



Bespoke Supportive Tenancies Ltd

# Applicant Referral and Allocations Policy

Version: 01

## Review

Date of this review	Date of last review	Policy author(s)	Compliance Manager	Next review date
April 2020	New Policy Document	Richard Lowthian	Patricia Mokhberi	April 2023

## Details of amendments

Version	Date	Update/ amendment detail	Resulting from
01	April 2020	New Policy Document	

## Approved by

Executive Team	03.06.2020
Board	03.06.2020

## 1. INTRODUCTION

1.1 This policy sets out how BeST allocate our properties, both existing and new build.

1.2 The policy is our commitment to the following principles:

- To ensure that best use is made of our available supported housing stock.
- That BeST contributes towards sustaining the specialist housing market that BeST operates in.
- That BeST supports local authority/commissioner's specialist supported housing strategies.
- That BeST provides specialist supported social housing for those who need it most for as long as they need it.
- That BeST ensures that due regard is given to service users individual circumstances when considering the suitability of scheme placements and preferred local areas where possible.
- That BeST undertakes regular review of best practice, to ensure that we apply our referrals and allocations policy fairly and consistently.

1.3 This policy supports related internal and external policies which should be read in conjunction with this document.

### Related Documents

#### External

- Regulation of Social Housing  
<https://www.gov.uk/topic/housing/social-housing-regulation-england>
- Regulatory Framework for Social Housing  
<https://www.gov.uk/government/collections/regulatory-framework-requirements>
- Supporting People Quality Assessment Framework  
[transact.westminster.gov.uk/.../supporting\\_people/qaf\\_guidance.pdf](https://transact.westminster.gov.uk/.../supporting_people/qaf_guidance.pdf)
- The Accessible Information Standard 2016  
<https://www.england.nhs.uk/ourwork/accessibleinfo>
- Right to Rent Document Checks – Gov. UK Guidance  
<https://assets.publishing.service.gov.uk/government/uploads/system/...>

## **Internal**

- BeST's Tenancy Management Policy
- BeST's Equality and Diversity Policy

## **Key Legislation**

### **England**

- Housing Act 1988
- Housing Act 1996 (as amended by the Homelessness Act 2002)
- Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006
- Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016
- Asylum and Immigration Act 1996
- Immigration Act 2016
- Equality Act 2010
- Localism Act 2011
- Welfare Reform Act 2012
- Universal Credit (Consequential Provisions) Regulations 2013
- Health and Social Care Act 2012
- Human Rights Act 1998

### **Wales**

- Housing (Wales) Act 2014
- Social Services & Wellbeing (Wales) Act 2014

## **2. PURPOSE**

- 2.1 BeST is committed to providing high quality housing related services to vulnerable service users in supported accommodation throughout England and Wales. BeST's primary policy is that BeST works exclusively within the Specialist Supported Housing Sector. However, some of BeST properties for historic reasons, fall under the supported housing descriptor rather than specialised. Whilst BeST's principal policy is

that we will only take on specialised supported schemes in the future, in terms of new business. We have referenced both types of scheme within this policy document as the Policy applies to both types of scheme.

- 2.2 BeST's endeavors to be flexible and aims to meet the specific needs of individual tenants when considering placements.
- 2.3 Supported living used to be thought of as housing provision which was primarily targeted towards accommodating disabled but more able people, and those people whose choice was to live alone with minimal assistance. Whilst both those groups have benefited from supported living provision, it is increasingly recognised that people with more complex needs may benefit from being accommodated in similar schemes, which are also better suited to those individuals who prefer to live within shared accommodation for social reasons.
- 2.4 Both supported living and registered care provision are able to deliver 24/7 CSS, and this is the required standard for the majority of supported living provision.
- 2.5 BeST support many people with profound and multiple learning disabilities and complex needs, within a supported living environment. The decision taken as to whether someone should live in self-contained or in shared accommodation is based on the service users assessed individual needs, personal wishes, and compatibility with other service users.
- 2.6 Supported living lends itself to providing scheme managers with the opportunity to pool budgets in delivering shared support, hence their being able to obtain maximum financial advantage from all available funding.
- 2.7 This Policy covers all service users who:
  - register an interest in rehousing either directly with BeST, or via third party agency (example support providers) whom BeST have partnered with, through SLA's, nominations, or other referral agreement.
  - are nominated as meeting the criteria for referral to specialised supported living scheme by a Local Authority Commissioner, or NHS body (CCG).
- 2.8 The aim of the policy and associated procedure is to ensure consistent practice is observed in allocating and letting our properties, in accordance with local

agreements and arrangements that we are flexible and that we speak to the local authority before we implement any changes that affect more than one service user. The BeST will adapt to the need to re-let properties within target in line with our overall aims. That we will deal professionally with issues that affect our tenants within the schemes that we operate, for example organising management moves by way of response to urgent housing management needs that have been prioritised.

### 3. SCOPE

3.1 The Policy Document should be read by all BeST Housing Officers and members of the Housing Management Team, Development Team and BeST's Portfolio Managers. The Policy document should also be read by those external agencies (Support Providers) who provide CSS on BeST's behalf and who are directly involved with the allocations process. The intended audience includes local authorities with whom BeST enters into Nominations Agreements, and any other associated agencies or 3<sup>rd</sup> parties. The Policy document will be available to read on request by all housing applicants and/or their representatives.

### 4. KEY PRINCIPLES

4.1 This Policy applies to the following stock:

- Supported and Specialist Supported living
- New build and existing stock

4.2 This Policy applies to both new service users and existing service users who wish to apply for a transfer.

4.3 BeST provides supported living accommodation for adults who present with significant disability or vulnerability, which includes those who are both mentally and/or physically challenged.

4.4 BeST works in partnership with various local authorities, care providers, social services and NHS/Primary Care Trusts and families/self-payers who may nominate service users to our services. A service user may choose BeST accommodation by direct application to our support providers.

- 4.5 All applicants will undergo a thorough needs assessment to determine the suitability of the accommodation and the applicant's compatibility with the existing service users. The assessment will be organised by BeST, possibly in conjunction with a care provider, family, occupational therapist or other professional If applicable.
- 4.6 The tenancy may be granted solely/jointly on the understanding that the applicants have in place an appropriate support packages to enable them to maintain their tenancy. The support package must be agreed with the applicant and written into a plan/referral, which clearly defines the objectives of the support.
- 4.7 Service Users who do not accept the support provided or have their support withdrawn may risk accruing rent arrears with the subsequent loss of their tenancy.
- 4.8 BeST operates an equal opportunities policy for all existing tenants and applicants.

## 5. **SUPPORTED LIVING AND SPECIALISED SUPPORTED LIVING**

- 5.1 The letting of voids (vacancies) within supported living accommodation can be made via nominations - including self-payers - from a support provider, local authority, or NHS commissioner.
- 5.2 Selection criteria for schemes are set out within the management agreement that has been agreed between BeST and the relevant commissioning body, or support provider. The criteria may vary from scheme to scheme depending upon the individual needs of the service users the scheme was intended to accommodate.
- 5.3 Individuals who are nominated for supported living accommodation must meet the "de minimis" eligibility criteria, in other words they must require more than minimal support to justify the expense of supported and specialised supported living.
- 5.4 BeST supported housing schemes have referral procedures in place which must be followed before properties can be let.
- 5.5 As many of BeST's tenants are vulnerable, we have a duty to protect them. Therefore, in circumstances where an application is received from a person whose needs may be sensitive, for example, sex offenders or persons convicted of violent behaviour, any placement will require careful consideration by a multi-disciplinary team. Any offer of accommodation will then be subject to appropriate support

arrangements and risk assessments. A panel may be set up to discuss the referral to ensure the most appropriate offer of accommodation is made.

- 5.6 Any adaptations to the property which may be necessary to suit individuals' needs will be identified during the initial assessment process, prior to the tenant's taking up occupation. BeST is under no obligation to carry out any initial or future adaptations to its schemes, unless suitable agreement has been reached regarding who will bear the responsibility for the payment costs, future maintenance, and the practicalities.

## 6. ELIGIBILITY CRITERIA

- 6.1 Anyone who is a UK resident, who has significant disability or complex needs, who has recourse to public funds (example housing benefit or other passported benefits) and is aged 18 or over, is eligible to apply for housing with BeST. Those applicants who are self-funding are also eligible to apply and can be referred by social services, local authorities, and commissioners.
- 6.2 BeST works alongside its support providers, who may have developed their own assessment criteria as to applicant's suitability for housing. It is expected that the support providers assessment criteria will be compatible with BeST's own internal policy and procedure. Applicants may be referred to an assessment panel who will consider carefully all eligible criteria and suitability before an allocation/offer of accommodation is made.
- 6.3 Applicants who are aged between 16 and 18 years old, may be considered for housing with BeST subject to appropriate referral being made, and BeST's being provided with details of a guarantor (social services / commissioner). The guarantor will agree to sign the tenancy agreement and make regular four weekly payments of rent and make good the costs of any damages. This until the young person reaches their 18<sup>th</sup> birthday. On reaching their age of majority the young person will be expected to sign a new tenancy agreement in their own name and undertake all contractual obligations. All referral applications will need to be comprehensively filled out with lots of information around the young person's support needs and any inherent risks.

- 6.4 Existing BeST service users may register for a transfer to another property. They will be eligible only if they meet key specialist supported housing criteria, have a clear rent account and have conducted their tenancy in a satisfactory manner, although exceptions will be made in urgent cases. Service users leaving properties through a transfer arrangement, must leave their existing property in a re-lettable condition.
- 6.5 All referrals are subject to verification checks before registration. Deliberately providing false or misleading information may lead to eviction under Ground 7 of the Housing Acts of 1988 and 1996

## 7. **PROPERTY CONSIDERATION SIZE AND TYPE**

- 7.1 BeST needs to maximise the use of its supported housing stock, whilst adhering to the principals of good scheme management, whilst being mindful of issues such as the size and designation of the scheme. BeST needs to carefully consider the referrals/nominations being made for its properties in terms of space requirements to allow for individual needs (example: wheelchair access, siting of medical equipment).
- 7.2 An adult carer who is caring for a person who meets the eligibility criteria (i.e. is in receipt of specific disability benefits) will usually be entitled to overnight accommodation.
- 7.3 As BeST provides 24/7 CSS in most of its schemes, the need for external adult carers (and the expense) is not justified in the majority of cases. It is reasonable for BeST's support providers to argue that the additional bedroom requirement for overnight care provision, be utilised as a staff office. Most of BeST's schemes provide waking care, but BeST does have schemes where sleep-in arrangements are necessary.
- 7.4 Discretion can be exercised to override these criteria where there is an exceptional individual case.
- 7.5 **BeST support people who:**
- Have one or more learning disabilities
  - Have autism
  - Have a mental health illness

- Have Physical limitations
- Have complex needs (which may include addiction and substance misuse)
- Have behaviours that challenge - mild, moderate, or severe. We work with a variety of partners who assist in finding the right level of care and support as this does not have to be unnecessarily complicated.
- Are single or couples (where both have a disability)

#### 7.6 Referrals may be made by:

- The individual's social services management team or, if relevant, their local health authority
- By the individual (or an appropriate adult acting on their behalf) who wishes to use direct payment or individual budget, or who is self-financing.

7.7 Some of BeST's rents are individually or jointly funded by adult social services and the NHS. Where such an arrangement is in place it is important that BeST obtains written agreement specifying the terms of such an agreement.

7.8 A failure by professionals to disclose something significant in the referral which leads to significant harm to the person/property may result in legal action being taken by BeST.

7.9 We recommend that the referring body contact BeST to discuss arrangements, or to obtain general information from BeST regarding the service provision, including funding & costs.

## 8. ACCESS TO OUR SERVICES

8.1 Although we develop our services to be as easy as possible for applicants to access, we understand that some of our applicants will require extra assistance to apply for and then register an interest in supported accommodation. BeST will provide additional assistance on an individual basis by prior arrangement with the referee/applicant.

8.2 BeST's application process is digital to allow for speed and efficiency. However, BeST's housing team will provide support to those applicants to facilitate this, as well as well as appropriate assistance to those who do not have access to digital devices.

## 9. APPLICANTS FROM ABROAD

9.1 The term 'person subject to immigration control' is defined in s.13(2) of the Asylum and Immigration Act 1996 as a person who under the Immigration Act 1971 requires leave to enter or remain in the United Kingdom (whether or not such leave has been given).

9.2 It is BeST's policy to allocate supported accommodation to those categories of eligible citizens from overseas who: either do not require leave to enter or remain in the UK, please see the list provided below, or who have otherwise been granted indefinite leave to remain.

(i) British citizens

(ii) Certain Commonwealth citizens with a right of abode in the UK

(iii) Irish citizens, who are not subject to immigration control in the UK

because the Republic of Ireland forms part of the Common Travel Area (see paragraph 3.11 (iii) below) with the UK which allows free movement

(iv) EEA nationals, and their family members, who have a right to reside in the UK (subject to Brexit provisions –)

(v) Persons who are exempt from immigration control under the Immigration Acts, including diplomats and their family members based in the UK, and some military personnel.

9.3 Any person who does not fall within one of the four categories listed above, will be a person subject to immigration control and will be ineligible for an allocation of accommodation, unless they fall under Schedule 3 Rules (professional advice will be obtained).

9.4 If there is any uncertainty about an applicant's immigration status, BeST's Housing Officers will contact UKV1 (formerly the UK Border Agency) who will confirm the immigration status of an applicant from overseas.

## 10. **APPLICANTS WITH SUPPORT NEEDS**

10.1 BeST will support applications from applicants that have individual support needs and from those applicants who are working with external agencies to support their tenancies. BeST will carefully consider accommodating couples (where both meet the eligibility criteria, and from those applicants who may wish to live as a single household (assuming that the eligibility criteria is met).

10.2 Following assessment, if it is discovered that an applicant has support needs that do not meet the "de Minimis " criteria (i.e. it is established that they do not require more than minimal support) they will be ineligible for placement within any of our supported living schemes.

10.3 BeST will accordingly advise the referee/ applicant and their advocate (if they have one), as it is likely that the applicant's accommodation requirements would be best served within a general needs housing setting with external outreach services in place. Supported and specialist supported living placements are generally much more expensive than general needs housing (the latter especially so) and the increased costs of provision will not be met by housing benefit department in these circumstances nor can the cost of the provision of CSS. The same assessment criteria will apply to those applicants who are self-funding.

10.4 In some cases, BeST will ask applicants who are ineligible for housing for good reason, examples include those who exhibit serious anti-social behaviour problems, or applicants who present with evidence of previous failed tenancies, to work closely with appropriate support workers or relevant third party agencies before submitting further application for supported living. BeST will be clear about what actions we expect applicants to take before we will reconsider a further referral or application.

## 11. **Complaints and Appeal**

- 11.1 If an applicant is unhappy with how their referral/application for rehousing has been dealt with they will be provided with a copy of BeST's Complaints policy and procedure.
- 11.2 The complaints procedure is open to anyone who receives a service from BeST. Responses can only deal with issues relating to the housing application or referral, or decisions relating to this.

## 12. **RESPONSIBILITIES**

### 12.1 **Responsible Officers**

The Housing Team Managers, Housing Officers, and other team members (including its administration team are responsible for the implementation of the policy as named and directed within the Allocations Procedure Document.

### 12.2 **Training**

All Housing Team members will be given internal training through a variety of methods, and on occasion external training will be provided if it is established that a training need exists or, alternatively, changes to statutory legislation or best working practice dictate that further training must be provided. This will ensure that housing team members are up to date with relevant statute and guidance as relates to the referrals and allocations Policy and any other policies that relate.

### 12.3 **Recruitment**

All applicants for job vacancies within the Housing Team will be expected to have relevant qualifications and experience, or be willing to acquire necessary qualifications or skills, as may be deemed essential for the performance of the job role. It is a necessary requirement of all Job roles that applicants must apply for a Disclosure Barring Scheme Certificate appropriate to the performance of their role.

## 13. REPORTING AND MONITORING

- 13.1 It is the responsibility of all staff including Housing Management, Development and Maintenance teams to meet our targets for preparing empty stock for allocation, signing up new tenants and maintaining healthy referral/waiting lists.

## 14. DEFINITIONS

**BeST** – Bespoke Supportive Tenancies Ltd

**Service User** - Tenant or Licence Holder

**Adult** – an individual over the age of 18

**Child** - A minor under the age of 18

**Support Provider** – Nominated third party agency CQC accredited who provide CSS for and on BeST's behalf

**CQC** – Care Quality Commission

**CSS** – Care, Support and Supervision

**SLA** – Service Level Agreement

**CCG** – Clinical Commissioning Group

**Person Subject to Immigration Control** – a Person who requires leave to enter and remain in the United Kingdom whether or not such leave has been given

**EEA** – European Economic Area

**UKV1** – UK Visas and Immigration (formerly the UK Border Agency)

## 15. EQUALITY AND DIVERSITY

- 15.1 BeST is committed to mainstreaming equality and diversity throughout all its activities as well as meeting the general and specific duties imposed on it through the legislation. Please refer to BeST's Equality and Diversity Policy to read the Policy details in full.