

# ALLOCATIONS POLICY

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**LANARKSHIRE**  
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## **ALLOCATIONS POLICY**

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(\*Note Lanarkshire Housing Association hereinafter referred to as LHA)

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## **1.0 GENERAL**

### **1.1 Our Aim and Objectives**

Our overall aim is to address housing need in the areas we operate. This policy sets out how we do this and the way that we decide on housing priority. In doing this, we take account of local Lanarkshire pressures, whilst also complying with relevant legislation and guidance. Our policy also enables us to fulfil our duty to publish the methods of allocation that we use.

Our specific policy objectives include working with Local Authorities and other partners, through a Common Housing Register (CHR) system, to allocate housing in a way that:

- Gives preference to applicants in greatest housing need
- Positively contributes to the prevention and resolution of homelessness
- Simplifies access to housing and maximises housing choice
- Addresses changing housing and support needs
- Strives to create balanced and sustainable communities
- Is transparent and accountable

Our Allocations Policy also contributes to the achievement of several key strategic housing outcomes of the North Lanarkshire Council Local Housing Strategy 2021-2026. Specifically:-

- Strategic Housing Outcome 2: Our communities are vibrant, attractive, and sustainable
- Strategic Housing Outcome 3: We prevent and resolve homelessness effectively
- Strategic Housing Outcome 4: We have a range of housing options and supports which promote independence, health, and wellbeing
- Strategic Housing Outcome 7: We contribute to improving the quality and accessibility of the private rented sector

### **1.2 Legislation and Best Practice**

This Allocations Policy operates within the legal and best practice framework affecting Housing Associations in Scotland, including:

- The Housing (Scotland) Acts of 1987, 2001, 2006, 2010 and 2014
- The Homelessness etc. (Scotland) Act 2003
- The Matrimonial Homes (Family Protection) (Scotland) Act 1981
- The Human Rights Act 1998
- The Civil Partnership Act 2005
- The Immigration and Asylum Act 1999
- The Equality Act 2010
- The Scottish Government's revised Social Housing Charter 2017
- Social Housing Allocations in Scotland: The Scottish Government Practice Guide, February 2019

### **1.3 Equality and Human Rights**

These concepts have been embedded into our policy, to ensure compliance with relevant equality and human rights duties. We promote equal opportunities in the allocation of our properties, avoid discrimination on any grounds (including the Protected Characteristics) and assist in the protection of people's rights to adequate housing.

We will provide all information in relation to this policy in accessible formats, with translation and interpreting services available on request.

### **1.4 Holding Information on Applicants**

When an applicant signs a Common Housing Register (CHR) form, they agree to their information being held and used for the purpose of administering their housing application and tenancy. As part of this process, we will always comply with data protection legislation and are fully committed to the secure and safe management of data held by us.

## **2.0 APPLYING FOR HOUSING**

### **2.1 Accessing a House**

We accept sole or joint applications (with a partner or other person who will live in the home) and there are several ways for people, over the age of 16, to access our housing as follows:

- New Direct Applications
- Transfer Applications (existing LHA tenants)
- Section 5 Referrals (statutory homeless) from a Local Authority
- Nomination Arrangements from a Local Authority
- Mutual Exchanges (a swap with any social rented tenant)

### **2.2 The Common Housing Register (CHR)**

A CHR system is operated within both North and South Lanarkshire Councils, making it easier for applicants (both new and transfer applicants) to apply for housing. A single application form is available for each Local Authority area, allowing applicants to apply for our housing along with that of the Council and other RSLs.

In North Lanarkshire, applications are entered onto the CHR and where applicants have indicated that they wish to be considered for our properties, they are assessed in accordance with our points system. In South Lanarkshire, LHA is not a HomeFinder partner. We have a small number of properties in this area and seek nominations from South Lanarkshire Council when a property becomes available.

### **2.3 Transfer Applicants**

Applicants who are currently LHA tenants are defined as Transfer Applicants within this policy.

We recognise that existing tenants may wish or need to move to a more suitable property, and we will evaluate their housing need and aspirations in the same way that we assess applications from applicants who are not our tenants.

### **2.4 Nomination Arrangements**

Nomination arrangements are in place with Local Authorities that allow an agreed percentage of our allocations to be nominated from their lists. The arrangement in place with North Lanarkshire Council offers 50% of available lets to their waiting list. Due to our low level of housing stock in South Lanarkshire, we would generally seek nominations from South Lanarkshire Council for all lets.

We endeavour to ensure that these agreements have clear aims based on robust analysis of need & demand, with stipulated guidelines for accepting or rejecting nominees and resolving disputes.

Our Allocations Policy reflects arrangements for Section 5 Referrals and where agreed, these will be offset against nomination arrangements. Nomination agreements will be reviewed regularly or as required.

We will also work closely with our Local Authority partners to support them in effectively tackling homelessness and in achieving the aims of offering settled accommodation as swiftly as possible.

## **2.5 Area, House Type and Size**

Housing applicants can choose the area and type of property for which they wish to be considered and we will generally allocate house size based on family composition (see Section 5.1.)

In certain circumstances we will consider allocating an additional bedroom, such as where an applicant or member of the household needs special medical equipment at home or there is a requirement for a non-resident carer providing overnight care. In such instances, applicants will be advised of any potential Benefit implications in relation to under-occupancy charges.

Where a separated husband, wife, civil or other partner has access rights to a child or children, we will normally take account of those children when we assess the size of the property we offer.

## **2.6 Advice and Support for Applicants**

Housing application forms can be downloaded from our website, posted out or collected from our office. We are committed to providing excellent customer service standards and helping, where required, on the completion of application forms.

We will make an Information leaflet available that summarises our Allocations Policy. We also offer Housing Options interviews, based on individual circumstances, to provide realistic advice on prospects and the availability/turnover rates of selected house types in chosen areas.

Advice is also available on alternative forms of housing including private sector letting, mid-market rent, shared equity, shared ownership, home ownership, help to buy schemes and adaptations to current homes - in order to help applicants broaden the range of options available to them.

Applicants will be made aware that they can review and amend their choices at any time in order to maximise the likelihood of being made an offer.

## **2.7 Protocol Arrangements**

A number of protocol arrangements are in place to ensure that groups of applicants with particular housing needs (such as people leaving hospital after a long stay or young people leaving care) have these adequately addressed, with the required support in place.

Applicants, subject to protocol arrangements, will be assessed by the Local Authority and referred through the nomination process.

## **2.8 Accommodation for People with Particular Needs**

If an applicant (new or transfer) considers that their current home is no longer suitable, we will provide advice on alternative options including:

- Adaptations
- Housing Application (Direct or Transfer)
- Mutual Exchange (where tenant 'swaps' with another social tenant)

Where our property is designed or adapted for a specific client group, i.e. amenity, wheelchair or adapted housing, we will allocate it to the highest pointed applicant requiring this type of housing, consulting where required with relevant partners.

## **2.9 Processing and Verifying the Application**

We have robust processes in place for checking and verifying applications in order to assess priority for housing and require applicants to provide two forms of identity e.g. driving licence, passport, ID or national insurance cards. However, we do not make unreasonable or onerous requests and we will only seek information needed to assess priority (such as a letter from the appropriate party confirming where a current accommodation is insecure.)

In cases involving domestic abuse, we will never ask the victim for evidence and will accept the applicant's stated fears as sufficient.

Applicants will be advised of the requirement to inform us of any changes to their housing circumstances. If we consider that an applicant has intentionally changed their housing circumstances to improve their chances of being offered housing: we will assess the application as if this change did not happen.

## **2.10 Keeping Applicants Informed**

After applying, we will ensure that applicants are kept informed about what happens next. To do this, we will process applications as quickly as possible and seek to advise applicants of their individual reference



number within 5 working days and of their awarded point level within 7 working days of receipt of all required information. We will also offer housing option advice in accordance with Section 2.6.

Where information is missing from an application, we will write to applicants requiring them to provide this within 7 working days, with a further 7-day reminder issued if this is still outstanding. Applicants will be advised that failure to comply, after the second letter, will result in the cancellation of their application in our lettings system.

Applicants unhappy with the level of points awarded or any part of our related service, will be informed of their Right to Appeal or make a complaint (Sections 5.5 & 5.6).

### **2.11 Home Visits**

A home visit will be carried out by housing staff at the applicant(s) current house, to assess the application and verify information provided prior to an offer being made. If this is not possible, due to location or personal circumstances, we may ask other housing providers to visit applicants, if considered appropriate.

We will write to applicants asking them to contact us within 7 working days to arrange the home visit, or an office interview where appropriate, and if there has been no contact: we will issue a reminder providing a further 7 days. Failure to respond within the timescale will result in cancellation of the application in our lettings system and the applicant will be notified accordingly.

### **2.12 Taking Tenancy References**

As part of the validation process, we will usually seek references for a three-year period from current and former landlords, however, we will only request these with the applicant's consent, using a signed mandate, and will comply with data protection legislation.

We will not make an offer of housing unless we are satisfied with the tenancy references received. If the reference is unacceptable then we will suspend the application in line with Section 4.4 of this policy. In certain circumstances, we may make an offer of housing with a Short Scottish Secure Tenancy (SSST), in accordance with our Policy on the use of Scottish Secure Tenancies.

We recognise, however, that private landlords may not keep detailed tenancy records or may not reply, and we will take this into consideration and not penalise an applicant where this is the case.

### **2.13 Sensitive Allocations**

We seek to ensure that individual lettings result in a sustainable tenancy and do not lead to housing management problems. To achieve this aim, we may exercise discretion through the process of

Sensitive Allocations, enabling a careful assessment of the individual's housing needs against those of neighbouring residents – instead of always allocating a property to the applicant at the top of the list.

We will, however, only use this process where there are good reasons and have clear procedures for staff to follow, including the requirement for authorisation from the Housing Manager or Housing Services Director. Furthermore, to ensure that our decisions are accountable and transparent, we will record and monitor our use of sensitive lets, thus ensuring a robust audit trail is in place.

#### **2.14 Review of Housing Lists**

We will ensure that our housing lists remain up to date by checking that applicants wish to remain on our list and that their circumstances are unchanged. Where there has been a change in circumstances, we will make the necessary changes and issue an updated points award letter. To do this, we will carry out an annual review and seek to contact applicants (where we are the CHR gatekeeper for their form). All other CHR applications will be reviewed annually by the gatekeeper of their form.

We will give applicants 7 days to reply to our review letter and if there is no response, we will send a reminder providing a further 7 days to prevent their removal from the list. If no reply is received, we will remove the applicant from our lettings system.

#### **2.15 Applicants with Pets**

Where we are considering an applicant for developments designated as 'no pets allowed', we will first make them aware of the requirement prior to the offer being made. Where the applicant has a pet, this will not be regarded as a reasonable offer in relation to the number of offers allowed.

### **3.0 PRIORITISING HOUSING APPLICATIONS**

#### **3.1 The Housing Need Categories**

Our Allocations Policy complies with the Housing (Scotland) Act 2014 regarding priority to the three categories of applicants with reasonable preference. To achieve this, we give a high ranking to the three identified Reasonable Preference Groups as follows:

1. Homeless persons and persons threatened with homelessness, who have unmet housing needs (we include those at risk of harassment and abuse)
2. People who are living in unsatisfactory housing conditions with unmet housing needs

### 3. Social landlord tenants who are under-occupied

Several other groups are prioritised, that we consider to be of importance in the community, however, these do not dominate our policy at the expense of the three Reasonable Preference Groups.

Additionally, we award priority to those applicants with Health and Housing Needs, based on a banding system of High, Medium, and Low priority.

#### 3.2 Homelessness

We comply with our duty under the Housing (Scotland) Act 2001 and accept Section 5 Referrals from Local Authorities to house statutory homeless people. To achieve this, we work in partnership with councils to ensure a common understanding of duties, with effective protocols in place to allow their operation.

Where we receive direct approaches from applicants who may fall within this category, we advise them to contact their Local Authority to apply for homeless assistance. However, we also encourage direct applications to ourselves, to prevent a worsening of housing situations.

To comply with the 2018 Homelessness and Rough Sleeping Action Group (HARSAG) report, our Allocations Policy ensures that homelessness is not the main way in which people access our houses as we also give an appropriate level of priority to those in other types of housing need. However, in accordance with the Scottish Government Practice Guide, 2019 – at the very least, we do not give homeless people lesser preference than the other specified groups.

In addition to assisting in the achievement of statutory objectives, we target our resources more generally to prevent homelessness, through our Allocations Policy. We also operate several homeless prevention strategies, including providing advice and support to a range of applicants.

Although we comply with Section 5 Referrals from Local Authorities, we still assess and point homeless applications as we frequently receive more than one homeless nomination for each available property and in such circumstances, we make the offer to the highest pointed applicant.

#### 3.3 Domestic Abuse

We give a high level of priority to persons experiencing domestic abuse and work in partnership with appropriate organisations, to ensure that the safety of the individual(s) is paramount. Such abuse will include violence, harassment, threatening conduct, and any other conduct likely to give rise to physical or mental injury.

Confidentiality in domestic abuse cases is crucial and we will never contact the perpetrator for corroboration or not award priority because we require evidence.

Our approach and level of priority enable the victim to avoid contacting statutory homeless services, if that is their choice, although, we may advise applicants to also submit a homeless application to a Local Authority.

### 3.4 **Other Harassment or Abuse**

This can take many forms, including verbal and physical, and may involve racial, sexual, religious, and sectarian, homophobic, or transphobic harassment. It could also entail harassment of people with a learning, mental or physical disability.

We award high priority to applicants suffering harassment and abuse or any anti-social behaviour that is a form of abuse or harassment. To allow those suffering to be rehoused confidentially and as quickly as possible, we will advise applicants of the Local Authority homeless assessment process and our staff will be sensitive to the circumstances when assessing housing need in these cases.

### 3.5 **Types of Insecure Accommodation (Other Than Statutorily Homeless)**

Priority is given to the following applicants (points awarded to one household applicant only) with proven insecure housing circumstances, who are not responsible for their accommodation being at risk:

- (i) Those living in **temporary housing** (up to 12 months lease) or served with a Notice to Leave a private tenancy. Also, parties in other temporary accommodation including lodgers, sub-tenants, caravan, or hostel dwellers
- (ii) Persons in **tied accommodation** requiring to leave due to death, retirement, or redundancy
- (iii) Applicants leaving **supported accommodation** in a planned move e.g. looked after and accommodated young people or hospital discharge programme

We will work closely with key local services to develop a joint approach, ensuring that the necessary support is in place to sustain future tenancies.

### 3.6 **Leaving the Armed Forces**

We award high priority to those applicants due to leave the Armed Forces and encourage parties to apply well in advance of need.

Where an applicant has sustained injuries, they may also qualify for Health and Housing Needs points. This is in recognition of the increased potential for physical and mental injuries for our armed forces (including PTSD). Additionally, we will give special consideration to those leaving because of other Exceptional Circumstances (Section 4.10), such as where a spouse/civil partner is killed in action or dies before the date of discharge.

### **3.7 Owners Facing Repossession**

Owners facing financial difficulties who are being served a repossession notice will be awarded priority and advised to seek independent advice (through the Citizen's Advice Bureau or Money Advice Service) to assist them and assess whether the Scottish Government's Mortgage to Rent scheme is a viable option.

### **3.8 Irretrievable Relationship Breakdown**

Applications for rehousing received because of irretrievable relationship breakdown and considered as threatened with homelessness, will be awarded priority. Individuals will be advised, where appropriate, to seek legal advice in respect of occupancy rights.

### **3.9 Unsatisfactory Housing Conditions**

We award various levels of priority to several groups that fall within this category, relating to property condition and other personal and individual circumstances, detailed in the following Sections. Actual points awarded are based on the assessed degree of housing need for each type of group specified.

### **3.10 Property Condition**

This category applies to all tenures and includes properties below tolerable standard (BTS) as defined by the Housing (Scotland) 1987 Act (as amended). The BTS classification occurs if one or more of the defined criteria are not met (definition currently under review) as follows:

- Structurally stable
- Substantially free from rising or penetrating damp
- Has natural and artificial lighting, ventilation, and heating
- Supply of wholesome water
- Supply of hot and cold water to sink
- Adequate toilet facilities

- Fixed bath or shower and WHB
- Effective drainage and disposal
- Facilities for the cooking of food
- Access to external doors and outbuildings
- Adequate thermal insulation
- Satisfactory electrical supply

If sufficient evidence is not already available, we may approach the Local Authority's Environmental Health Service for clarification purposes. In such circumstances, the council may contact the owner and request that repairs are carried out, however, we will give any applicant reasonable preference while a property remains BTS.

We will also award a high level of points if a property is scheduled for demolition.

Additionally, priority will be given to private rented sector tenants whose current home does not meet the Repairing Standard.

### 3.11 **Overcrowding**

Overcrowding points will be awarded to family units in proven overcrowded circumstances, where a house has too many people permanently (except in Access Rights cases outlined at Section 2.5) living there. Our policy complies with the room and space standards and points are awarded based on the number, age and gender of those persons residing there - compared to the number and size of bedrooms available. The following information allows us to assess how many persons should reside in a dwelling and overcrowding points are then awarded accordingly.

In relation to the **number of bedrooms**, we consider accommodation as overcrowded if two people of the opposite sex require to sleep in the same room – unless they are living together as a couple or they are siblings as detailed in section 5.1 of this policy.

With respect to **room size**, we consider the size of bedrooms in accordance with the legal space standards. For this purpose:

- Rooms under 50 sq. feet are ignored
- Rooms over 50sq. ft, but less than 70sq - can only accommodate a child under the age of 10
- Rooms of 70 sq. ft or more, but less than 90 - can sleep 1 person

- Rooms of 90 sq. ft or more but less than 110 can accommodate 1 person and 1 child under 10
- Rooms of 110sq. ft or more can accommodate 2 persons

It should be noted, however, that the Association's ability to house large families is restricted in view of it only having a small number of large properties available.

### **3.12 Under-Occupation**

We award priority where a tenant of any social landlord has one or more bedrooms more than they would be entitled to under our Allocations Policy, to make best use of our own and other social rented housing stock. A lesser number of points are also awarded to under-occupied applicants in other tenures, in accordance with the Points System.

### **3.13 Other Groups Receiving Priority**

In addition to the 3 Reasonable Preference Groups, we take the needs of a number of other categories into account, detailed within the following Sections, although these do not dominate our Allocations Policy at the expense of the aforementioned groups.

### **3.14 Social, Community or Family Support**

We give priority to those wishing to move house to give or receive the above support, so that we can enable people to continue living independently and prevent the need for residential or specialist accommodation.

We award priority to people wanting to live closer to community-based health or support services which they require on a very regular basis.

Additionally, priority is granted to allow applicants to travel to their place of work, where their commute is shown to be problematic in terms of time or cost.

In awarding this type of priority, we will take account of the distance, travel time and amount of support involved. We will also consider the age and disability of the person, where appropriate, to determine the level of incompatibility of the applicant's current housing - on the basis of Totally Unsuitable, Unsuitable or Moderately Unsuitable. We will then award appropriate levels of points, based on these classifications.

We will decide what validation we need (such as written confirmation from those giving or receiving support or information relating to health or support services) based on individual circumstances.

### **3.15 Kinship Carers and Those Fostering Or Adopting**

We award priority to these approved groups in accordance with the Points System. Additionally, overcrowding points are awarded where this occurs, with assessed housing need based on the applicant's current home and the family composition which includes the child/children in question.

### **3.16 Children Living at Height**

Under our policy, points will be awarded to families with a child or children under 15 years of age living above the second floor. Points will take account of the number and age of children and will be in accordance with the Points System outlined within this policy.

### **3.17 Applicants Sharing Amenities with Another Household**

Points will be awarded where an applicant shares standard amenities with household members, other than their proposed household. Points may be awarded for sharing a kitchen, living room and bathroom.

We will also award these points following a relationship breakdown, where both parties still require to share the home. Where there are not enough bedrooms to allow separate sleeping arrangements, overcrowding points will also be awarded.

In addition to the above, sharing amenity points will be awarded where an applicant has required to return to the family home, after having previously set up their own household elsewhere for a minimum of 6 months

### **3.18 Applicants Leaving Home to Live Independently**

Applicants seeking to establish independence or applying for their first home, will be eligible for points in accordance with the Points System.

Parties qualifying for this priority will also include:

- (i) Students living continuously in the family home, with the exception of term time
- (ii) Individuals whose continuous residence was broken due to hospitalisation
- (iii) Persons detained on remand or living elsewhere as a bail condition



Where qualifying individuals are sharing amenities: points will be awarded for the highest applicable level in relation to **either** sharing amenities **or** leaving home to live independently.

### 3.19 Differences in Lifestyle

We award points under this category in relation to neighbour complaints or disputes which result from incompatibility caused by residents with fundamental differences in lifestyle.

### 3.20 Health and Housing Needs

We will support tenants who wish to continue living independently in their current home by providing adaptations and working with others to deliver support services. We will also provide applicants with advice on these services where applicable.

An assessment will be undertaken (following completion of a Health and Housing Support Needs Assessment form) for applicants who have indicated that there is a health issue made worse by their current living circumstances and a separate assessment will be completed for each member of the household affected.

When assessing the applicants' health circumstances, medical advice will only be sought where necessary, and we will address:

- The severity of the person's condition(s) or the degree of incapacity and
- The extent to which rehousing will benefit the person concerned

We adopt a priority ranking system of High, Medium & Low and we will endeavour to base this on future needs, so that applicants are unlikely to require a further move.

**High priority** will cover severe cases such as where a hospital discharge is prevented due to the applicant's current housing conditions, where the applicant is housebound because of their existing home or they are denied the use of essential toilet or kitchen facilities, due to physical mobility problems and the nature of their home.

**Medium priority** would relate to severe mobility, medical or psychological problems exacerbated by the current home and **Low priority** covers less serious medical conditions, worsened by current housing circumstances.

Where an applicant requires to move house because of health reasons, we will limit the types of housing so that they are only offered the type of housing that suits them i.e. only ground floor offers, where there are mobility problems.

As part of our overall assessment, we will consider the health issues, characteristics of the house, medical requirements, and any other relevant information.

## **4.0 ALLOCATING PROPERTIES**

### **4.1 The Governing Body**

The role of the Governing Body is to set the Allocations Policy and monitor the progress and achievement of policy aims. Although the Governing Body has overall responsibility for ensuring the policy is delivered, it has no involvement in discussions or decisions on individual allocations, which are the responsibility of our Officers.

### **4.2 Delegated Authority**

The Housing Manager is responsible for overseeing the implementation of the Allocations Policy (or the Housing Services Director in their absence) and ensuring that appropriate procedures are in place to enable the day-to-day management in accordance with this policy, with further delegation of specific duties to Operations Staff.

Individual allocations will be authorised by the Housing Manager (or the Housing Services Director in their absence) with approval recorded on the appropriate pro forma, in accordance with our internal audit requirements.

Appeals, Suspensions, Bypassing, Sensitive Allocations, and deviations from our normal housing needs assessment because of Emergency Situations are the responsibility of the Housing Manager (or Housing Services Director in their absence) and a record of this approval will be retained for the purposes of audit trail.

Regular reports are provided by the Housing Manager or Housing Services Director to the Governing Body on the operation of all key aspects, to allow Committee to effectively monitor performance of the Allocations Policy.

### **4.3 Allocations to Employees and Governing Body Members or Family Members and Persons with a Close Connection to Them**

The CHR application form requests applicants to state if they are closely related to a member of staff or governing body member. Additionally, our Payments and Benefits Policy defines a 'Relevant Party' more widely, including Employees, Governing Body Members, and people with a close connection to these parties. In accordance with this policy, any such relationship will not affect the applicant's right to be considered for or awarded housing, however, no 'Relevant

Party' will receive priority or beneficial treatment because of a relationship with us.

Any allocation to a 'Relevant Party' will be under a Special Exception Class and will fully comply with our Payments & Benefits Policy.

#### 4.4 **Suspensions**

In certain circumstances, we may refrain from making offers until changes have been made, conditions are met, or a period of time has elapsed. We will, however, endeavour to keep suspensions to a minimum, whilst carefully considering each case and ensuring that we have robust evidence to support our decisions.

We may suspend applicants in the following circumstances:

- (i) Existing home has been neglected (suspended until satisfactory improvements have been made)
- (ii) Applicant has, either as a tenant or joint tenant, abandoned or neglected a previous social rented tenancy
- (iii) The person has acted in an antisocial manner in the locality of the house they occupy, in relation to another party\*
- (iv) The person has acted in an antisocial manner in relation to one of our employees in the course of making the application (at least six months)\*
- (v) Where the applicant or someone they live(d) with, has been convicted of a crime committed in or near the property – where they were a tenant or joint tenant
- (vi) If an order for recovery of possession has been made against a person
- (vii) Applicant has been categorised as a potential high-risk offender (suspended until a risk assessment is carried out in accordance with Multi-Agency Public Protection Arrangements (MAPPA) guidance)
- (viii) Where the applicant (as a tenant) has tenancy-related debts in excess of one month's amount payable, with no repayment arrangement adhered to for at least 3 months
- (ix) Applicant has knowingly provided false or misleading information in respect of their application
- (x) Applicant has refused two reasonable offers of housing (3 months)

- (xi) Applicant is in prison (suspended for the duration of the prison sentence and removal in line with protocol arrangements)
- (xii) Applicant cannot prove residency (suspended until verified)
- (xiii) For Asylum Seekers or those subject to immigration control, they are entitled to be admitted to our waiting list, however, have no right to a tenancy

\*Antisocial behaviour is defined as a verbal or physical action or course of conduct causing or likely to cause alarm, distress, nuisance, or annoyance.

We will endeavour to ensure that the period of suspension is proportionate to the circumstances and in deciding this, we will consider the nature, frequency, effect, and the potential of alternative action. Unless otherwise stated, we will generally issue 3 to 12 month suspensions. However, we may consider a longer period of up to 2 years to reflect the seriousness of an offence and take account of whether the applicant has changed their behaviour.

Applicants will be informed at the time and in writing, of the type of suspension (i.e. statutory or non-statutory), the reason, the duration and any conditions they may need to meet, in order to have it removed.

Applicants will also be informed of their entitlement to challenge a decision through the Appeal Procedure (Section 5.5) and advised where to obtain independent housing or legal advice. In the case of statutory suspensions, applicants will be informed of their right to appeal to the Sheriff Court, if they are suspended under section 20B of the Housing (Scotland) Act 1987.

We may lift the suspension at any time if we consider it appropriate and will only look back at individual's circumstances for up to 3 years unless these are exceptional.

Suspensions will be approved in accordance with the Delegated Authority set out in this policy. We will monitor our management of these in an accountable and transparent way to make sure they are uniformly applied, regularly reviewed, and lifted once any time period has elapsed, or conditions are met. We will assess the reasons, numbers enforced, volume of appeals and their outcomes. Thereafter, we will report this information to our Governing Body and use it to assess the effectiveness of our policy and practice.

#### 4.5 **Bypassing**

In certain instances, we may carry out bypassing, i.e. deciding not to make an offer to the person at the top of the list, to make best use of the available housing stock. These will only be carried out in specific circumstances i.e.:

- (i) Where the property concerned is unsuitable, such as ground floor accessible or adapted and the applicant does not need these features
- (ii) Our records indicate that the applicant has already refused similar and confirmed that they are not interested in receiving a similar offer
- (iii) To assist rapid re-let and avoid unnecessary suspensions, we may make an initial contact with an applicant to ascertain if they are interested in a particular property and if they are not, that applicant may be bypassed

Where bypassing is used, individual instances will be approved by the Housing Manager and a full audit trail retained. Such records will outline the reason for the bypass and confirm that delegated authority consent was granted - to ensure transparency and accountability in the process. Records will therefore allow effective monitoring of the process and ensure there is no systematic disadvantaging of particular groups.

#### **4.6 Deferral**

We will allow Deferral, i.e. where the applicant advises that they wish to remain on the list, but not receive an offer for a specific timescale or until further notice. Deferrals will be kept under regular review to ensure that they are not deferred indefinitely (allowed for up to a period of 12 months) and we will retain records accordingly.

#### **4.7 Accepting an Offer of Housing**

Applicants must advise the Association, within three working days of receiving an offer if they wish to view the property. They will be informed that failure to respond within this timescale will result in withdrawal of the offer.

After viewing a property, applicants will be given 24 hours to advise if they intend to accept the offer and failure to respond within this timescale will again result in withdrawal of the offer.

Clear and robust records will be retained in order that we can provide evidence of our actions complying with this policy.

We will arrange the tenancy sign-up process as quickly as possible after an applicant has accepted an offer, in accordance with our Policy on the use of Scottish Secure Tenancies. However, we will be sensitive to the individual's circumstances, particularly health and disability and where specialist support is required. If a joint application is made, a joint tenancy agreement will be entered into.

Clear information in relation to responsibilities of both parties will be provided in the Tenancy Handbook and this will be issued to all new tenants.

#### 4.8 Refusing an Offer of Housing

We will clearly communicate to applicants (including homeless applicants) of the limit to the number of offers that will be made, to encourage careful consideration of the choices made about area and property type. If an applicant refuses one reasonable housing offer, we will discuss the reasons with them, review their housing choices and remind them of the policy. If two reasonable offers are refused, we will suspend the applicant from our housing list for three months from the date of refusal of our second offer.

The applicant will be notified in writing of the reason and duration of the suspension, as well as their Right to Appeal the decision (see 5.5).

Where the applicant refuses an offer because of compelling circumstances, we may consider whether a suspension is appropriate.

#### 4.9 Cancelling Applications

Applicants will only be removed from our housing list for the undernoted reasons:

- The applicant has been allocated a tenancy
- There has been a request for removal by the applicant
- They failed to engage with our correspondence regarding their application on two occasions
- Correspondence is returned marked 'gone away' and contact is lost
- The death of an applicant

We will reinstate cancelled applications (to the original date) if the applicant contacts us within a three-month period.

Former applicants unhappy with the cancellation of their application will be made aware of their Right to Appeal (see Section 5.5) and these will be considered on a case-by-case basis.

#### 4.10 Emergency Situations and Exceptional Circumstances

**Emergencies** may sometimes occur, particularly in cases of fire or flood. In such instances, due to the urgency of the situation, we may

not use our normal housing needs assessment. Authorisation will be required, in these cases, from the Housing Manager or in their absence, Housing Services Director.

There will be times where we may require to accommodate tenants in temporary alternative accommodation on an emergency basis and we will do this in accordance with our Decanting Strategy.

On rare occasions, there may also be **Exceptional Circumstances** where we require to use our discretion to rehouse someone because our core policy does not address the specific priority identified. In such instances of an urgent need to re-house, any allocation will be subject to the approval of our Housing Services Director or Chief Executive.

A clear audit trail will be retained in such circumstances which fully records the reasons for and approval process of the allocation or actions taken, in accordance with this policy.

#### 4.11 Letting Quotas

The Association uses a quota system to make sure that we are able to house a mix of applicants from different sources. We aim to house a percentage of lets from:

- Homeless Nominations/Section 5 Referrals
- Waiting List Applicants
- Transfer Applicants (existing tenants)
- Local Authority Nominations
- Other (inc. agency referrals)

Targets for the proportion of lets to each category will be agreed each year and performance against these targets will be reported to our Governing Body and published on our website.

#### 4.12 Local Letting Initiatives

In specific circumstances of low demand and/or high turnover, we may consider operating Local Letting Initiatives. It will be ensured that these are time limited with clear outcomes and where possible, allocations will still be made to applicants with the most priority, in accordance with our Allocations Policy.

When developing these initiatives, we may consider allowing under-occupation, letting to lower point levels, advertising & appropriate marketing techniques, as well as the offering of incentives.

Local Letting Initiatives will be consulted upon with key stakeholders, where appropriate, and subject to Governing Body approval. A clear audit trail and effective monitoring framework will also be established to ensure that the aims of the initiative are being met.

#### **4.13 Length of Time on List**

In specific circumstances, we give points for the length of time an applicant has been on the housing list, i.e. when an applicant is making an application to establish independence or their first home.

This type of award of points does not dominate our Allocations Policy and are awarded irrespective of where applicants live.

Where applicants share an equal number of points, the applicant suffering identified housing need for the longest period would be given priority and offered the tenancy. In the case of transfer applications, the date effective will be the date of application for rehousing.

## **5.0 THE POLICY**

### **5.1 Basis of Selection and Allocation**

The allocation of properties is based upon applicants' housing needs relative to others, resulting in the person(s) with the highest point level for a particular house size, area, and type, being considered for an allocation.

We will usually award points from each category that applies, and we will assess whether applicants qualify for these points using our detailed guidance and after completing an appropriate verification process.

It is anticipated, however, that only one 'set' of points will be awarded for the following Categories:

- Homeless Persons and those threatened with Homelessness (including people at risk of harassment or abuse)
- Unsatisfactory Housing Conditions

In normal circumstances, houses will be allocated based on accommodation required, as follows:

1 Living room for each household

+ 1 bedroom for each single person or couple

+ 1 bedroom for first child



- + 1 bedroom for each child over 8 years of different gender
- + 1 bedroom for each pair of children up to 14 years of same gender
- + 1 bedroom for each remaining member of the household

## 5.2 The Points System

Refer to Section 3 of this policy for specific information relating to each listed Category.

Category	Points we Award
<b>HOMELESS PERSONS AND THOSE THREATENED WITH HOMELESSNESS (INCLUDING PEOPLE AT RISK OF HARASSMENT OR ABUSE)</b>	
Statutory homeless, Section 5 Referrals – Section 3.2	150
Domestic Abuse – Section 3.3	150
Other Harassment or Abuse – Section 3.4	150
In Temporary Accommodation – Section 3.5 (i)	40
Leaving Tied accommodation – Section 3.5 (ii)	80
Leaving Supported Accommodation – Section 3.5 (iii)	80
Leaving the Armed Forces – Section 3.6	100
Owners Facing Repossession – Section 3.7	80
Irretrievable Relationship Breakdown – Section 3.8	40
<b>UNSATISFACTORY HOUSING CONDITIONS</b>	
One or more Below Tolerable Standard (BTS) fail – Section 3.10	80 in total
Property is being demolished – Section 3.19	150
Private rented tenancy does not meet the Repairing Standard – Section 3.10	40
<b>OVERCROWDING – Section 3.11</b>	
The number of bedrooms required compared with the number available	
FIRST additional bedroom required	40
EACH additional bedroom required thereafter	60
<b>UNDER – OCCUPATION – Section 3.12</b>	
<b>Any Social Rented property</b>	
For FIRST apartment more than needed	60
For EACH additional apartment thereafter	40
<b>Non-Social Rented property</b>	
For FIRST apartment more than needed	20
For EACH additional apartment more than needed	20

<b>OTHER GROUPS</b>	
<b>Social/Community/Family support – Section 3.14</b>	
Totally Unsuitable	45
Unsuitable	25
Moderately unsuitable	10
Kinship/Foster Carer/Adoption (also consider if overcrowding points are applicable) – Section 3.15	40
<b>Children living at Height –Section 3.16</b>	
For EACH child over 10, but under 15	10
For EACH child over 5, but under 10	20
For EACH child under 5	30
<b>Sharing Amenities with another Household – Section 3.17</b>	
Sharing Living room	20
Sharing Kitchen	20
Sharing Bathroom/WC	20
<b>Leaving Home to establish Independence – Section 3.18</b>	
Each year of continuous occupation from date of application	10 Per annum
<b>Differences in Lifestyle – Section 3.19</b>	40
<b>HEALTH AND HOUSING NEEDS – Section 3.20</b>	
Low Priority	30
Medium Priority	60
High Priority	100

### **Time in need**

Where applicants share an equal number of points, the applicant suffering identified housing need for the longest period would be given priority and offered the tenancy. In the case of transfer applications, the effective date will be the date of application for a transfer.

### **5.3 Monitoring and Review of Policy**

We will monitor the effectiveness of the Allocations Policy in achieving its objectives and provide regular reports to the Housing Services Sub-Committee.

In addition to the objectives and aims detailed within this policy, performance will also be measured and assessed against targets for the following key areas:

- Nomination Arrangements

- Relet timescales
- Void loss
- Analysis of applicants housed
- Equality monitoring
- Suspensions
- Requests for Appeals

We will review our policy every three years, unless specific circumstances relating to legislation or good practice require otherwise.

#### **5.4 Customer Engagement and Consultation Exercise**

We adopt a tenant-centred approach to all our activities and promote our Allocation Policy through various means. Where we plan to make significant changes to the policy, we will consult with Applicants, Tenants, RTOs, Protected Characteristic Groups, Local Authority Partners and other stakeholders, where appropriate. We will formulate a clear plan for the proposed review with key tasks & timescales and any consultation will be appropriate to the nature of the changes.

We will report to our Governing Body on the outcome of consultation and any changes being proposed as a result.

#### **5.5 Appeals Process**

Applicants will be made aware that if they are unhappy about a decision relating to their housing application, they have an opportunity to request an Appeal. Information on the Appeals Process will be included in tenancy and allocation guides.

Allocation Appeals/Reviews may include the following types of circumstances:

- Objections to the points awarded following assessment of need
- Suspension considered as unfair
- Removal from the waiting list
- Applicant considers they have not been made a reasonable offer

Appeals will be forwarded to a senior member of staff who was not involved in the original assessment. The Housing Services Director

or Chief Executive will oversee the process, with the outcome notified to applicants within 28 days of the request.

## **5.6 Complaints Handling Procedure**

Applicants will be made aware of our Complaints Handling Procedure, reflecting our commitment to resolve customer dissatisfaction with any aspect of our service provided or policy. Information on how to complain is included in tenancy & allocation guides and on our website.

If the applicant remains dissatisfied with the findings of our complaints process, they have the right to refer the complaint to the Scottish Public Services Ombudsman.