

# **Policy**

## **Leasehold Schemes for the Elderly (LSE)**

### **Sales and Allocations**

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Important notice:  
Printed paper copies of this procedure are **uncontrolled**.  
The current version of this procedure is available on the Group Intranet site

Version	Date Amended	Comments	Date Approved	Author	Approved by
1	August 05	First issue	Sept 2005	GWH	Board
2	Dec 05	Change to appeal procedure	Dec 05	HJH	Board

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# 1. Background

Western Challenge Housing Association, (WCHA), manages six LSE developments; Elizabeth Court, Hamble Court, Cranleigh Court, Bure Court, Fountain Court and Orchard Court.

All these developments have residency criteria set out in their respective leases. Typically, there is an age criteria to target the elderly client group and a requirement to have a need for sheltered housing. All WCHA LSE schemes are targeted at the independent elderly with no active care deployed. Thus, in these schemes, 'need' is interpreted as the desire to live amongst a peer group and to have access to an emergency call system.

## 2. Scheme Policies

### 2.1 Hamble Court

WCHA does not have nomination rights at Hamble Court and so vendors will be advised to instruct estate agents direct. An information sheet will be sent to advise of the criteria for residency.

In the case of more than one potential purchaser, the first potential purchaser who meets the criteria of the lease, will be considered for the property.

### 2.2 Elizabeth Court.

WCHA is obliged to nominate as the leases are always surrendered.

WCHA will hold a register of local applicants and will undertake basic marketing to harvest purchasers for the flats. Where this is not fruitful, WCHA will instruct estate agents.

NOTE: The lease allows the Association to take 2.5% of the sales proceeds to pay for sales administration and any estate agents costs that the Association incurs.

The allocation will be based on:

- Where there are existing potential applicants on the register and more than one expresses a desire to buy, a 'points' system will be used to determine priority thus:

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<b>Circumstance</b>	<b>Point</b>
Homeless now or within the next 5 months	5
Need to escape from abuse, harassment etc	4
To move to be nearer to family	4
Present home unsuitable for medical or health needs	3
Present home in need of major repairs	2
Because you need an extra bedroom for permanent members for your household	1

- Where there are equal points, financial need will be considered, (to account for the discounted purchase price of this subsidised development).
- Where there is still no clear priority applicant, length of time of the register will be the determining factor.
- Where there are no existing suitable purchasers on the register, the first potential purchasers found that meets the criteria of the lease will be allocated the property.

NOTE: Elizabeth Court is a 'traditional' LSE scheme whereby there is a financial subsidy in the development allowing purchaser to pay only 70% of the market value.

### **2.3 Bure Court and Cranleigh Court**

WCHA has the right to nominate but will not hold a register. The Association will advise vendors to instruct an estate agent direct. An information sheet will be sent to advise of the criteria for residency.

NOTE: If the Association does nominate, it is entitled to 1.5% of the sales price.

### **2.4 Fountain Court and Orchard Court**

The local Sheltered Housing Officers will hold local registers. When properties become available the SHO's will contact potential purchasers and invite them to view.

Where there are no existing suitable purchasers on the register, vendors or their representatives will be advised to instruct an estate agent direct and an information sheet will be provided outlining the residency criteria.

The allocation will be based on:

- Where there are existing potential applicants on the register and more than one expresses a desire to buy, a 'points' system will be used to determine priority thus:

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Circumstance	Point
Homeless now or within the next 5 months	5
Need to escape from abuse, harassment etc	4
To move to be nearer to family	4
Present home unsuitable for medical or health needs	3
Present home in need of major repairs	2
Because you need an extra bedroom for permanent members for your household	1

- Where there is still no clear priority applicant, length of time on the register will be the determining factor.
- Where there are no existing suitable purchasers on the register, the first potential purchaser(s) found that meets the criteria of the lease will be allocated the property.

### 3. Joint Purchasers

Some developments have a lease that specifies **all** lessees must meet the age criteria. However, advice is that current human rights legislation makes this not enforceable in the case of married couples or co-habiting partners. Therefore, we will require only one joint purchaser to meet the age criteria in the case of married or co-habiting couples.

### 4. Non Lessee Residents

In some circumstances, WCHA may allow a non qualifying resident who is not the spouse or cohabiting partner of a qualifying resident to live with a qualifying lessee to provide support in order to maintain the lessees independence. Each case will be reviewed on merit and there will be no legal right to maintain occupancy following the departure of the qualifying resident.

### 5. Assessment of Applications

We will aim to assess application forms within **5 working days** of receipt and will aim to send a response within seven working days of receipt in accordance with our Customer Services Charter (WL1010).

### 6. Appeals

An applicant may request a review of a decision at any stage of the process if they are not satisfied with a decision or action taken.

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**NB: This is a separate process to the Complaints Procedure. The Complaints Procedure should be pursued if the customer is dissatisfied with the way that the Association has handled an issue or dealt with the customer. The Appeals Process should be followed if the customer requests a review of a decision that has been made by the Association.**

## 6.1 Stage 1

An appeal from the tenant must be:

- In writing/recorded in writing
- Made within **10 working days** of the decision being made
- Addressed to the Sales and Marketing Manager/Alternative Tenures Manager
- Outline the reason of dissatisfaction
  
- The tenant should expect a response from the Sales and Marketing Manager/Alternative Tenures Manager:
  - Within **5 working days** (of receipt) to acknowledge their letter
  - Within **10 working days** (of acknowledgement) as a final response to their letter (this response includes a Stage 2 appeal form).

NB: 1 month after the response date, the case may be closed if the tenant has not registered any dissatisfaction with the outcome.

## 6.2 Stage 2

Should the case be taken further, the tenant should:

- Complete an Appeal Form
- Address it to the Director of Development
- Return it within **10 working days** of receipt of the Stage 1 response.

The tenant should expect a response from the Director of Development within **10 working days** of receipt of their Appeal Form

## 6.3 Stage 3

Should the tenant continue to be dissatisfied, as a 3<sup>rd</sup> and final stage, they may request that the Appeals panel considers their appeal. This must be:

- Within **10 working days** of receipt of the Stage 2 response
- In writing/recorded in writing to the Director of Development

The Appeal Panel consists of 2 members of the Association's Committee of Management, 1 of which must be a Tenant representative. The hearing must be

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arranged for a time no more than **1 month** from this notification and will go ahead even if the tenant is unable to attend / be represented.

A written report must be issued by the Director of Development/Area Housing Manager/Senior Housing Officer and circulated along with a copy of the written appeal from the applicant. This should be given to all members of the Appeals Panel and the tenant a minimum of **5 calendar days** before the date of the hearing.

The tenant can chose to take one of the following options in order to support their appeal:

- Not attend however send/record a written statement
- Attend and in addition to sending in/recording a written statement
- Attend and represent themselves verbally
- Attend and be accompanied by a professional or “lay” representative / advocate
- Not attend however be represented by professional or “lay” representative / advocate

The tenant must give the Association at least **7 calendar days** notice in writing of their intention and also if they are choosing to attend, they must inform the Association of any special requirements to be catered for (disabilities, hearing impairment, non English speakers).

#### **PLEASE REFER TO COMPLAINTS PROCEDURE – GUIDANCE FOR ARRANGING AND CONDUCTING AN APPEAL PANEL**

The Appeal Panel will advise the tenant that the formal response will be sent to them within **14 calendar days**.

The formal response will advise the tenant of any findings made by the Panel, their decision and the reason for their decision.

### **6.4 The Housing Ombudsman Service**

Should the tenant complete all 3 stages and still be dissatisfied, they have a right to complain to the Housing Ombudsman.

Housing Ombudsman Service  
Norman House,  
105-109 Strand  
London WC2R 0AA

Tel: 0845 7125 973

The Ombudsman has the power to reject the appeal or order a solution but this can take many months to resolve. In these circumstances, the Association will

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decide on the appropriate course of action on a case-by-case basis depending on the circumstances.

## 7. Data Protection

The exchange and processing of personal information will be treated with appropriate levels of confidence and will be fair and lawful. In particular the Association will ensure that the relevant processing is notified to the Information Commissioner and is conducted (where relevant) with the necessary consent of the individual concerned. The Association will ensure that personal information is accurate; not kept for longer than is necessary; secure; and adequate, relevant and not excessive. All information will be processed in accordance with the rights of the individual.

The Association has produced a leaflet entitled “About the information we hold about you.” This document is included in the application pack and should be read prior to signing the completed application form. By signing the application form the applicant(s) are authorising the Association to process their personal information in accordance with our Confidentiality, privacy and data protection policy (GCE122PO).

## 8. Equality and Diversity

Western Challenge’s intention is to develop a culture that embraces all customers and potential customers, integrating their needs and aspirations into everyday business. We recognise that there are many barriers to true equality of opportunity, ranging from overt prejudice in favour of, or against, particular groups or individuals to unwitting ignorance of different lifestyles and needs. On whatever level it exists discrimination is neither acceptable nor tolerable. To this end, WCHA has developed an Equality, Diversity and Inclusion policy (GCE112PO).

In operating this policy the Association will not discriminate on the grounds of gender, race, colour, ethnic or national origin, religion, sexual orientation, marital status, age, disability, social position, politics, trade union membership or social disadvantage, or any other personal circumstances.

In addition, the Association has a separate policy on Harassment, including racial harassment which demonstrates how we intend to fulfil our duties under Section 71 of the Race Relations Act 1976. The general duty under this Act is to:

- Have due regard to eliminate unlawful discrimination and harassment
- Promote equality of opportunity
- Promote good relations between people of different racial groups
- Encourage people to report racially motivated incident

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- Support complainants and their families
- Take action against perpetrators

Our aim throughout all our policies and procedures is to make the promotion of racial equality central to the way our services are designed and delivered.

## 9. Related Documents

1. Customer Service Charter – WL1010
2. Complaint management procedure - WCE84PR
3. Equality, diversity and inclusion policy - GCE115PO
4. Equality and diversity leaflet – WL1022
5. Confidentiality, privacy and data protection policy - GCE122PO
6. About the data we hold about you leaflet – WL1017

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