



a registered Scottish charity SC034228

St Kentigerns Church, 15 Hope Street, Lanark ML11 7LZ

Tel: 01555 665316 Fax: 01555 666144

Email: mail@clydesdale-housing.org.uk

Web: www.clydesdale-housing.org.uk

ALLOCATION POLICY

| Contents | Page |
|---|----------------|
| Section 1: Introduction | 4 - 7 |
| 1.1 Background | |
| 1.2 Policy objectives | |
| 1.3 Legal requirements and minimum standards | |
| 1.4 Equal opportunities | |
| 1.5 Customer focus and service commitment | |
| 1.6 Joint Working Arrangements | |
| 1.7 Common Housing Register | |
| 1.8 Policy outcomes | |
| Section 2: Management of the housing list and allocation process | 8 - 14 |
| 2.1 Access to housing | |
| 2.2 Applying for housing | |
| 2.3 Joint applications | |
| 2.4 Change of applicant preferences | |
| 2.5 Allocation / housing list review | |
| 2.6 Deferment of application | |
| 2.7 Abuse of allocation system | |
| 2.8 Manipulation of circumstances | |
| 2.9 Internal Transfers | |
| 2.10 Removal of applicants from the housing list | |
| 2.11 Allocation of housing | |
| 2.12 Mainstream, Amenity and adapted dwellings | |
| 2.13 Areas of choice | |
| 2.14 Occupancy standard | |
| Section 3: Housing need and priorities | 15 - 18 |
| 3.1 Housing Need | |
| • Homelessness | |
| • Racial and other harassment | |
| • Insecurity of tenure | |
| • Overcrowding | |
| • Medical factors | |
| • Care & Support | |
| • Management Transfer | |
| • Special Cases | |

| | |
|---|----------------|
| Section 4: Offers and penalties | 19 - 22 |
| 4.1 Offers | |
| 4.2 Suspension of applications from housing list | |
| Section 5: Medical Assessment and Priorities | 23 - 25 |
| 5.1 Medical factors | |
| 5.2 Independent Medical Advisor | |
| 5.3 Medical categories | |
| Section 6: Appeals and complaints | 26 - 27 |
| 6.1 Right of appeal – general | |
| 6.2 Right of appeal – application decisions | |
| Section 7: Letting initiative and quotas | 28 |
| 7.1 Local letting initiatives | |
| 7.2 Letting quotas | |
| Section 8: Tenancies | 29 |
| 8.1 Scottish Secure Tenancy | |
| 8.2 Joint tenancies | |
| Section 9: Miscellaneous | 30 - 34 |
| 9.1 Purpose built / adapted special need facilities | |
| 9.2 Operation of the housing list | |
| 9.3 Residence and contact with children | |
| 9.4 Expectant mothers | |
| 9.5 Adopting children | |
| 9.6 Part –time occupants | |
| 9.7 Mutual Exchanges | |
| 9.8 Confidentiality | |
| 9.9 Rent arrears | |
| 9.10 Former tenants | |
| 9.11 Section 5 referrals | |
| 9.12 Nomination agreement | |
| 9.13 The role of management Committee | |
| 9.14 Policy monitoring and review. | |

1. INTRODUCTION

1.1 BACKGROUND

1.1.1. Clydesdale Housing Association Limited was established in 1986. In addition to being registered with the Scottish Housing Regulator, an executive agency responsible for the regulation and monitoring of Housing Associations (*RSL's*) in Scotland on behalf of the Scottish Government, the Association is also registered as a Scottish charity with the Inland Revenue Commissioners.

1.1.2. The Association is based in South Lanarkshire, in what was formerly the Clydesdale District. The area is predominately rural in nature, but comprises a wide variation of populace, market towns, small country villages, industrial towns and former mining communities.

1.1.3. The Association is required to:

- have rules which govern:
 - admission to the housing list
 - the priorities for the allocation of vacant properties
 - the internal transfer of existing tenants, or the transfer of tenants to and from other landlords
 - mutual exchanges
- publish policy statements in a suitable form and distribute them in a wide variety of locations
- circulate rules to the Scottish Housing Regulator and local councils in whose areas the Association has property to let (Housing Association Act 1985)
- ensure that it's policies and practices are consistent with and take cognisance of the requirements of all relevant legislation

1.1.4. This policy was revised in 2008 to align and harmonise with the Allocation Policy of South Lanarkshire to facilitate joint working in the development and efficient operation of a South Lanarkshire wide Common Housing Register.

1.2 POLICY OBJECTIVES

1.2.1. The principal objectives of this policy are to:

- make the best use of the housing stock by allocating available housing in a manner that is sensitive and responsive to the housing needs of

Approved: 9 December 2008

individual applicants whilst simultaneously contributing to the creation of sustainable tenancies and balanced and stable communities;

- ensure a reasonable degree of preference and priority is given to those in the greatest housing need in the allocation of available housing;
- ensure all activity in relation to management of the housing list and allocations is transparent, efficient, fair and complies with statutory duties, Scottish Housing Regulator guidance and good practice, particularly in respect of equality of opportunity and the Association's obligations to assist and support South Lanarkshire Council in the discharge of its statutory duties in meeting the housing needs of the area and the homeless in particular;
- facilitate effective and efficient operation of a South Lanarkshire wide Common Housing Register (CHR).

1.3 LEGAL REQUIREMENTS AND MINIMUM STANDARDS

1.3.1. The Allocation Policy is regulated by legal requirements and guidance issued by the Scottish Housing Regulator. This Policy is formulated to comply with:

- legal requirements as specified in the Housing (Scotland) Acts 1986, 1987, 1988 and 2001;
- Performance Standards for Housing, produced jointly by the SFHA, COSLA and the Scottish Housing Regulator;
- the SFHA's 'Raising Standards in Housing and Good Practice for Housing Associations' manual;
- The Scottish Housing Regulators Activity Standards AS 1.1 to AS 1.4, and AS 4.1 to AS 4.10.

1.3.2. As a general minimum standard of conduct in the management of its housing stock the Association must:

- comply with all legal requirements;
- comply with the Scottish Housing Regulators Guidance Notes;
- comply with "Performance Standards" requirements;
- ensure housing allocations are fair and give reasonable preference to applicants in housing need;
- take account of the nature of its housing in determining the client groups to be housed, but in doing so not to be unduly restrictive;
- ensure the accurate and fair assessment of the housing needs of all applicants including those nominated by the Local Authority;
- ensure that the Allocation Policy is clear, comprehensive and

unequivocally non discriminatory, providing equal access to housing for all in need regardless of gender, race, colour, ethnic origin or disability etc.

1.4 EQUAL OPPORTUNITIES

1.4.1. Clydesdale Housing Association operates under the overarching duty of a Registered Social Landlord to provide housing accommodation and related services in a manner which encourages equality of opportunity and in particular the observance of equal opportunity requirements as specified in the Housing (Scotland) Act 2001.

1.4.2. No person or group of persons applying for housing will be treated less favourably than other persons or group of persons because of their gender, marital status, family circumstances, race, ethnic or national origins, disability, age, religion, political or sexual orientation.

1.5 CUSTOMER FOCUS AND SERVICE COMMITMENT

1.5.1. The Association is committed to providing tenants, prospective tenants, customers and service users with the most effective and efficient services possible within existing resource constraints.

1.5.2. In line with that commitment a Customer Focus Charter has been developed, copies of which are available on request free of charge.

1.5.3. Recognising the distress and inconvenience applicants in housing need have to endure, particularly the homeless whilst waiting for suitable housing, the Association will:

- In conjunction with other CHR partners develop robust procedures and service standards in relation to the timescales for:
 - assessing individual housing needs and recording applicants on the housing list;
 - informing applicants of the outcome of their assessment and the provision of information and advice on their prospects and alternative options;
 - undertaking reviews of the housing list to ensure information on file is accurate and up to-date.
- On an annual basis review and establish operational targets for:
 - the letting of void dwellings benchmarked against peer group performance;

➤ responding to service delivery complaints

1.5.4. Feedback obtained through service user focus groups and satisfaction surveys etc will be used to review service standards to ensure they continue to be relevant and meaningful and underpin the provision of quality services.

1.6 JOINT WORKING ARRANGEMENTS

1.6.1. The Association has entered into a protocol with South Lanarkshire Council in relation to Joint Working Arrangements in respect of

- Nomination arrangements;
- The housing of statutory homeless applicants in terms of section 5 of the Housing (Scotland) Act 2001 (refer to sections 13 & 14).

1.7 COMMON HOUSING REGISTER (CHR)

1.7.1. The Association is working in partnership with South Lanarkshire Council and other RSL's operating within South Lanarkshire in the development of a CHR.

1.7.2. This policy has been developed having regard to the efficiencies to be gained in the operation of the CHR and the Joint Working Arrangements referred to above through harmonisation of housing need assessments and working practices.

1.8 POLICY OUTCOMES

1.8.1. A range of outcomes will be used to assess the effectiveness of this policy in meeting stated objectives e.g:

- the percentage of applicants assessed and recorded on the housing list within target;
- the number of complaints and appeals against assessment received;
- the number of applicants on the housing list by size of accommodation required;
- the number of applicants housed;
- the number of tenancies terminated as a percentage of the total housing stock and on an area basis;
- the average time taken to re-allocate and let void properties

2. MANAGEMENT OF THE HOUSING LIST AND ALLOCATION PROCESS

2.1 ACCESS TO HOUSING

- 2.1.1.** Admission to the housing list is open to anyone aged 16 years or over regardless of race, colour, ethnic origin, creed, gender, sexual orientation or current housing circumstances.
- 2.1.2.** Admission to the housing list is open to immigrant and refugee applicants, but where they do not have a right to remain, seek employment and/or access public funds, they will require to demonstrate their ability to comply with the contractual obligation to occupy and pay due rent prior to being offered a tenancy.
- 2.1.3.** In accepting applicants onto the housing list, the Association reserves the right to seek appropriate references from current or former landlords, building societies or other relevant sources to ascertain the suitability of the applicant as a prospective tenant to fulfil their contractual obligations.
- 2.1.4.** The right is also reserved to liaise with appropriate agencies in individual cases where there are safety issues to ensure that any tenancy granted is sensitive to the needs and concerns of the local community and is sustainable by the applicant in the longer term.
- 2.1.5.** Generally applicants will be queued on the list for the size of accommodation they require in terms of the occupancy standard detailed at section 2.14.
- 2.1.6.** The Association will ensure this policy is widely publicised by distributing copies to:
- The Scottish Housing Regulator;
 - South Lanarkshire Council;
 - Libraries and public welfare and advisory agencies such the Citizen's Advice Bureau;
- and by making information available in different languages and formats when necessary.

2.2 APPLYING FOR HOUSING

- 2.2.1.** All applications must be made using the appropriate form.

Approved: 9 December 2008

- 2.2.2.** With the exception of statutory homeless applicants (see section 3.1.2) the housing circumstances and needs of applicants will be assessed in accordance with the housing need criteria referred to at section 3.
- 2.2.3.** Applicants will be advised of the outcome of the assessment of their application and informed in writing of the points awarded to their application.
- 2.2.4.** To ensure fairness and transparency in the assessment process, all applicants will be provided with details of the points awarded (or as the case may be 'zero' points). An applicant dissatisfied with the points awarded can request a review of their circumstances (see section 6).
- 2.2.5.** An applicant's position on the waiting list will be determined by the extent of their housing need relative to that of other applicants as reflected in the total number of points awarded.

2.3 JOINT APPLICATIONS

- 2.3.1.** Joint applications will be accepted from applicants who:
- currently live separately but wish to share accommodation
 - have moved in together
- 2.3.2.** Where one or both of the applicants have previously applied, or where neither individual has previously applied, and both have a housing need, the joint application will be assessed in accordance with the applicant who has the highest need, except where either applicant already has secure accommodation suitable for the combined household. Applicants will be queued for the size of accommodation required by the combined household.
- 2.3.3.** In the case of individuals who have applied separately and subsequently live together, the application will be re-assessed on a joint basis according to their current housing circumstances. The effective date of application for the combined application will be the earlier of the two previous separate dates of application.
- 2.3.4.** Under no circumstances will a joint application be accepted or any offer made to joint applicants where to do so would result in the creation of a house in

multiple occupation (HMO).

- 2.3.5.** Joint applicants who subsequently wish to be considered for housing separately will be assessed from the original individual date of application and in accordance with their current housing circumstances.

2.4 CHANGE OF APPLICANT PREFERENCES.

- 2.4.1.** While their application is still active, applicants may at any time change their preferences. Requests to amend stated preferences must be made in writing or other permanent form (Email or fax).

2.5 APPLICATION / HOUSING LIST REVIEW

- 2.5.1.** Applicants will be contacted at least once annually to reaffirm their interest in obtaining housing and to ensure that information held on file about their circumstances is accurate and up to-date.

- 2.5.2.** Failure to return a review form will result in cancellation of the application. Once cancelled, an application will not be reinstated unless the applicant can demonstrate reasonable grounds for failing to return the review form. This does not prevent an applicant from submitting a new application.

2.6 DEFERMENT OF APPLICATION

- 2.6.1.** An applicant who for personal reasons does not currently wish to be actively considered for housing, but still wishes to be retained on the housing list for consideration at a future date, may have their application deferred.
- 2.6.2.** An applicant wishing to defer their application should submit their request in writing specifying their reasons and for how long they wish to be deferred. It is the responsibility of the deferred applicant to intimate in writing when they wish their application to be reactivated.
- 2.6.3.** During the period of deferment, applicants will be bypassed in the allocation of suitable void properties, but their application will not be penalised in any other way.

2.7 ABUSE OF THE ALLOCATION SYSTEM

- 2.7.1.** It is incumbent upon applicants to immediately inform the Association in writing of any change in their circumstances relevant to their application. Failure to

report a change circumstances may result in a delay or withdrawal of an offer of tenancy and be regarded as deliberate misrepresentation of circumstances.

- 2.7.2.** Where it is established an applicant has provided incorrect and/or misleading information, their application will be reassessed on the basis of the correct information.
- 2.7.3.** Depending on the nature and seriousness of the misrepresentation(s), the application maybe suspended for a period of up to 6 months (see section 4.2 – Suspension table).
- 2.7.4.** Proceedings to recover possession will be initiated in respect of any tenancy the Association was induced to grant on the basis of incorrect and/or misleading information knowingly and deliberately provided by the applicant.

2.8 MANIPULATION OF CIRCUMSTANCES

- 2.8.1.** An applicant who voluntarily terminates a tenancy, relinquishes ownership of a house without good cause, or in any other way deliberately worsens their housing situation, will be deemed to have manipulated their circumstances in order to enhance their prospects of obtaining housing from the Association.
- 2.8.2.** Such applicants will be allowed access to the waiting list but the award of points, which but for the voluntary change in circumstances would not have otherwise been granted, will be suspended for a period of 6 months.

2.9 INTERNAL TRANSFERS

- 2.9.1.** The Association does not maintain a separate transfer list. Existing tenants can add their name to the list and be considered for housing in conjunction with other applicants on the basis of their housing needs as determined under section 3.
- 2.9.2.** On an annual basis the Association will determine a target quota of lets for allocation to existing tenants.

2.10 REMOVAL OF APPLICANTS FROM THE HOUSING LIST

- 2.10.1.** An application will only be cancelled where the applicant has:
- specifically requested in writing that their application be cancelled

- died
- failed to respond to an annual review of the list
- failed to respond to correspondence
- obtained suitable housing through another housing provider, mutual exchange or private purchase.

2.11 ALLOCATION OF HOUSING

2.11.1. With the exception of statutory homeless applicants (see section 3.1) applicant selection for void dwellings generally will be made on the basis of need. Size, type and location will be taken into account in order to make the optimum use of available accommodation in matching the needs of applicants and creating sustainable tenancies and communities.

2.11.2. Where for any particular dwelling, there is more than one suitable applicant in similar circumstances and with the same number of points, selection will be made having regard to one or a combination of the following factors:

- length of time in need / earliest date of application;
- the applicant whose domestic circumstances are best matched by the available dwelling and who will make best use of its facilities;
- community sustainability, including any local letting plans or initiatives;
- known local management difficulties that would be exacerbated more by one applicant than another.

2.12 MAINSTREAM, AMENITY AND ADAPTED DWELLINGS

2.12.1. As a matter of course, applicants will be considered for selection for all mainstream properties available for let.

2.12.2. Amenity dwellings will be reserved for and allocated exclusively to applicants aged 60 years or over or applicants who have a recognised disability requiring the facilities afforded by the amenity dwelling. In situations where there is an absence of demand from qualifying applicants for a particular area or property, amenity dwellings will be allocated on an age descending basis.

2.12.3. Where a dwelling which has been specifically built or adapted to meet the needs of disabled people becomes available for allocation, attempts will be made in the first instance, including contact with relevant agencies, to identify an appropriate applicant whose needs are best matched by the property available.

2.13 AREAS OF CHOICE

2.13.1. Applicants will not be restricted in the number of areas they can specify, and can be queued for any or all areas in which the Association has housing.

2.14 OCCUPANCY STANDARD

2.14.1. The housing requirements of applicants will be assessed on the basis of the occupancy standard detailed below.

2.14.2. As a minimum, 1 bedroom is required by:

- a single person aged 16 years and above;
- a couple;
- two children of the opposite sex under 8 years old. If one child is over 8 years separate bedrooms are required;
- two children of the same sex under 16 years, unless there is an age gap of 10 years or more.

In calculating the occupancy standard, no more than two persons regardless of age are expected to share a bedroom.

These requirements also assume that each household should have a living room which is not used for sleeping. Account will be taken of all persons permanently living within the household.

2.14.3. Based on their household composition, applicants will be queued on the housing list for accommodation that meets their requirements as follows:

| Number of bedrooms required | 1 | 2 | 3 | 4 | 5 |
|-------------------------------------|----------------|----------|----------|----------------|----------------|
| Size of property that can be chosen | 2 apt 3 apt | 3 apt | 4 apt | 4 apt 5 apt | 5 apt 6 apt |

2.14.4. If accommodation becomes available for letting for which there is no demand from qualifying applicants, the Occupancy Standard may be relaxed subject to the proviso that no dwelling will be let to an applicant whose household composition would result in a dwelling being overcrowded except in circumstances detailed at section 2.14.7 below.

- 2.14.5.** The Association reserves the right to vary the above or to apply only the minimum occupancy standard having regard to supply and demand and local letting initiative on an area by area basis.
- 2.14.6.** Where applicants have a choice of more than one size, they can select one or all sizes for which they qualify. However that does not commit the Association to allocate accommodation larger than that required as in the allocation of vacant dwellings efforts will be made to ensure the best match of applicant to property is achieved.
- 2.14.7.** Applicants living in an overcrowded situation and there is no accommodation of the size required within their area(s) of choice, may be queued for accommodation smaller than their requirements if it alleviates the overcrowding.
- 2.14.8.** Applicants with overnight access to a child from a former relationship can queue for a property that provides one bedroom more than they would otherwise be entitled to under the occupancy standard; but applicants already queued for one bedroom more than their permanent household requires will not be able to queue for an additional bedroom.
- 2.14.9.** The Occupancy Standard may also be relaxed in circumstances where there are acceptable medical reasons for an applicant to be provided with accommodation larger than that to which they would otherwise be entitled.

3. HOUSING NEED AND PRIORITIES

3.1 HOUSING NEED

- 3.1.1. For the purposes of this policy, an applicant is in '*housing need*' if they:
- are homeless or threatened with homelessness as determined by South Lanarkshire Council;
 - are occupying overcrowded accommodation;
 - are occupying accommodation that is below the tolerable standard;
 - do not have security of tenure;
 - have an urgent or serious medical need that renders their present accommodation unsuitable for their requirements;
 - have a need to be rehoused closer to a relative in order to receive or provide essential care and support;
 - are subject to racial or other harassment

- 3.1.2. Applicants will be recorded on the list and considered for housing on the basis of an assessment of their needs and where applicable points awarded for specific criteria on the basis of the undernoted 'Housing Needs Criteria' (need factors):

Homelessness

In recognition of the duty imposed by the Housing (Scotland) Act 2001, the Association will co-operate with South Lanarkshire Council in the discharge of its statutory duties towards the homeless; and will comply with requests made under Section 5 of the 2001 Act to provide within a reasonable period either permanent or temporary accommodation as required unless there are good reasons for not complying.

Homelessness will be assessed and determined exclusively by South Lanarkshire Council. Applicants applying directly to the Association who appear to be in a homeless or potentially homeless situation will be encouraged to apply to South Lanarkshire Council for assessment. This will apply equally to applicants subject to a homeless determination by other local authorities.

Through the CHR, the Association will directly select statutory homeless applicants for offer solely on the basis of the date of homeless presentation in accordance with a target quota of lets as determined and agreed annually with South Lanarkshire Council. In the interim period pending implementation of the CHR, accommodation will be provided for statutory homeless applicants nominated to the Association through exiting

arrangements as section 5 referrals.

While the Association maintains a separate housing list pending implementation of the CHR, and notwithstanding a determination of homeless priority status by South Lanarkshire Council, statutory homeless applicants will be queued on the Association's list on the basis of a separate assessment of their needs and award of points in terms of other housing need criteria detailed below in order that they can be considered in conjunction with other non statutory homeless applicants for an offer of suitable housing from within the net quota of lets remaining available to the Association for allocation.

Racial and other Harassment

Points may be awarded under this category where it can be demonstrated an applicant or a member of the applicant's household is subjected to racial or other forms of harassment. Supporting evidence of the harassment from the Police, Social Services or other appropriate sources as determined by the Housing Manager must be provided.

Points awarded: 50

Insecurity of Tenure

Applicants will be deemed not to have security of tenure if they do not have a Scottish secure tenancy, an assured tenancy or exclusive or joint ownership of private property; or where they do but are under a notice of termination, notice to quit or repossession order with a definite date by which they are required to vacate their present accommodation.

Points awarded: 60 points.

Overcrowding

An applicant is overcrowded if the accommodation occupied is too small for their household needs in terms of the Association's occupancy standard as detailed as detailed at Section 2.14 above. Points will be awarded per bedroom short of the required standard of occupancy as follows:

| | |
|------------|------------|
| 1 bedroom | 40 points |
| 2 bedrooms | 80 points |
| 3 bedrooms | 120 points |
| 4 bedrooms | 160 points |

Where applicable, overcrowding points will be granted following the birth of a child. Applicants will be required to forward a copy of the birth certificate at an early date following the birth.

Points awarded: 40 per bedroom short

Medical Factors

To facilitate effective operation of the CHR, the Association in conjunction with South Lanarkshire Council will undertake a common health assessment of applicants wishing medical factors to be taken into account in the assessment of their application for housing. Depending on their individual circumstances, applicants will be categorised as **Category A – Urgent**

medical need (500 points pending implementation of the CHR) or Category B – Serious medical need (120 points). Further details of the medical process and these categories are provided at section 5.3.

Care & Support

Applicants who have a need to be rehoused closer to a family member in order to receive or provide care and support may be awarded points under this category.

Points will only be awarded where an applicant can demonstrate that:

- The care and support is essential to enable the applicant or the person to whom the support will be provided to remain within their home or to live independently. For example, the absence of the care and support would result in either the applicant or the family member being admitted to hospital, or a long term care facility or would prevent the applicant or family member as the case may be from being discharged from hospital.
- It is not reasonable for the carer to provide the required care and support from where they currently live.
- The result of the carer ceasing to provide the care and support would place a significant demand on care services.

The Association will also take into account the extent to which support is already available or accessible, including the proximity of other family members. Applicants will be queued for the area(s) from within which the required care and support can reasonably be received / provided.

Points awarded: 60

Management Transfer

In exceptional circumstances where it is considered necessary to rehouse an existing tenant in order to resolve particular management difficulties, points will be awarded by the Housing Manager following a report to, and after consultation with, the Association's Depute Chief Executive, with a report to be later submitted to Management Committee for information. The facility for awarding discretionary points under this category will only apply while the Association maintains its own housing list, and for operational reasons the process will require to be revised post CHR implementation.

Points awarded: Association discretion

Special Cases

The list of housing criteria can never cover all situations. An award of points under this category will only be made in the most exceptional of circumstances and it is anticipated cases will be very rare and infrequent. Examples of cases that may be considered under this category are:

- Applicants occupying dwellings that do not meet the tolerable standard

- Vulnerable applicants with learning difficulties being discharged into the community from long term residential care
- Witnesses to violent crime requiring to be rehoused through the Witness Protection scheme.
- Where it is considered that the points awarded do not accurately reflect an applicant's housing needs, e.g. no points may be available for the specific circumstances of an application.

The Housing Manager in conjunction with the Depute Chief Executive will determine whether the application should be deemed a special case. In such circumstances the case will be reported to the Management Committee which will consider the merits of the case and decide the level of priority to be awarded. The facility for awarding discretionary points under this category will only apply while the Association maintains its own housing list, and for operational reasons the process will require to be revised post CHR implementation.

Points awarded: Association discretion

The number of such special cases will be closely monitored and reported to Management Committee.

4. OFFERS AND PENALTIES

4.1 OFFERS

- 4.1.1.** Applicants will be selected for offer based on their needs and stated preferences. Any offer that meets the applicants specified criteria will be deemed reasonable. Where an applicant refuses a reasonable offer they will be invited to review their preferences in order to prevent further abortive offers and possible suspension of the application.
- 4.1.2.** In selecting applicants for offer, the Association reserves the right to make the best use of the available dwelling and to take account of the wider community and impact the allocation could have on the area.
- 4.1.3.** Applicants will be restricted to a maximum of 3 reasonable offers. On refusal of a third reasonable offer without good cause, the applicant will be suspended in accordance with section 4.2. If at the end of the suspension period the applicants circumstances are unchanged, their application will be reinstated and they will be eligible for a further 3 offers.
- 4.1.4.** Applicants who are deemed to be statutory homeless or have a Category A Urgent medical need will only be considered for one reasonable offer that meets their requirements. If refused, their circumstances will be reassessed and if appropriate they will be considered for a further two offers under other categories of need as detailed in section 3.
- 4.1.5.** All applicants who receive an offer of tenancy will be afforded a reasonable opportunity to view the available dwelling, either on their own or accompanied by a Housing Officer.
- 4.1.6.** Applicants will normally be allowed a maximum period of 2 working days to respond to an offer, but longer periods may be agreed where there are extenuating circumstances.
- 4.1.7.** Applicants who are offered a house will be given information on their Right-to-Buy.

4.2 SUSPENSION OF APPLICATIONS FROM HOUSING LIST

4.2.1. Applicants will be suspended from the housing list where any of the criteria specified in the following table applies. The effect of suspension is that during the period of suspension the applicant will not be actively considered for any suitable accommodation that becomes available for letting.

| | Suspension reasons and circumstances where suspension will apply | Rules and timescale of suspension |
|---|---|--|
| 1 | <p>Anti-social behaviour</p> <p>- by an applicant or member of their household. The list below provides examples of the types of behaviours that are considered to be anti-social. It should be noted that the list is not exhaustive:</p> <ul style="list-style-type: none"> • Annoyance, harassment, violent or intimidating behaviour towards staff, Management Committee or neighbours; • Criminal convictions related to a tenancy:- Drug dealing, prostitution, fire raising • Extensive damage caused to landlords property • Anti-social Behaviour Order granted • Eviction decree granted • Or any other behaviour the Association considers to be anti-social. | <p>Where the applicant has an existing application for housing, the application will be suspended pending the outcome of the investigation.</p> <p>Where an offer of housing has been made to the applicant, the offer will be withdrawn (but held) pending the outcome of the investigation.</p> <p>Where the anti-social behaviour has been established, the period of suspension will be for an initial period of 3 months, following which the case will be reviewed by the Housing Manager to determine whether the:-</p> <ul style="list-style-type: none"> - applicant can demonstrate their ability to behave in such a way as not to cause harassment, nuisance or annoyance to others; |

| | | |
|---|--|--|
| | | <p>- household will be able to maintain a future tenancy in an acceptable manner. Thereafter, the application will either be reinstated or the suspension extended for a further 3 months (depending on outcome of review).</p> |
| 2 | <p>Tenancy related debt: - attributed to the applicant as a tenant only within the previous 5 years.</p> <p>Suspension will be applied where the applicant has rent arrears or any other tenancy related debt (rechargeable repairs /service charges). Exceptions to this would be where:</p> <ul style="list-style-type: none"> • the debt has been paid off in full • the level of debt is equivalent to or less than one months rent • an agreement has been made to pay the debt off and this has been maintained for at least 3 months and is continuing • the debt is not the responsibility of the applicant as a tenant. | <ul style="list-style-type: none"> • 3 months <p>The suspension will be lifted immediately following full payment of the debt or where an arrangement to pay off the debt has been maintained for 3 months or where the debt has reduced to the equivalent or less than one months rent.</p> |
| 3 | <p>Breach of tenancy condition(s) Suspension will be applied where the applicant is a current tenant of a Council or Registered Social Landlord and has breached their tenancy conditions. For example:</p> <ul style="list-style-type: none"> • unsatisfactory condition of property, garden, common areas, disposal of rubbish, wilful damage, vandalism, | <ul style="list-style-type: none"> • 6 months <p>Suspension should be lifted as soon as the Association or other landlord is satisfied the condition of the property has improved to a satisfactory level. Where there has been a persistent breach of</p> |

| | | |
|----------|---|--|
| | <p>control of pets.</p> <ul style="list-style-type: none"> • where alterations /improvements have been carried out on a property without the approval of the landlord. | <p>tenancy conditions, the case will be reviewed after 6 months and the suspension either extended or the application reinstated depending on the outcome of the review.</p> |
| 4 | <p>Refusal of third offer of tenancy Suspension will be applied where the applicant has refused a third reasonable offer of housing within the last 3 years (made in accordance with the applicant's preferences)</p> | <ul style="list-style-type: none"> • 3 months |
| 5 | <p>Fraud, false or misleading information Suspension will be applied where the applicant has deliberately sought to distort information in order to gain advantage over other applicants in housing need.</p> | <ul style="list-style-type: none"> • 6 months <p>Timescale will be set by Housing Manager relative to the severity of the fraud</p> |
| 6 | <p>Current right to buy application Suspension will be applied where the applicant is an existing tenant of an Association or Council and has submitted an application to purchase their home.</p> | <ul style="list-style-type: none"> • 2 months or until the outcome of the application has been determined. |

4.2.2. Applicants suspended from consideration of an offer, will be informed of:

- The reason for the suspension
- The implications of the suspension
- The period of the suspension
- The process by which they can appeal against the suspension (see section 6).
- The steps they need to take to have the suspension lifted.

5. MEDICAL ASSESSMENT AND PRIORITIES

5.1 MEDICAL FACTORS

- 5.1.1.** Medical points will only be awarded where rehousing would significantly improve or alleviate the medical condition of an applicant or a member of the applicant's household (who will be moving with the applicant), and only for accommodation that meets the medical need.

Having a medical condition will not in itself be grounds for an award of medical points.

- 5.1.2.** Applicants wishing to be considered for rehousing on the basis of their medical condition or that of a member of their household moving with them must complete a medical assessment application form. Applications are available from the Association or any South Lanarkshire Council Q & A or Area Service Office.

- 5.1.3.** Medical priority will only be awarded where the applicant's current accommodation cannot be adapted to meet the medical requirements of the applicant or the member of applicant's household (who would be moving with the applicant). Where appropriate South Lanarkshire Council (or where the applicant is an existing tenant, the Association) subject to funding availability will provide appropriate aids or carry out the necessary adaptations required to allow the applicant to continue to live in their current home.

- 5.1.4.** In assessing whether a property can be adapted to meet an applicant's household needs, the following factors will be taken into account:

- financial constraints
- level of disruption associated with the required work
- willingness of the landlord or owner of the property (where relevant) to consent to the necessary works.

- 5.1.5.** Where more than one person within an applicant's household has a medical condition, an assessment of the combined medical needs of the household will be carried out. Only one level of points will be awarded.

5.2 INDEPENDENT MEDICAL ADVISOR

- 5.2.1. Health assessments will be undertaken on behalf of the Association by an Independent Medical Advisor appointed by South Lanarkshire Council.
- 5.2.2. The medical circumstances of an applicants or member of the applicant's household will be assessed by the Independent Medical Advisor, who will make a recommendation on the categorisation that should be awarded.

5.3 MEDICAL CATEGORIES

- 5.3.1. The two levels of medical award available are:

Category A – Urgent medical need

Where the Medical Advisor determines that the applicant or member of the applicant's family (moving with the applicant)

- has an extremely serious and enduring medical condition; and
- the applicant's current property is wholly unsuitable in the light of the applicant's, or the member of their household medical needs; and
- the applicant's present accommodation cannot be adapted; and urgent rehousing is required to suitable accommodation

Urgent medical points will be awarded.

Applicants will not be eligible for points under any other category of housing need. Applicants will be considered for housing on the basis of their individual need for the area and property that best meets their medical needs.

Points under this category will only be awarded while and for as long as the Association maintains its own separate housing list. Post CHR implementation, applicants will be categorised as '**urgent**', and queued and considered on a date of application basis, for accommodation that meets their specific medical circumstances.

Points awarded: 500

Category B – Serious medical need

Where the Medical Advisor determines that the applicant or member of the applicant's family (moving with the applicant)

- has a serious medical condition; and
- the applicant's current property is unsuitable; and
- the applicant's present accommodation cannot be adapted; and rehousing to suitable accommodation would alleviate the medical condition.

Serious medical points can be awarded in conjunction with points for other housing factors. **Points awarded: 120 points**

- 5.3.2.** An applicant (or a member of their household moving with them) who has a medical need, assessed as either Category A or B, is likely to have specific property requirements that the Association will endeavour to meet. Where the Independent Medical Advisor has recommended that the applicant (or a member of their household moving with them) be considered for a particular property type or area, for example ground floor level access, medical points will only be awarded if the applicant's stated preferences meets their medical needs.
- 5.3.3.** Applicants who wish to be considered for an area or property that does not meet their medical needs will not be allowed to retain the medical points for unsuitable property/area/heating preferences.

6. APPEALS AND COMPLAINTS

6.1 RIGHT OF APPEAL – GENERAL

6.1.1. An applicant who is dissatisfied or in any way aggrieved with the assessment of their application or any aspect of the allocation process, or who has a complaint about the manner in which their application was processed and dealt with, can in the first instance make representations directly to the Housing Manager.

6.1.2. If thereafter the applicant continues to be dissatisfied and has grounds for complaint about the how their application was processed, they have recourse to the Association's formal Appeals and Complaints Procedure and thereafter to the Scottish Public Services Ombudsman

6.2 RIGHT OF APPEAL – APPLICATION DECISIONS

6.2.1. Applicants who are dissatisfied or aggrieved about decisions made about their application can appeal and seek a review. Applicants have a right to appeal against decisions made on the following:

- the level of points awarded;
- the reasonableness of the offer of housing;
- the reasonableness of the suspension imposed;
- the removal of their application from the housing list

6.2.2. Depending on their nature, appeals will be processed as follows:

- **The level of points awarded (non medical)**

Appeals will be processed by the Housing Manager who will review the assessment made and points awarded.

- **The level of points awarded (medical)**

Appeals will be processed by the Housing Manager who will liaise with the Independent Medical Advisor and South Lanarkshire Council's Area Services Manager as appropriate.

Reasonableness of offer made (non statutory homeless)

Appeal will be processed by the Housing Manager.

- **Reasonableness of offer made (statutory) homeless**

Appeals will be processed by South Lanarkshire Council in accordance

with their Homeless Appeals Procedure, details of which will be issued to applicants at time of offer. In accordance with the duties imposed by Section 5 of the Housing (Scotland) Act 2001, the offer made will be kept open pending the outcome of the appeal.

- **Reasonableness of the suspension imposed**

Pre implementation of the CHR, appeals will be processed by the Housing Manager. Post CHR implementation, the appeal will be processed by a Senior Officer in the organisation responsible for the decision to suspend the application.

- **Removal of an application from the housing list**

Pre implementation of the CHR, appeals will be processed by the Housing Manager. Post CHR implementation, the appeal will be processed by a Senior Officer in the organisation responsible for the decision to cancel the application.

7. LETTING INITIATIVES /QUOTAS

7.1 LOCAL LETTING INITIATIVES

- 7.2.1.** The Association will utilise Letting Initiatives to address localised issues associated with low demand / high turnover or estate management problems in particular areas or for certain property types.
- 7.2.2.** Where the adoption of a Local Letting Initiative is considered necessary, the Housing Manager will present a report to Management Committee detailing the background to the issue, actions previously taken and the steps proposed to be taken. The Letting Initiative may or may not specify target letting quotas for particular categories of applicant e.g. existing tenants, applicants with local connection, particular household sizes etc.
- 7.2.3.** In adopting Local Letting Initiatives, the housing needs criteria and occupancy standard may be relaxed for a specified period of time or until the particular issue has been resolved.

7.2 LETTING QUOTAS

- 7.2.1.** Recognising that existing tenants with a housing need are unable to attract the same level of points as many other categories of applicants, and therefore have less chance of being housed through the normal allocation process; and to assist in the sustainability of local communities, the Association will on an annual basis determine a percentage of lets to be allocated to internal transferring tenants.
- 7.2.2.** On a annual basis, the Association will consult and agree with South Lanarkshire Council a target quota of lets to be allocated to homeless applicants in terms of Section 5 of the Housing (Scotland) Act 2001, although it is recognised and acknowledged that the Council is not duty bound to be constrained by any such agreed quota.

8. TENANCIES

8.1 SCOTTISH SECURE TENANCY (SST)

- 8.1.1.** Except in cases where there are good reasons for not doing so, a Scottish Secure Tenancy (SST) will be granted in all cases where permanent accommodation is provided.
- 8.1.2.** Notwithstanding the generality of paragraph 8.1.1, the Association reserves the right to grant a short Scottish Secure Tenancy (sSST) as provided for in section 34 of, and Schedule 6 to the Housing (Scotland) Act 2001 in individual cases where it is appropriate to do so in accordance with the approved policy on the use of sSST's.
- 8.1.3.** In all cases where a sSST is deemed the appropriate tenure, the applicant will be informed in writing:
- that a sSST will be granted
 - the reasons for granting a sSST
 - the implications of a sSST in terms of security of tenure and right to buy etc
 - their right to appeal the decision not to grant a full SST.

8.2 JOINT TENANCIES

- 8.2.1.** As a general rule a joint tenancy will be created between:
- a husband and wife;
 - persons living together in a relationship having the characteristics of a husband and wife;
 - other recognised joint applicants

9. MISCELLANEOUS

9.1 PURPOSE BUILT / ADAPTED SPECIAL NEEDS FACILITIES

9.1.1. In order to optimise available resources, alternative suitable housing may be provided as a matter of priority for an existing Association tenant occupying a dwelling specifically built or adapted to meet the special needs of a disabled person, and who as a result of a change in circumstances no longer has a need for the facilities provided by that dwelling and there is a demand from disabled applicants for accommodation having these facilities.

9.2 OPERATION OF THE HOUSING LIST

9.2.1. Applicants will be queued on one single list for the size of accommodation they require and preferred area(s) of choice.

9.2.2. Applicants will be considered for available housing having regard to:

- the size and type of accommodation required and area(s) requested;
- the total aggregated points awarded to their application;
- where points are equal:
 - date of application
 - longest time in housing need
 - best use /match
- local letting initiatives
- impact of allocation on known management / safety issues

9.3 RESIDENCE AND CONTACT WITH CHILDREN

9.3.1. Applicants who have a shared responsibility for children with a former partner will be considered for housing on the following basis:

- where the children are mainly resident with the applicant (i.e. for 4 or more nights a week), or if block contact arrangements are in place for more than 6 months of the year, the number of rooms the applicant requires will be determined by the total number of people within the household as per the occupancy standard at section 2.14.
- If the applicant and former partner have equal residence rights, the applicant will qualify for accommodation on the basis that the children are resident on a full time basis.

9.3.2. Applicants who have overnight contact with children will be considered for accommodation which provides one bedroom more than is required by their

Approved: 9 December 2008

permanent household unless this would result in statutory overcrowding as defined by sections 135 – 137 of the Housing (Scotland) Act 1987. If the applicant's current accommodation is adequate for the children then the applicant will not be eligible for an additional bedroom.

- 9.3.3.** Applicants will require to provide satisfactory supporting evidence of the access arrangements, and demonstrate that it is regular, ongoing and of a permanent nature.

9.4 **EXPECTANT MOTHERS**

- 9.4.1.** Where an applicant or a member of the applicant's household is pregnant, the applicant will be queued for the size of accommodation required by the household following the birth of the child. However, where the birth of the child will result in overcrowding of the household, additional points to reflect this will not be awarded until after the birth of the baby.

9.5 **ADOPTING CHILDREN**

- 9.5.1.** Applicants who have been accepted to adopt children will be eligible to queue for the size of accommodation required by the expanded household.

9.6 **PART TIME OCCUPANTS**

- 9.6.1.** Where a household includes an individual who is absent from the home for regular or prolonged periods of time (e.g. off shore worker) then they will be treated as a permanent member where the property continues to be their only or principal home.

9.7 **MUTUAL EXCHANGES**

- 9.7.1.** Subject to obtaining prior approval, existing tenants of the Association may exchange dwellings with another Association tenant, a tenant of a local authority or of another registered social landlord. Approval to exchange will not be unreasonably withheld providing the tenants' involved have conducted all aspects of their respective tenancy satisfactory. Requests to exchange must be in made in writing, Email or fax

- 9.7.2.** Before approval is granted the Association will need to be satisfied that a 'Bona Fide' exchange will in fact take place and that it is the intention of the parties involved to occupy their potential new home for a reasonable period of time. Approval will not be granted where

- overcrowding as defined by the occupancy standard at section 2.14 would occur
- there has been financial inducement
- the property has special needs facilities which are not required by the prospective tenant
- either party is relinquishing a special needs facility which they still require
- where it is believed that one of the parties involved in the exchange does not intend to occupy the property as their principal home for a period in excess of 12 months
- either party, member of their household or visitors to their home have a record of antisocial behaviour. See section 4.2 - suspension circumstances table.
- Either party's rent account is in arrears and do not satisfy the points set out in section 4.2 – suspension circumstances table.

9.7.3. In order to provide a degree of flexibility in meeting their aspirational as well as actual spatial requirements, the Association will permit exchanging tenants to occupy accommodation having one bedroom in excess of their requirements.

9.7.4. Exchanging tenants will be required to accept the house they propose to occupy as being in a good state of repair and tenantable order as at their date of entry and assume responsibility for all repairs which otherwise would be the responsibility of the outgoing tenant, fair wear and tear excepted.

9.7.5. Information will be provided to tenants, where applicable, who apply for a mutual exchange of the effect on their Right-to-Buy entitlement.

10. CONFIDENTIALITY

10.1 Information supplied by applicants will not be disclosed to any third party without the prior written consent of the applicant and will be used only in relation to their application or in the recovery of rent or related charges outstanding at the termination of any tenancy subsequently granted.

10.2 Information supplied by a third party, e.g. GP letters, Social Work report etc, will not be released to the applicant or any other party without the provider's prior consent.

11. RENT ARREARS

11.1. This policy recognises the provisions of the Housing (Scotland) Act 2001 which regulates the extent to which regard can be taken of current or former tenant arrears in the allocation of housing.

11.2. It is acknowledged that the Association has a duty to comply with statutory provisions, but the right is reserved to explore and pursue all legally acceptable options for the full recovery of rent and other charges lawfully due.

12. FORMER TENANTS

12.1 Admission to the waiting list is open to former tenants of the Association.

12.2 Former tenant applicants' who left a balance of unpaid rent or other tenancy related charges when they terminated their tenancy will at the time of application be required to make appropriate arrangements for the payment of all outstanding charges. Where an applicant fails to make payment or maintain an arrangement in respect of former tenancy charges, the application may be suspended in accordance with Section 4.2 - Suspension circumstances table.

12.3 Former tenants who were evicted for, or who had a history of antisocial behaviour, will need to satisfy the Association that they will be capable of conducting any tenancy granted in a satisfactory manner. Depending on the seriousness of their previous conduct, such applicants may in the first instance be suspended in accordance with the suspension criteria - See Section 4.2 Suspension table or alternatively offered a short Scottish Secure Tenancy in accordance with Section 34 of and Schedule 6 to the Housing (Scotland) Act 2001.

13. SECTION 5 REFERRALS

13.1 In recognition of the duties imposed by Section 5 of the Housing (Scotland) Act 2001, the Association will co-operate and provide suitable housing for statutory homeless applicants when requested to do so by South Lanarkshire Council unless it has good reason for not complying with any such request.

13.2 Procedural arrangements for processing referrals made under Section 5 are contained within an agreed Joint Working Arrangements Protocol entered into

by the Association and the Council.

- 13.3** South Lanarkshire Council will determine on an annual basis a target quota of lets to be allocated by the Association to statutory homeless applicants eligible for referral in terms of Section 5.

14. NOMINATION AGREEMENTS

- 14.1** A Nomination Agreement currently exists between the Association and South Lanarkshire Council whereby the latter is given nomination rights to a percentage of net lets available for allocation by the Association. The current agreed percentage is 50%.

- 14.2** South Lanarkshire Council will utilise the nomination agreement for the purposes of housing statutory homeless applicants who they would refer to the Association under Section 5, but it is recognised and acknowledged that in the referral and housing of Section 5 applicants the Council is under no obligation to be constrained by the 50% quota.

- 14.3** Additionally, the Association will where appropriate and on request enter into nomination arrangements with agreed allocation quotas with voluntary organisations working with vulnerable clients.

15. THE ROLE OF MANAGEMENT COMMITTEE

- 15.1** The Management Committee will approve the Allocations Policy and receive and consider reports from the Housing Manager demonstrating its outcomes and that it is being applied fairly and in a non discriminatory manner

16. POLICY MONITORING AND REVIEW

- 16.1** The Housing Manager will regularly monitor the implementation of this policy and will ensure it is applied fairly and consistently in a non discriminatory manner; and will present appropriate reports to Management Committee demonstrating the outcomes relative to the stated objectives.

- 16.2** This policy will be subject to periodic review, not less than once every two years, and more frequently as and when necessary to take account of changes in legislation, developing good practice or to maintain harmonisation with South Lanarkshire Councils Allocation Policy for the purposes of efficient operation of the CHR.

Approved: 9 December 2008

**Approved by the Committee of Management on: 9 December 2008
Implemented 18 June 2009**

Signed:

Secretary/Chairperson

Signed:

CEO/Senior Staff Member