vacate it. Therefore, this policy refers to ‘available’ properties as including both vacant properties and properties where the tenant has given notice to leave.

Any applicant for a Torus property must have a defined charitable need. If an applicant does not have a defined charitable need then no allocation will be made, whether through the Councils' Schemes or our Policy.

Where a property is offered for allocation in accordance with either Scheme, but is not allocated, it will revert to us and may be allocated in accordance with our Torus Policy.

Granting of tenancies of available properties to individuals who are already our tenants (transferring tenants) do not form part of the allocations process, in this instance the property which is left available after the transfer becomes the property that is to be subject to the allocations process (through either Scheme or our Policy). However, transferring tenants are still governed by some of the criteria set out in this Policy and the criteria set out in the Tenancy Policy.

Local Authorities retain statutory functions in relation to homelessness and meeting housing needs and have to comply with government policy. Our Policy complements both Councils' Schemes to assist them in fulfilling their statutory obligations. We will work with the Councils to assist them in discharging their statutory and contractual housing duties.

3. Policy statement

The main aims of our Policy are:

- To meet housing needs and aspirations in a fair manner
- To ensure that housing is allocated to those in charitable need
- To enable people to choose their own home and to make positive housing choices
- To ensure the provision of high-quality information, advice and support for applicants concerning their housing options
- To build sustainable communities
- To reduce the turnover of stock and the number of empty properties
- To make best use of housing stock
- To provide an excellent service to all customers
- To comply with legislation and good practice guidance.

Our Policy sets out when and how we will allocate available properties in accordance with the Councils' Schemes and when and how we will allocate available properties outside the Councils' Schemes.

The purpose of our Policy is to ensure that housing is allocated to those in charitable need (in compliance with our charitable objectives) whilst building balanced and sustainable communities and promoting customer choice in the type and location of accommodation wherever possible.

All allocations (whether following the Councils' Schemes or our Policy) are subject to the requirement that we meet our obligations under charity law. This means that we will not be able to allocate any of our available properties to anyone who is not deemed to be in charitable need. For the purposes of this policy someone is deemed to be in charitable need if one of the following applies:

- They are in financial need/necessitous circumstances
- They are elderly/aged
- They are disabled
- They have a long-term health need/are chronically sick
- They have another recognised charitable need.

In some circumstances our properties will not be available for allocation under the Councils' Schemes or our Policy. This will happen when the property is required for:

- Decants (temporary moves to alternative accommodation) for major improvement work or required as accommodation for tenants decanted including grant works carried out by St Helens Council or Warrington Council
- Other emergency plans
- Temporary accommodation for homeless persons
- Properties identified for strategic development (e.g. special needs units, supported units, disposals, demolition or remodeling)
- Exceptional lets/ Direct matches
- Properties required for a Torus transferring tenant (however in this instance the property left available by the transferring tenant will become available for allocation)
- Properties required to continue to house someone left in occupation by a vacating or deceased tenant
- Properties allocated under local arrangements (Local Lettings Policies or local allocation schemes) or managed as part of a joint venture.

Our Policy is intended to provide for fairness, impartiality and flexibility when considering applications. In addition, safeguards are built into our Policy, including mechanisms for seeking a review of any decision adverse to an applicant and complaining about decisions.

Our Policy also recognises that a more flexible approach is required in areas of low demand and where there has been a reduction in the number of customers available for the properties becoming available. Where a property is considered hard to let it may be offered directly to any applicant who we assess as suitable and likely to accept the property. Properties may only be considered hard to let if either:

- There is a regular turnover of property in this area and demand is generally low
- Where there is no interest from applicants on the register
- No initial interest has been expressed in at least 2 bidding rounds of choice based lettings
- The property is ready, has been refused a minimum of 3 times and has been vacant for more than 4 weeks

Our Policy is published on our website www.torus.co.uk

4. Legal and Policy Context

This Policy and its delivery are designed to be compatible with our obligations in law, including but not limited to:

- Data Protection Act 2018
- Equality Act 2010
- Freedom of Information Act 2000
- Homelessness Reduction Act 2017
- Housing Act 1988
- Human Rights Act 1998
- Anti-Social Behaviour, Crime and Policing Act 2014
- Localism Act 2011
- Homelessness Act 2002

We also operate a number of policies and procedures which link into the allocation and management of our properties. Examples include:

- Tenancy Policy
- Equality & Diversity Policy
- Exceptional Lets Policy
- ASB Policy.

5. Statement of Choice

We are committed to enabling applicants to play an active role in choosing where they want to live, whilst continuing to house those in charitable need and making the best use of our housing stock. We aim to take account of people's views about where they wish to live and the type of accommodation they wish to occupy. This will help to create sustainable communities and neighbourhoods where people want to live.

To help applicants make informed choices about their future housing, we will aim to provide information about the number and types of homes, and current vacancy rates. The more flexible applicants are in their housing choices, the sooner they are likely to be successful in applying for housing.

6. Allocation Fraud

We take steps to ensure that we know who we are allocating our properties to and that those people go on to actually occupy our properties. Steps include:

- Confirming the identity of prospective tenants
- Signing up new tenants to their tenancy agreement
- Home visits during the first year of the tenancy and at intervals thereafter
- Taking enforcement action in the event of tenancy fraud coming to light
- Keeping our practices and procedures under review so that we are well placed to identify and tackle tenancy fraud

7. Section One – How Torus determine whether a property is to be allocated under the relevant Council’s Scheme or Torus Policy

Subject to its obligations to provide nominations under the Local Authority schemes, Torus may let some homes outside of the local scheme. In assessing whether a property should be allocated through the relevant Council’s Scheme or our Policy, we will consider:

- Whether any Local Lettings Policy or other criteria are more likely to be met by allocating a property through the relevant Council’s Scheme or through our Policy. Local Lettings Plans will be a time limited intervention to adjust the allocations criteria in a specific neighbourhood or property type to aim to achieve a specific outcome. Torus will use Local Lettings Policies in two ways – to maximise the positive impact for allocating new build homes or to address identified issues relating to tenancy sustainability.

We will develop block specific lettings policies for each of our high-rise blocks which may add additional criteria based upon local conditions.

Local Lettings plans will be evidenced based and reviewed to assess effectiveness and suitability. The Policy will be reviewed once it has achieved the intended outcome. The Local Lettings Policy will be reviewed if it is not having the intended impact and considered for removal or amendment.

- In areas of low demand whether a property is more likely to be let by allocation through the relevant Council’s Scheme or through our Policy. Where it is known that the property is unlikely to be allocated effectively through a Local Authority scheme Torus may let the property through direct marketing.
- How the properties in a particular area have been allocated before, the aim being to achieve a balance between allocations under the relevant Council’s Scheme and our Policy in any particular area. Torus may categorise certain property or properties as needing a sensitive let if a balance of lettings is required. This may occur, for example, if there is ongoing anti-social behaviour or when statutory partners have requested specific requirements not to house individuals in a specific location.
- What type of property is available, the aim being to achieve a balance in the type of properties that are allocated under the relevant Council’s Scheme and our Policy.
- Where more than one property is available in a particular area/of a particular type, how

best to achieve a balance between allocations under the relevant Council's Scheme and our Policy.

- Torus may enter into special projects with Local Authorities or other partners for projects relating to issues such as homelessness and in these cases will agree specific eligibility criteria with partners. Torus may co-operate with requests from the Police or Local Authorities to house people with specific housing requirements, for example witness protection schemes.

Having considered these matters, we will then determine whether the particular property should be allocated in accordance with the relevant Council's Scheme or our Policy.

We will keep a record of the properties that are allocated under each Scheme and the properties that are allocated under our Policy and will produce a quarterly report to ensure that the division of properties for allocation is fair and transparent.

8. Section Two – Allocation under the relevant Council's Scheme

- Whether any Local Lettings Policy or other criteria are more likely to be met by allocating a property through the relevant Council's Scheme or through our Policy. Local Lettings Plans will be a time limited intervention to adjust the allocations criteria in a specific neighbourhood or property type to aim to achieve a specific outcome. Torus will use Local Lettings Policies in two ways – to maximise the positive impact for allocating new build homes or to address identified issues relating to tenancy sustainability.

We will develop block specific lettings policies for each of our high-rise blocks which may add additional criteria based upon local conditions.

Local Lettings plans will be evidenced based and reviewed to assess effectiveness and suitability. The Policy will be reviewed once it has achieved the intended outcome. The Local Lettings Policy will be reviewed if it is not having the intended impact and considered for removal or amendment.

Where a property is made available for allocation under the relevant Council's Scheme it shall be allocated under the relevant Council's Scheme unless one of the five exceptions set out below applies.

Each Council's Scheme sets out in full the basis upon which allocations are made, the process that applies, including exclusion and qualification, and gives details of how to challenge any decision made against an applicant.

Where a property is advertised/nominated with an eligibility restriction (for example where a property has been adapted for people with disabilities or where a Local Lettings Policy is in place) only applicants who meet the requirements will initially be considered for the property. Other applicants will only be considered where there are no applicants who meet the eligibility requirements.

Where there is no eligibility restriction, we will accept an applicant nominated by the relevant Council to a property offered for allocation under the relevant Council's Scheme unless one of the following five exceptions applies:

(1) Breach of Charitable Aims

Where the allocation of the property to the applicant would breach our charitable aims.

(2) Existing Tenants of Torus

We operate our own policies in relation to our own existing tenants who wish to transfer to another property.

Transfer applicants may be eligible for housing and will be assessed in accordance with the relevant Council's Scheme and, if accepted, placed in the appropriate banding that reflects their needs.

Existing tenants may be excluded in line with the rules on eligibility as set out in the relevant Council's Scheme. In addition, we may not support a move internally within our own stock in the circumstances set out in the Tenancy Policy under 'Transfers' which include:

- Where there are significant rent arrears
- A tenant will only be eligible for a transfer where they hold an assured tenancy of their own and where they have occupied their current home for a minimum of 12 months
- Where the property is in poor condition
- Where anti-social behaviour or other significant breaches of tenancy have been committed
- Where Torus can see no justifiable reason or demonstrable need for the tenant to move property
- Where the tenant does not meet the criteria for an offer of housing set out in this Policy.

A Torus tenant who does not meet the criteria to allow an internal transfer to proceed may not be eligible to transfer until the criteria is satisfied. The tenant will be notified of their right to seek a review of any decision to refuse an internal transfer.

Further details on transfers can be found in the Tenancy Policy under the section 'Transfers', which is available on request.

(3) Deliberately creating additional priority

If, in our opinion, an applicant's current circumstances have been created so as to attract

additional priority, we may not accept the nomination for housing.

(4) Detrimental to local residents/community

If, in our opinion, an offer of accommodation to the applicant would cause significant detriment to the well-being of local residents and the sustainability of a community, we may not accept the nomination for housing.

(5) Unacceptable behaviour

If, in our opinion, the applicant or a member of their household has been guilty of unacceptable behaviour and the applicant remains unsuitable to be a tenant by reason of that behaviour, we may not accept the nomination for housing.

9. Section Three – Allocation under Torus’ Policy

Where a property is made available for allocation under the Torus Policy they may be advertised in a number of additional ways. These may include:

- Torus website
- Internet sites such as Zoopla
- Social media
- Local newspapers.

Any person interested in applying for a particular property, or properties in a particular area, who does not have access to the internet can contact us by telephone or by attending our offices to establish where such property/properties are being advertised and to obtain details of available properties in a format that they can access.

When applying for a property the applicant must provide the following details:

- Name of the applicant;
- Address;
- Contact number (if any);
- Email address (if any);
- Whether contact by telephone or email is preferred;
- In the event that the applicant has no telephone or email how the applicant can be contacted urgently (this must not be by letter, but should be a third party telephone or email contact where the applicant can be informed to contact us);
- Details of the property in respect of which the application is made.

In order to reduce relet times and ensure value for money, when we are allocating properties, we may contact more than one applicant at a time. Typically, we will establish a list of the first five applicants and an officer of Torus will attempt to make contact with those applicants (in list order), by their stated preferred method of contact. Each applicant will be advised of the information required to check eligibility and the first applicant to submit this information and meet the criteria for the property will receive an offer. If they refuse the property, then we will proceed with the next applicant who is eligible and meets the criteria and so on until an applicant is found who accepts the property.

In the event that an applicant does not complete an application form/is not eligible/cannot be allocated the property in accordance with our Policy, they will be considered to have withdrawn their interest in the property.

Where a restricted eligibility property is to be allocated through our Policy it will be allocated to the first applicant who provides proof of eligibility, completes an application form and meets the criteria applicable to the property and the criteria for allocation set out later in this Policy. If there is no applicant who meets the criteria applicable to the property, then we may decide to allocate the property in any event. In this instance the property would revert to being allocated to the first applicant to have made further contact with us and satisfies the criteria for allocation.

On occasion, where a property is deemed hard to let (as defined earlier in this Policy) we may determine that it is appropriate to make an allocation of the property to an applicant who does not meet the criteria set out in this Policy, provided the applicant has a charitable need.

If there is no eligible applicant for the property who is entitled to an allocation in line with our Policy, then we may re-advertise the property.

The overall percentage of lettings which are allocated through our Policy will be carefully monitored and quarterly reports produced.

(a) Restrictions/Qualifications on people who may obtain an allocation

Applicants for housing who have applied through a Local Authority scheme will usually have already been confirmed as being eligible for social housing. There may be occasions when Torus may undertake further checks prior to allocation to verify eligibility.

Torus will always seek to maximise the occupancy of a property to make best use of its housing stock. However, there may be occasions where an allocation is made to a household who will under occupy a property.

In areas of high demand Torus may seek to identify customers who are under occupying family accommodation and offer help and support to enable a move to a home more suitable to their requirements.

Anyone aged 16 and above can make an application. However, there are certain people who may not be entitled to an offer of a property under our Policy or may be required to engage in certain activities to establish such entitlement.

A decision that an applicant is not entitled to an offer of a property may be made at the time an applicant applies to us for a property, or upon receiving a formal offer of accommodation. This will depend on when we are made aware of relevant information.

Applicants who are advised that they are not eligible to receive an offer of a property can seek a review of the decision.

We must consider all applications for housing under our Policy in line with the procedures under the Policy. We will also consider whether there are exceptional circumstances deserving an allocation of housing. The following eligibility criteria will be considered :

(1) People who are not in charitable need

A full assessment of all applications to determine whether the applicant is in charitable need will take place. If an applicant is not in charitable need, then we will not be able to make an offer of accommodation.

Each Local Authority Policy should adhere to the legal requirements of Part 6 of the Housing Act 1996 and therefore meet all statutory requirements relating to eligibility and qualification for housing. Local Authority policies are developed to provide reasonable preference to those in housing need and Torus participation with Local Authority schemes therefore ensures that those in housing need have priority access to a proportion of properties.

(2) People who would not be legally eligible to join the Housing Register:

- Persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless they fall within a prescribed class of persons specified by the Secretary of State
- Other persons from abroad not subject to immigration control, who are prescribed as ineligible by virtue of any regulation made by the Secretary of State
- Any other person as prescribed as ineligible by the Secretary of State.

Such persons will not be eligible for an allocation of accommodation under our Policy. Eligibility for housing can be affected if there is a change in the immigration status of an applicant and therefore eligibility can be reviewed if the applicant informs us of a change to their immigration status.

Applicants for properties allocated outside of a Local Authority scheme will be subject to a 'Right to Rent' check to ensure they are eligible to rent a home. If an applicant is found not to have a Right to Rent in the UK, they will not be offered a home.

(3) People with current / previous housing debts

We seek to encourage all applicants who have a debt or arrears on a current or previous tenancy, whether it is a social landlord or a private landlord, to take responsibility for this and to demonstrate a commitment to repay the amount owed by entering into an agreement and maintaining this.

Applicants with current rent arrears or previous housing debts may be excluded from an offer of housing under our Policy where they are regarded as having engaged in unacceptable behaviour.

Wilful non-payment of rent, or where a debt has been incurred as a result of wilful damage to a property, will be treated more seriously than other situations. Applicants who have previously held a tenancy in which we have had cause to recharge for wilful damage to the property will not normally be offered accommodation until payments for the damage have been met.

Where an applicant has previously been evicted from a Torus tenancy, they will normally be required to prove that their behaviour has improved and provide evidence that the debt had been paid in full or that a repayment arrangement had been maintained for at least 12 months.

Torus will take into account the criteria set out in the relevant local authority area in deciding whether or not to refuse an offer of a property.

Applicants will only be refused an offer of accommodation where the risk of non-payment of rent and service charge is high and could not easily be addressed through low level support.

We do not operate a blanket policy in relation to applicants with a current or former housing debt and understand that sometimes people can fall into debt due to circumstances beyond their control.

In making a decision whether to exclude an applicant from an allocation of housing under our Policy, we will look at the circumstances in which the debt arose and consider any mitigating factors. We will also take into account evidence that an arrangement to repay the debts has been made, and that repayment arrangements are being maintained. A full assessment of all the circumstances, including the applicant's personal financial circumstances, will be undertaken before reaching a decision. This may involve considering evidence and representations from other agencies. We will also consider

whether there are exceptional circumstances warranting an allocation of housing, even though the applicant's current or former housing debt would normally mean they would not receive an allocation.

(4) People who have committed anti-social behaviour

We have an overarching aim to build and maintain stable communities free from crime and disorder.

We will not normally house applicants where there is evidence of a history of anti-social behaviour such as causing a nuisance to neighbours and other kinds of behaviour which makes them unsuitable to be a tenant. This will only be in circumstances where the nature and severity of the antisocial behaviour is considered to be a threat to Torus staff, customers or the community. This includes instances where the applicant or members of their household have been abusive or used threatening behaviour towards Torus staff. Consideration will be given to how long ago the incidents occurred, whether there were factors involved which were related to the previous address and how the individual has conducted themselves since.

Normally we will only take into account unacceptable behaviour committed within the 5 years prior to the application. However, there may be circumstances, for example, criminal offences which pose community safety concerns, when unacceptable behaviour that is more than 5 years old will be taken into account.

Some examples of anti-social behaviour are:

- Being convicted of using or allowing a property to be used for illegal or immoral purposes
- Nuisance or annoyance to neighbours
- Racial or other harassment
- Violence
- Sexual offences or harassment
- Intimidation
- Supply of drugs, use or possession of drugs
- Criminal activity.

Before a decision is made to refuse an application for a property on this basis, we will consider the following:

- a) The relevance of the behaviour to the applicant's application for accommodation and to his/her suitability to be a tenant
- b) Whether the applicant's behaviour may represent a threat or potential threat to the community
- c) Any improvement in the applicant's conduct/behaviour over the 12 months prior to making an application
- d) Any deterioration in the applicant's conduct/behaviour over the 12 months prior to making an application

There must be clear evidence of the behaviour in question. When considering whether to exclude an applicant for unacceptable behaviour we do not operate a blanket policy and will consider the individual circumstances of each application.

(5) People who have been found to have made false statements/withheld information relating to an application for housing

We take a very serious view of people knowingly or recklessly making false statements or knowingly withholding information in applications for housing. This conduct undermines the allocation of housing in a fair and accountable way. Accordingly, those found to have acted in this manner (whether within their current application or in previous applications) may not be made an offer of accommodation. We will consider the applicant's individual circumstances and the circumstances in which the false statement(s) were made, or the information was withheld, before reaching a decision.

(6) 16/17-year-old applicants

Whilst anyone aged 16 and above can apply for housing, those under 18 will normally not be made an offer of accommodation, unless they are in the following exceptional circumstances:

- The young person is a looked after child leaving care and has been assessed as capable of independent living
- The young person has been referred from a supported housing scheme and the provider has confirmed their ability to live independently.

- The young person is homeless or potentially homeless and the Council has accepted the duty to re-house under the Housing Act 1996 (as amended and extended by the Homelessness Act 2002)
- The young person is pregnant/a parent or fleeing violence or where the provision of housing is essential to the young persons continued well-being.

We would expect that any applicant aged 18 or under would receive support from the relevant agencies in order to ensure tenancy sustainment and also to assist the young person in attaining independent living.

In addition, it will be a requirement that any applicant aged 18 or under who is offered accommodation owned by us will have a guarantor who will take responsibility for the manner in which the tenancy is conducted (including the payment of any rent) until the tenant reaches the age of 18.

(7) Vulnerable Applicants and Unmet Support Needs

Whilst we aim to give applicants choice, becoming a tenant means responsibility both to Torus and also the wider community. Therefore, to meet the needs of vulnerable people some applicants may be assessed as requiring support to enable them to maintain a tenancy.

Torus will work with applicants to ensure that they receive the necessary support in order to make informed decisions about the expectations of them as a new tenant, including budget management, preparation for dealing with Universal Credit (where applicable), advice and assistance into work if a tenant is not working already.

Applicants who require support in order to sustain their tenancy will be expected to effectively engage with that support. Where applicants are assessed as in need of housing with support and are refusing a support package to help them keep up a tenancy, we may not consider them for an allocation until such time as they confirm their acceptance of that support. The ongoing engagement will be monitored by the Neighbourhood Management/ Estate Management Teams.

Applicants who do not meet the terms of the support plan on being granted a tenancy may be subject to legal action being taken against their tenancy. The ongoing engagement in support plans will be monitored by the appropriate Torus Team.

Applicants with unmet support needs where Torus is unable to identify suitable and sufficient support either through working with other agencies or within its own capacity may be refused a tenancy. However, the aim will always be to find appropriate support to enable an allocation to be made.

(8) Domestic Abuse

We wish to provide support to people experiencing domestic abuse and in circumstances where an applicant experiencing domestic abuse wishes to move to a new property, we will work with the applicant and support agencies in facilitating that move.

We will not usually house such an applicant under this Policy if they would otherwise be excluded/disqualified or there would be no obligation to make an offer of accommodation to them under the terms of our Policy. However, each case will be considered on its individual circumstances and will involve liaison with the relevant Council's Housing Options Service and advice from a Multi-Agency Risk Assessment Conference (MARAC) and in some circumstances such applicants will be made an offer of accommodation under our Policy. We may impose geographical restrictions on any such move in order to aid safeguarding.

We will consider the reasons a survivor may want to move within proximity to their previous home and how the move can still significantly reduce risk from harm.

Where an applicant is experiencing Domestic Violence and has previously moved within our properties a decision will be made as to whether the applicant will be considered for a further move. Each case will be considered on its individual circumstances.

(9) Owner Occupiers

Torus is a registered charity. Any person that is housed must be a charitable beneficiary. Individuals who own their own homes may, for a variety of reasons, have a need for alternative housing. Each case will be considered on its own facts, taking into account the applicant's current financial circumstances and other needs.

Torus will take into account the criteria set out in the relevant local authority area in deciding whether or not to refuse an offer of a property.

(10) Applicants Savings Levels / Current Earnings

We wish to promote affordable housing to working households and therefore the savings and/or earnings levels of applicants will not be a barrier in applying for a property, provided the applicant has a charitable need.

(11) Existing tenants of Torus

Existing tenants of Torus may be excluded from applying for housing under our Policy, on the same basis as we may refuse to accept a nomination of an existing tenant under the relevant Council's Scheme.

(12) Other conduct

In some circumstances an applicant may have engaged in conduct that is not covered by one of the specific exclusions set out in our Policy, but which makes them unsuitable to be a tenant.

Before a decision is made to refuse an application for a property on this basis, we will consider the following:

- a) The relevance of the conduct to the applicant's application for accommodation and to his/her suitability to be a tenant
- b) Whether the applicant's conduct may represent a threat or potential threat to the community
- c) Any improvement or deterioration in the applicant's conduct over the 12 months prior to making an application

There must be clear evidence of the behaviour in question. When considering whether to exclude an applicant on this basis we do not operate a blanket policy and will consider the individual circumstances of each application.

(b) Restrictions on the allocation of a specific property, type of property and/or area

Sometimes a person may be eligible and entitled to an allocation of housing under our Policy, but Torus may decide that it is not appropriate to make an allocation of a specific property and/or type of property and/or property in a particular area to that person. The reasons why such a decision may be made are set out below:

(1) Crime and Disorder Restrictions

The prevention of crime and disorder is a shared objective between all social landlords. In certain cases, we may restrict an applicant's choice of areas within a borough in order to protect the local community or prevent crime/disorder from occurring (for example where a victim of serious crimes still lives in an area, for prolific and repeat offenders, etc).

Applicants who are subject to such restrictions will be notified of the justification for this restriction by us.

(2) Local Lettings Policies

We may implement specific Local Lettings Policies to manage small neighbourhoods in order to address specific issues. These could include estate sustainability or defining an age group for certain properties. These policies must not discriminate on racial or other equality grounds.

The main aim of Local Lettings Policies is to help build and maintain balanced and sustainable communities. Any eligibility restrictions or 'Local Lettings' will be included in the advertisement to assist applicants in making choices and understanding if the property is suitable for them. Applicants who do not fulfil the criteria for a particular property may not be allocated the relevant property.

The relevant Council must approve all Local Lettings Policies in advance of implementation; however, it is the responsibility of Torus to ensure that the criteria is legal, appropriate, reasonable and fair. Monitoring of the application of Local Lettings criteria will take place to ensure that the processes are transparent, consistent and non-discriminatory in practice. Such cases will be recorded and reported to the relevant Council as part of agreed monitoring arrangements.

Examples of Local Lettings Policies may include:

- Planning Restrictions
- Restriction on the family size on estates to reduce child density
- Specific housing management reasons. e.g. managing anti-social behaviour
- People who are in employment
- Changes to eligibility criteria for difficult to let schemes e.g. lowering the age for applicants to sheltered developments.

(3) Individual departure from Allocations Policy/Local Lettings Policies

We may depart from our Policy or Local Lettings Policies in individual cases where the Policy/these Policies would cause serious difficulties with neighbours or threaten the sustainability of the community. In such cases we may allocate individual properties sensitively e.g. in a block of 6 flats where 5 are occupied by elderly people it may not be appropriate to allocate the vacant flat to a young person. Such cases will be considered individually and will be recorded and reported to a Council as part of its monitoring arrangements.

(4) Suitability and Affordability of Accommodation

On receiving an application for housing, we will consider whether the property is suitable for the applicant. In considering suitability we will consider:

- the size of the property, as against the requirements of the applicant and their family
- whether the property is designated for a particular kind of applicant
- whether the applicant is likely to be subject to charges for under-occupying the property
- whether the property is affordable for the applicant
- whether the particular circumstances of the applicant mean that the property is inappropriate for them.

In seeking to achieve the stated aim of creating sustainable communities Torus will carry out affordability checks prior to proceeding to a sign up for a tenancy. The aim of these checks is to identify any issues relating to the applicant's ability to pay their rent and service charges. Torus do this in order to support applicants and signpost them to financial inclusion support where needed to enable them to improve their financial situation so that the applicant may sustain a tenancy. There may be times where, despite the appropriate engagement and support offered, it is felt that an applicant will not be able to afford to pay the rent and other charges on the property. In these situations, Torus may refuse to make an offer of accommodation. For any refusal due to affordability, Torus will provide advice and guidance on the best route to a sustainable rehousing outcome in the future.

Applicants are required to undergo a financial assessment before any letting, and any offer will be subject to meeting the requirements of the assessment. The aim of this financial assessment is to ensure that applicants being housed are able to pay the rent now and for the foreseeable future, with the help, if necessary, of benefits.

We reserve the right to reject any applicant who does not meet the financial assessment criteria or who does not agree to or co-operate with a financial assessment. If an applicant does not satisfy the financial assessment criteria, this will be deemed to be a rejection by us and not a refusal by the applicant.

Where an applicant refuses or does not co-operate with a financial assessment, this will be deemed by us to be a refusal of an offer.

In the event that we consider, having applied these criteria, that a property is not suitable for the applicant, the applicant will not be awarded a tenancy of the property.

(5) Specialist Properties

Where a property has characteristics that make it particularly suitable for applicants with specific needs the property may be advertised as restricted to such applicants. Applicants without those specific needs may still apply for such restricted eligibility properties but will only be allocated such where there is no eligible applicant who satisfies the restrictions, and we determine that it is appropriate in all the circumstances to make an allocation of the property to someone who does not satisfy the restrictions. Specialist properties include:

(a) Accommodation for Older Applicants

Accommodation deemed particularly appropriate for applicants aged over 55 may be advertised as restricted to such. For those applicants wishing to access extra care or specialist housing, we will arrange for an assessment of needs. Additional information on the property type available and the care/support packages can be provided by us upon request.

(b) Adapted Properties

We want to make the best use of the housing stock available and also want to meet the housing needs of the local community. This includes ensuring that adapted and purpose-built properties are allocated to applicants who require them. Therefore, properties which have been purpose built or significantly adapted to meet the needs of someone with a disability may be advertised as restricted to those people who require them in the first instance. In addition to this, properties with ground floor WC's may be advertised as restricted to those with a need for such a facility in the first instance, except in the case of four-bedroom properties.

10. Exceptional Lets/Direct Offers

From time to time a situation may arise that is not adequately reflected in our Policy, but the needs or circumstances are exceptional. In such cases decisions will be taken by two senior officers of Torus and will be taken in the spirit of the policy, ensuring that all decisions made on an exceptional basis are transparent and fair.

Properties may be selected for exceptional lets in circumstances which include:

- The assessed requirements of the applicant being deemed by us to require an exceptional let; or
- The needs of those living in the direct locality of the property being such that it is necessary for a particular property to be allocated to a person of a particular description; or
- Housing management issues that make it necessary for a particular property to be allocated to a person of a particular description.

Where an exceptional let is made, the property will not be advertised. We will record and report exceptional lets to the relevant Council via agreed monitoring reporting. Further details regarding exceptional lets are set out in the Exceptional Lets Policy.

11. General Matters regarding allocation

(a) Involvement of staff and Board members

No member of staff or board member who an applicant has declared a personal connection with will be allowed any involvement in the processing of that application. Any decisions made in respect of such an application will be verified by a senior manager and the procedures contained within the Probity Policy will be followed. Any application for housing made by a member of staff, their family or former employees will be dealt with in line with the Probity Policy.

(b) Disclosing Information under the Data Protection Act 2018

We will act in line with the requirements of the above. All information held is subject to the Data Protection Act 2018. Information held about any applicant will not be disclosed to any third party except where:

- The applicant has consented to disclosure to a third party
- We are permitted to disclose the information under data protection legislation
- There is a requirement in law to make such disclosures.

(c) False statements or withheld information

It is a criminal offence for applicants and/or anyone providing information in respect of their application for housing to knowingly or recklessly make false statements or knowingly withhold reasonably requested information (s171 Housing Act 1996). An offence is also committed if a third party provides false information whether or not on the instigation of the applicant. This would apply at any stage of the application process.

Ground 17 in Schedule 2 to the Housing Act 1988 enables the landlord to seek possession of a property where it has been granted as a result of a false statement by either the tenant or a person acting at the tenant's instigation.

Applicants who fail to provide all information required to process their applications, or who withhold information, will not be able to have their applications considered further until any gaps in information are remedied, and may be subject to other sanctions as detailed earlier in our Policy.

(d) Refusing Offers

We wish to encourage applications under our Policy, however applicants should only apply for a property that they are genuinely interested in. Applicants who apply for properties and refuse an offer of a property 3 or more times will be contacted by us to ascertain the reasons for continued refusal. We reserve the right not to consider any further applications from such applicants.

(e) Withdrawal of Offers

We reserve the right to withdraw an offer of accommodation from an applicant if it is proven that:

- The applicant's circumstances have changed in such a manner that they would not be offered the property in accordance with the Policy as set out above; or
- The applicant has made false statements that have resulted in the offer of accommodation; or
- The applicant failed to disclose or has withheld information that would have resulted in them not being offered the property in accordance with our Policy as set out above.

We will advise the applicant of its decision and reasons for this. Applicants will have the right to request a review of this decision.

12. Right to Review

If an individual is dissatisfied with any decision made against their interest under this policy, they may request a review of that decision.

An individual wishing to request a review of a decision must do so within 21 days of receiving the decision letter. A person requesting a review will need to set out, in writing, why they believe a decision is wrong and provide any available supporting information.

Requests for review should be sent to:

Allocations & Lettings Team

Torus,

The Observatory

1 Old Haymarket

Liverpool

L1 6RA

A review of the decision will be undertaken by a different and more senior officer to the one who made the original decision. The reviewing officer will consider the evidence and decide whether to support or overturn the original decision. The applicant will be informed of the outcome of the review, in writing, within 28 days of submitting their written request. Where the original decision is upheld the decision letter will include the reasons for the decision and the matters taken into consideration.

Out of time reviews will only be considered where an applicant can evidence that there were exceptional reasons why a request for a review could not be made within 21 days. The decision as to whether or not to allow a review out of time will be made by the reviewing officer.

Any customers dissatisfied with any aspect of services provided by Torus will have the opportunity to seek redress through the Torus Complaints Procedure.

13. Consultation/Resident Involvement

If there is a legal/regulatory requirement to consult with stakeholders regarding the content of the policy, it should be detailed in this section.

The Tenant Involvement and Empowerment Standard (TIE) is one of four consumer standards that form part of the regulatory framework. The standard contains specific expectations and outcomes that the Regulator of Social Housing (RSH) requires Torus to meet.

More specifically, the regulatory framework requires Torus to ensure tenants have opportunities to be involved in the management of their homes; have a say in the way services are delivered from strategic to operational issues; and are able to scrutinise performance and make recommendations for improvement.

This Policy has been the subject of consultation with tenants across the heartlands of Liverpool, Warrington and St Helens and has been the subject of a report to Landlord Operations Committee.

14. Responsibility

It is the responsibility of the Regional Director to ensure that:

- i. All relevant staff are aware of this policy
- ii. Customers are aware of this policy, and it is published on the company's website
- iii. It is the responsibility of all staff to ensure that the policy is applied.

15. Diversity & Inclusion

We are committed to the principle of equal opportunity and will ensure our policies and practices are non-discriminatory by preventing and eliminating discrimination on the grounds of race and ethnicity, nationality, disability, gender/gender reassignment, sexual orientation, marital status

religion, cultural and social background, belief and age. Our Policy will be accessible, responsive and sensitive to the diverse needs of individuals.

The impact of allocations will be monitored to ensure that equality of opportunity is promoted to individuals and minority groups. In order to achieve this all applicants who are asked to complete an application form will be asked to supply information about themselves and their households. This information will be used for monitoring purposes.

We will take into account the needs of vulnerable households and households with children both within our Policy and in its application. Households may be vulnerable for a variety of reasons including age, disability or illness. Taking into account the needs of vulnerable households and households with children may involve on occasion adopting a flexible approach to the criteria set out in our Policy.

16. Monitoring & Review

We carry out effective monitoring of the services we provide in an effort to develop and improve the services we offer. The data we collect will be used to ensure regulatory compliance, to measure our performance against our strategic objectives and to report to our Board as and when required.

The policy will be reviewed every two years by the Regional Director or earlier if legislative/regulatory or service requirements change.

We will also retain information regarding lettings made under this Policy and report on the same to the relevant Council. This data enables trend analysis to be completed alongside annual equality monitoring to ensure that the Policy is ensuring a fair and accountable allocation of housing. All lettings and sales will be recorded as required by the continuous recording of lettings system ('CORE').

17. Contact details

We always welcome feedback on any of our policies, procedures or services. If you have any comments, compliments or complaints about this policy please let us know. Feedback may be given in one of the following ways:

- In person or in writing to any of our offices
- By email to info@torus.co.uk