Allocations and Lettings Policy

Department:	Housing
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Approved by:	Board of Management
Date of Approval:	
To be reviewed:	February 2024
Version:	1.0

Reviewed	February 2021
Next Review	February 2024

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COVERAGE

This policy applies to properties allocated to social rents, including supported housing, and excludes any housing for sale (Shared Ownership & leasehold)

LINKS TO OTHER POLICIES & PROCEDURES

Decant Policy
Mutual Exchange Policy
Voids Policy
Tenancy Policy
Starter Tenancy Policy
Tenancy Fraud Policy
Guarantor Policy
Probity Policy
Equality & Diversity Policy

CUSTOMER LEAFLETS

Resident's handbook
Lettable standard
How to Manage your Tenancy
Service Standards

FORMS & OTHER LINKS

Housing Applications Form
Support Referral form
Income & Expenditure Form

1. POLICY SCOPE

1.1 This policy applies to Trident Group's general needs and supported housing. It does not apply to Residential Care Homes, Leaseholders or garages.

1.2 It sets out how we will allocate our homes and the eligibility and affordability criteria that applies to all applicants, including those nominated by local authorities. It explains our priorities and provides assurance to our partners and customers that where we directly allocate homes to tenants and applicants, we will do so fairly and transparently.

2. POLICY STATEMENT

2.1 Trident Group has accommodation of 4500 units across 13 different Local Authorities each with different nominations arrangements, allocations policies and varying levels of demand for properties.

2.2 The type of tenancies offered to our customers are defined in our Tenancy Policy

2.3 As a charitable organisation, we are committed to meeting housing needs and supporting vulnerable people. We will use housing allocations to help create sustainable, more economically active, engaging and empowering communities.

2.4 We will work with our local authority partners to assist them in fulfilling their statutory duties and allocations policies. We will ensure that those who apply or who are nominated to us can afford the rent, so we will require all applicants to meet our affordability criteria as set out in this policy.

2.5 Trident Group will keep all customer data secure and adhere to the GDPR regulations. Our customers may be contacted in person, letter, telephone, email or text. We will liaise with support workers and other agencies to ensure that all our customers can access housing with us.

2.6 Our Allocations Policy will ensure that customers are treated as individuals and with fairness and respect. An Equality Assessment has been completed on this policy.

3. POLICY OBJECTIVES

3.1 The principal purpose of Trident Group is to provide housing for people in housing need and to create communities where people want to live. The Policy aims to:-

- Make the best use of Trident Group's available homes
- Help tenants and applicants to access homes that meet their needs
- Promote and sustain diverse & vibrant communities
- Ensure that our eligibility criteria and allocations practices are fair & transparent for everyone who has an interest in how we allocate our homes
- Contribute to our local authority partners' strategic housing strategy

4. LEGAL & REGULATORY FRAMEWORK

4.1 The Homelessness Reduction Bill received Royal Assent and therefore became an Act of Parliament on the 27th April 2017. The Act will place new legal duties on English councils so that everyone who is homeless or at risk of homelessness will have access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance. The Act will amend part VII of the Housing Act 1996.

4.2 Housing Act 1996 (as amended) - Part 6 of the Act governs the allocation of local authority housing in England; it was substantially amended by the Homelessness Act 2002 and the Localism Act 2011. Local authorities must have an allocation scheme for determining priorities between applicants for housing which sets out the procedure to be followed when allocating housing accommodation. They must ensure that they only allocate to "eligible persons" and "qualifying persons as defined in the 1996 Act. This also applies to nominations by local authorities for any allocations to properties owned by housing associations where the local authority has nomination rights.

4.3 Immigration Act 2014 – requires landlords to establish that the applicant and all adults in the household have the right to rent property in the UK. Trident Group will comply with the governments Code of Practice (www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice) which requires landlords to conduct initial right to rent checks before letting a property; conduct follow-up checks at the appropriate date if initial checks indicate that an occupier has a time-limited right to rent, and make a report to the Home Office if follow-up checks indicate that an occupier no longer has the right to rent.

4.4 The Localism Act 2011 gave more freedom to Local Authorities and Social Landlords to establish local rules for re-housing homeless applicants and relaxed the right to a lifetime tenancy.

4.5 The Tenancy Standard within HCA Regulatory Framework states that Registered Providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of customers and potential customers. They shall demonstrate how their lettings:

- Make best use of available housing
- Are compatible with the purpose of housing and
- Contribute to local authorities' strategic housing function and sustainable communities

4.6 Right to Rent was introduced on 1st February 2016; the new rules mean that landlords need to carry out quick and simple checks on all new adult tenants to make sure they have the right to rent property in the country.

4.7 Right to Rent, which also applies to people who are subletting their property or taking in lodgers, was introduced in the Immigration Act 2014. Landlords who fail to carry out checks risk a potential penalty of up to £3,000 per tenant. The scheme has been in operation in the West Midlands since December 2014, and extending it across England is the next phase of a UK-wide roll-out.

5. ELIGIBITY

5.1 Anyone over the age of 16 can apply for accommodation with Trident Group. The eligibility criteria for joining the waiting list is as follows:-

- ✓ The main applicant must not be subject to immigration control or be a person from abroad, unless they are an 'eligible person as defined in Section 160A of the Housing Act 1996
- ✓ The main applicant and their household must be habitually resident in the UK or the Common Travel (UK, Republic of Ireland, Channels Islands and Isle of Man)
- ✓ If the applicant is 16 or 17 they will not be offered a tenancy unless they have a guarantor.
- ✓ Not already hold a tenancy elsewhere, unless they are giving up that tenancy as part of being rehoused
- ✓ Not own or have a legal interest in a residential property in the UK, unless it is a home which is not suitable, in which case will satisfy ourselves that the applicant is actively selling the property.

5.2 Owner-occupiers maybe eligible for housing if the following circumstances apply:

- ✓ They are homeless or likely to become homeless within 3 months of their request due to the repossession or the sale completion on their current home
- ✓ A joint owner who has left the property, or is leaving the property in order to escape domestic violence, and the violent partner is the other joint owner
- ✓ Older person's services will re-house owner-occupiers who are in need of support and currently residing in unsuitable accommodation which no longer meets their needs but levels of savings are taken into account.

6. ACCESS TO HOUISNG

6.1 Trident Group's accommodation can be accessed in one of the following ways:-

- Direct waiting list
- Transfers
- Nominations from Local Authorities & Choice Based Lettings (CBL)
- Referrals & Move on from our Supported Housing

6.2 ***Direct Waiting List -*** Trident Group operates a waiting list, which applicants can apply to go on and works alongside Local Authority nomination agreements. We will undertake pre-tenancy assessments, including their ability to afford the property and identifying any support needs.

6.4 ***Transfers -*** Existing customers of Trident Group are entitled to apply for a transfer to another property within Trident's stock as long as they do not have a probationary tenancy and have not breached their tenancy agreement. The same housing needs factor will be applied and all transfers must be approved prior to accepting onto the

waiting list by the Housing Services Manager. All transfers must register on HOMESWAPPER for a Mutual Exchange. A tenant who has a starter tenancy will be eligible for a transfer at the end of the probationary period. Only one offer of accommodation will be made for a transfer.

6.5 Nominations/CBL

6.6 Section 167 of the Housing Act 1996 (the Act) requires local authorities to have a scheme in place for determining the priority and procedure for allocating housing. Section 170 of the Act 1996 requires registered providers to co-operate to such an extent as is reasonable in the circumstances in offering accommodation to people with priority on the local authority's housing register. The social housing regulator requires housing associations to make available at least 50% of their properties of publicly funded stock to nominees of the local authority.

6.7 The percentage of properties made available to any Local Authority in which Trident Group operates will be defined in the nomination agreement for each area.

6.8 Nominations will not normally be refused unless the applicant (this list is not exhaustive):

- Does not meet the Groups eligibility criteria – such as unsatisfactory references, cannot afford the property or would be over or under occupying the property
- Is a former customer of the Group with a record of serious breaches of tenancy/license
- The applicant requires support, that is attached to the property but declines it

6.9 All properties where the Local Authority operates a CBL Scheme will be advertised through individual portals and will be administered through local arrangements.

6.10. Referrals & Move on

6.11 Trident Group will accept referrals from Trident Reach and other Organisations working with special needs

6.12 The same eligibility criteria for direct waiting list applicants will apply, however Trident Group accepts referrals from organisations working with special needs groups, as well as on an intra-group basis from our health, social care and supported housing services. Referrals will be accepted on behalf of the applicants through the direct waiting list and due regard will be given to the priority of such applicants.

6.13 The same eligibility rules for direct waiting list applicants will apply, including a comprehensive risk assessment and affordability assessment to ensure that the offer of accommodation is right first time. This is especially important for referrals and move on as we have a commitment within the Group to ensure our customers make a move to appropriate independent housing when they are ready to do so. It is important to us that any risk assessment is used in a positive way to ensure that we support our customers to move to independent living and not as a barrier

6.14 Where it is established that the tenancy would be unsustainable without support and the applicant declines support, or appropriate support cannot be provided, an applicant may be declined accommodation for this areas.

6.15 Direct Lets

6.16 In exceptional or emergency circumstances a resident may be given priority to move through a direct let, even if the resident is not currently registered on the waiting list. An exceptional circumstance means an immediate threat to life or serious harm from a third party, within the local area or vicinity. Any move will need senior management approval, either the Head of Homes & Communities or the Head of Support. Where Trident Group are unable to assist with an urgent move tenants will be supported to access alternative Housing through other agencies, Local Authorities or Social Housing providers

6.17. Decants

6.18 Temporary re-housing may occur when a property is in need of substantial repair or improvement work that cannot be reasonably completed while the resident is in occupation. In these cases the tenant remains the tenant of the original property, paying rent at that property. On return to the property the Resident will retain their original Tenancy with no less security of Tenure. Residents must always return to their original property. The Decant Policy & Procedure will be adopted for such cases.

6.19. **Mutual Exchanges**

6.20 We will grant exchanges where the exchange criteria are met and in line with the regulatory guidance (See Mutual Exchange Policy). We are members of Homeswapper and will support residents in accessing this digital platform to input their details and access exchanges country-wide.

6.21 New Development

6.22 New developments will generally be pre-allocated in accordance with any agreements made with the relevant local authority. Where no agreement is made our standard allocation policy will apply.

7. Assessment of Applications

7.1 We use a banding system to identify those in the greatest housing need and to reflect the aims and objectives of our policy. We will decide which Band the application will be placed in depending on the information provided in the application form. The following table provides details on the bands:-

Band A	Those with Critical or Urgent housing needs
A1	Critical medical/welfare award, including emergency situation
A2	Statutory accepted homeless applicants in severe need
A3	Overcrowding or under-occupation – Where a customer is living in a property which has **two** or more bedrooms less than required for the family composition (i.e. resulting in overcrowding) or **two** or more bedrooms more than required for the family composition (i.e. resulting in under-occupation).
A4	Applicants with multiple needs – if someone has 2 or more needs in Band
A5	Nominations from LA
A6	Move on from specified agencies such as social services, other support providers
A7	Urgent medical need – where the customers housing is having a major adverse effect on the medical condition or disability of the customer of their household.
A8	Victims of harassment hate crime or domestic abuse and are at risk of death or serious harm. An investigation into their circumstances will be undertaken and support options to resolve the situation will be considered. Supporting information will be required.
A9	A Trident Group Customer living in a decommissioned supported accommodation and need to move to alternative supported accommodation
A10	Living in temporary supported accommodation with Trident Group and you are ready to 'move on'
A11	You are leaving Armed Forces accommodation and lived in the area before you occupied an Armed Forces property – The applicant must be able to provide a copy of the certificate of cessation of entitlement to occupy.
Band B	Those who need to move soon to address housing needs
B1	Medical need - Where the customer's housing is having an effect on the medical condition or disability of the customer or a member of their household and a move to different accommodation would improve their quality of life
B2	Overcrowding or under-occupation – Where a customer is living in a property which has **one** bedroom less than required for the family composition (i.e. resulting in overcrowding) or **one** bedroom more than required for the family composition (i.e. resulting in under-occupation)
B3	Social need – Where it has been confirmed that a customer has found employment in an area and needs to move closer to work, or will otherwise lose employment
Band C	Those who need to move to more appropriate accommodation
C1	Living in a flat above ground floor level, where a member of the household is pregnant or there is a child aged less than 10 years old.
C2	Living in a House of Multiple Occupation, Bed & Breakfast or hostel accommodation and are sharing/lacking facilities.
C3	Homeless but with no priority need under the homelessness legislation
C4	Social need – Where it has been confirmed that a customer needs to move to an area to give or receive support and a proven level of support is required or can be given and failure to meet that need would cause hardship (to themselves or to others)

We aim to allocate 50% of properties to applicants from Band A, 30% from Band B an 20% from Band C.

8. Refusals & Exclusions

8.1 If any of the following apply to an applicant or a member of their household, Trident Group may refuse & exclude the nomination or application;

- They have had a conviction or a caution in the past 2 years for an offence which makes them unsuitable to be a tenant. For example, benefit fraud, assault, selling drugs, carrying offensive weapons, keeping dangerous dogs, causing damage to property, burglary, soliciting, keeping stolen goods etc. All unspent convictions must be declared on the housing application form (as defined by the Rehabilitation of Offenders Act 1974).

- they have been evicted or had a possession order (suspended or outright) or an injunction made against them in the past 5 years, for serious anti-social behaviour including harassment, intimidation or domestic abuse and/or criminal or immoral behaviour while a tenant with their previous landlord.

- the applicants, a member of their household or guests or visitors to their home have perpetrated antisocial behaviour, harassment, domestic violence, or other unacceptable behaviour including a history of causing serious nuisance or annoyance to neighbours and had tenancy enforcement action taken against them in the past 3 years

- There are current or former arrears of rent or service charges, or other housing debt owed to Trident Group or any other landlord of more than £200.00. Exceptions to this are where we have given approval to move to a smaller property because a reduction in welfare benefits has made the current home unaffordable. Exceptions will also be considered for LA referrals where Trident have a Borough Wide Nominations Agreement. Current tenants must have had a clear rent account for at least 3 months at the time of application and are expected to clear any debt accrued since registering their application prior to any offer of rehousing.

- There is evidence of violence or threats of violence, harassment or intimidation towards a staff member or contractor of Trident Group or any other social landlord in the past 5 years.

- Nominations may be rejected if the local authority does not provide sufficient information required to fully assess an applicant for a particular property, or failed to supply the nominations in time in line with the nominations agreement. Nomination can be refused if the above criteria applies and no sufficient support plans are in place or if the letting will have a negative impact on the sustainability of the Scheme of community.

- Asylum Seekers - Section 160A of the Housing Act 1996, and S.146 of the Localism Act 2011 specifies that people subject to immigration controls, within the meaning of the Asylum and Immigration Act 1996, do not qualify for local authority housing unless regulations state to the contrary. They cannot be offered a sole or part of a joint tenancy.
- **Non EEA nationals -** Applicants who are non EEA nationals* can only be accepted if they have leave to remain in the UK.

  *EEA national are citizens of the following European Union states:-

  Austria Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom

  The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU's single market.

  Switzerland neither an EU nor EEA member but is part of the single market - this means Swiss nationals have the same rights to live and work in the UK as other EEA nationals.

9. Suspending & Cancelling Applications

- Trident Group reserves the right to suspend or cancel an applicant from it's register where any of the grounds for refusal as stated in this policy apply after the application has been registered or where as part of our periodic reviews of the register we do not receive confirmation that the applicants circumstances have not changed or any evidence we require of a continuing housing need.

- Applications can be suspended up to 12 months and after a review will be re-instated or cancelled. Applicants will be informed of the decision in writing.

- Applicants will be made one reasonable offer of accommodation. If an applicant refuses the offer of housing without a valid reason we will cancel the application.

10. Affordability

10.1 In seeking to achieve our stated aim of creating sustainable communities, Trident Group will carry out affordability checks prior to any formal offer of accommodation.

10.2 We will undertake an assessment of a prospective tenant's status including their ability to afford the property. If the assessment shows that the applicant is not in a position to afford and sustain the tenancy they may be advised about more affordable options suitable to their needs. Alternatively, if a prospective tenant has sufficient equity and/or income to purchase their home they will be advised of options available such as shared ownership.

10.3 Applicants must usually have no housing related debt, which could include rent or mortgage arrears, both current and former. If an applicant presents with debt, then a

risk assessment will be undertaken, taking into considerations reasons for debt and risk of not being able to pay the rent.

11. Rent in Advance

11.1 All applicants will be expected to pay rent in advance from the start of their tenancy. Rent is due weekly on a Monday; however payment agreements can be made to pay fortnightly or monthly as long as they are paid in advance.

12 Tenancy Fraud

12.1 Social housing fraud is a criminal offence, and anyone found to have deliberately lied, provided false information, or withheld information as part of an application will not be accepted as an eligible applicant by us. A tenancy obtained by deception will be repossessed. If we discover this type of irregularity at the offer stage, we will withdraw the offer. The Tenancy Fraud Policy will provide details on Trident's approach to prevent tenancy fraud.

13. Pre tenancy

13.1 All applicants will attend an interview to go through their application to check through current housing circumstances and to undertake an income & expenditure check. Applicants will either be invited to attend a pre tenancy interview/ workshop

14. References

14.1 Trident Group values tenants who pay their rent on time, look after their home and are not a nuisance to their neighbours. Where possible we will take up references from previous landlords for nominees and direct applicants. Where the applicant has not held a tenancy before we may look to obtain a character reference from an employer, college or other responsible body. If we are unable to gain a suitable reference we may request to visit the applicant or nominee where they are currently living.

15. Size & Category of Accommodation Offered

15.1 Trident Group will optimise the best use of its stock and offer homes of a suitable size to meet housing need and the needs of individual applicants.

15.2 We will consider allowing a property to be under-occupied where the individual circumstances of the applicant requires it, and the applicant is aware of the need and is prepared to pay the additional rent not covered by the housing costs element of Universal Credit (or equivalent benefit), where relevant.

15.3 Property eligibility is dependent on household's size. The definition of property type eligibility based on household size is as follows:-

- A child under the age of 16 would be expected to share with one other child of the same gender;

- A child under 10 years would be expected to share with one other child under 10, regardless of gender;

- A disabled tenant or partner who needs non-resident overnight carer will be allowed one extra bedroom.

- A bedroom for a non-resident carer will be allowed in the calculation of necessary bedrooms where that carer provides necessary overnight care for the claimant or their partner.

15.4 The bedroom tax does not apply to households where both tenant and partner has reached pension credit age.

15.5 Properties will be offered to applicants as follows:-

- Bedsits are offered to a single person
- One bed flat is offered to a single person or a sharing couple
- Two bedroom flats may be offered either to parent(s) with one or more children or two people sharing the accommodation who would not normally be expected to share a bedroom or households with adult children.
- Houses may be offered to households with dependent children that are living with them. The number of bedrooms and bed spaces will depend on the household composition. Houses will not normally be offered to households where there are no children under 16.
- Bungalows are usually offered to applicants aged over 55 or who require level access accommodation for health or mobility reasons.
- Ground floor flats that have a level access will be offered in the first instance to customers who require this for health/care/support reasons now or are likely to in the near future. This will ensure residents can live independently for as long as possible.

16. Local Lettings Plan

16.1 We may from time to time wish to introduce a Local Lettings Plan or be part of a wider Community or Neighbourhood Plan for an area, a locality, a specific scheme or a new scheme. The purpose of the Plan will be to ensure sustainable lettings in a clear and transparent way. The Plan will require the approval of the Local Authority and Head of Service or Executive Lead.

16.2 The Lettings Plan will include the following:

- ✓ Why the plan is needed
- ✓ The aim of the plan
- ✓ Who has been consulted about the plan
- ✓ The make-up of the scheme and locality
- ✓ Transport links, shops & facilities, health services and alternative housing options
- ✓ The profile of the Locality
- ✓ Review Date

16.3 Scheme specific lettings' criteria will also be included to ensure that the aim of the plan(s) is achieved. This may mean that our priorities for rehousing may differ from this

policy and we reserve the right to do this in these circumstances. Outcomes of the plan(s) will be measured periodically by the Head of Service to see if it has achieved its ambitions and to review its role going forwards.

17. Owner Occupiers

17.1 Owner-occupiers maybe eligible for housing if the following circumstances apply:

- They are homeless or likely to become homeless within 3 months of their request due to the repossession or the sale completion on their current home
- A joint owner who has left the property, or is leaving the property in order to escape domestic violence, and the violent partner is the other joint owner
- Older person's services will re-house owner-occupiers who are in need of support and currently residing in unsuitable accommodation which no longer meets their needs but levels of savings are taken into account.

18. Windrush generation

18.1 The Home Office advises that migrants from Commonwealth Caribbean countries who settled in the UK before 1973 (often referred to as the 'Windrush generation'), have lived here permanently since and have not been away for long periods in the last 30 years, have the right to rent. The Home Office guidance recognises that there may be Commonwealth citizens who do not have documents to demonstrate their status. The guidance states that:

- where a prospective tenant has resided in the UK permanently since before 1973 and has not been away for long periods of time, s/he has the right to rent a property
- where a prospective tenant arrived in the UK after 1 January 1973 but before 1988, s/he may not have an automatic right to rent, however if the tenant provides information indicating that they were resident in the UK before 1988, the landlord should not refuse permission to rent and should contact the Landlord Checking Service for further verification.

18.2 It is a criminal offence for a landlord to let a property to an illegal migrant. The government has produced a booklet on the Right to Rent and the checklist included must be referred to when assessing applicants.

19. Re-housing of colleagues, Board Members and Their Relatives

19.1 Any application made by employees of any organisation within Trident Group and their close relatives, contractors, board members and their close relatives are permissible so long as the decision is made fairly and in strict accordance with this policy. To ensure fairness, any offers of accommodation will require internal sign off in accordance with the Probity Policy.

20 False Information

20.1 If an applicant is found to have deliberately provided false information that is relevant to a housing application, or has deliberately withheld information, which has resulted in improved chances of being offered a home the applicant may be refused an offer of accommodation.

20.2 If the applicant is unable to provide us with sufficient information to satisfy us of their identity or right to rent, we may refuse to offer accommodation.

21. Appeals

21.1 Trident Group will ensure that housing applicants have the right to appeal against decisions at every stage of the process. Appeals will be dealt with through the Complaints Policy. This includes the right to take their case to the Independent Housing Ombudsman if they are dissatisfied with the outcome of a formal complaint.

22. Compliance

22.1 To ensure compliance with this policy we will undertake an internal audit of the allocations twice a year and we will monitor and analyse:

22.2 This policy complies with the regulatory requirements of the social housing regulators Tenancy Standard by setting out how we will:

- ✓ Let our available homes in a fair, transparent and efficient way.
- ✓ Take into account the housing needs and aspirations of tenants and potential tenants.
- ✓ make the best use of available housing for those in housing need
- ✓ ensure our lettings are compatible with the purpose of the housing by for example ensuring disabled people are prioritised for adapted properties
- ✓ Contribute to local authority's strategic housing function and assist in fulfilling their homelessness duties and our obligations in nominations agreements.
- ✓ Try to create sustainable communities, including local lettings plans, and address under-occupation and over-crowding through our allocation system.
- ✓ make allocation decisions and criteria for excluding applicants from consideration for allocations
- ✓ consider appeals from customers against our decisions relating to their application

22.3 We will review our housing register regularly and ask applicants and tenants to give us feedback on a regular basis, and use this to inform any future policy reviews.

22.4 We will participate in the Continuous Recording of Lettings (CORE) scheme for housing allocations which captures information on the characteristics of the household and property each time a social or affordable property is let.

23. SERVICE STANDARDS

23.1 In addition to this policy, there is a service standard on allocations available to customers

24. The Review of the Register

24.1 A review of the Housing Register will take place twice a year. All applicants subject to review are asked, in writing, to confirm that their circumstances have not changed and that they still wish to remain on the Housing Register.

24.2 Applicants that fail to respond within 28 days will result in their application being removed from the Housing Register.

25. Access to Personal Information & Data Protection

25.1 All personal information from applicants will not be shared with outside Organisations without the consent of the customer, unless protocols are in place such as with the Police and social Services. All information will be handled in accordance to GDP legislation.

26. Review of Policy

26.1 This policy will be reviewed on a three yearly basis or earlier in response to changes in statutory or regulatory requirements, or in response to service demands or Local Authority Tenancy Strategies.