

## **CLYDESDALE HOUSING ASSOCIATION LIMITED**

<b>Policy:</b>	<b>Allocation Policy</b>
<b>Date:</b>	<b>27<sup>th</sup> September 2023</b>
<b>Lead Officer:</b>	<b>Housing Manager</b>
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<b>Regulatory Standards:</b>	<b>Standard 1</b>

The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users.

### **Guidance**

- 1.1 The governing body sets the RSL's strategic direction. It agrees and oversees the organisation's business plan to achieve its purpose and intended outcomes for its tenants and other service users.
- 1.2 The RSL's governance policies and arrangements set out the respective roles, responsibilities and accountabilities of governing body members and senior officers, and the governing body exercises overall responsibility and control of the strategic leadership of the RSL.
- 1.3 The governing body ensures the RSL complies with its constitution and its legal obligations. Its constitution adheres to these Standards and the constitutional requirements set out below.
- 1.4 All governing body members accept collective responsibility for their decisions.
- 1.5 All governing body members and senior officers understand their respective roles, and working relationships are constructive, professional and effective.
- 1.6 Each governing body member always acts in the best interests of the RSL and its tenants and service users and does not place any personal or other interest ahead of their primary duty to the RSL.
- 1.7 The RSL maintains its independence by conducting its affairs without control, undue reference to or influence by any other body (unless it is constituted as the subsidiary of another body).

### **The Scottish Social Housing Charter 7, 8 and 9: Housing Options**

Social landlords work together to ensure that:

- People looking for housing get information that helps them make informed choices and decision about the range of housing options available to them
  - Tenant and people on housing lists can review their housing options
- Social landlords ensure that:
- People at risk of losing their homes get advice on preventing homelessness

### **10: Access to social housing**

Social landlords ensure that:

- People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and on their prospects of being housed.

**Clydesdale Housing Association will provide this policy on request at no cost, in large print, in Braille, in audio or other non-written format, and in a variety of languages.**

## Contents

Introduction .....	4
1.1 Background .....	4
1.2 Policy Objectives .....	4
1.3 General Data Protection Regulations .....	4
1.4 Legal Requirements and Minimum Standards.....	5
1.5 Equal Opportunities .....	5
1.6 Customer focus and service commitment.....	6
1.7 Joint Working Arrangements.....	6
1.8 Common Housing Register.....	6
1.9 Policy Outcomes.....	6
2. Management of the Housing List & Allocation Process .....	7
2.1 Access to housing.....	7
2.2 Applying for housing.....	7
2.3 Joint Applicants.....	8
2.4 How applicants are queued for housing .....	8
2.5 Allocations between the housing lists .....	10
2.6 Change of applicant preferences.....	10
2.7 Application/Housing review list.....	10
2.8 Deferment of application.....	10
2.9 Abuse of the Allocation System .....	10
2.10 Manipulation of circumstances .....	11
2.11 Internal Transfers .....	11
2.12 Removal of applicants from the Housing List.....	11
2.13 Allocation of housing.....	11
2.14 Mainstream, amenity and adapted dwellings .....	12
2.15 Areas of choice .....	12
2.16 Occupancy standard.....	12
3. Housing need and priorities .....	13
3.1 Housing need.....	13
4. Offers and penalties.....	16
4.1 Offers.....	16
4.2 Suspension of applicants from housing list.....	17
5. Medical assessment and priorities .....	19
5.1 Medical factors .....	19
5.2 Independent Medical Advisor .....	20
5.3 Medical categories.....	20
6. Appeals & Complaints .....	21
6.1 Right to appeal – general .....	21
6.2 Right to appeal – application decisions .....	21

<b>7. Letting Initiatives/Quotas</b> .....	22
7.1 Local Letting Initiatives .....	22
7.2 Letting quotas .....	22
<b>8. Tenancies</b> .....	22
8.1 Scottish Secure Tenancy (SST).....	22
8.2 Joint Tenancies.....	23
<b>9. Tenancy Successions</b> .....	23
<b>10. Assignations, Subletting and Mutual Exchanges etc.</b> .....	23
<b>11 Miscellaneous</b> .....	24
11.1 Purpose built/adapted special needs facilities .....	24
11.3 Residence and contact with children.....	25
11.4 Expectant Mothers .....	25
11.5 Adopting children.....	25
11.6 Part time occupants .....	25
11.7 Mutual exchanges .....	26
<b>13. Rent Arrears</b> .....	26
<b>14. Former Tenants</b> .....	26
<b>15. Section 5 referrals</b> .....	27
<b>16. Nomination agreements</b> .....	27
<b>17. The role of the Management Committee</b> .....	27
<b>18. Policy monitoring and review</b> .....	27
<b>Appendix 1- Roles and Responsibilities</b> .....	28

## **Introduction**

### **1.1 Background**

The purpose of this Policy is to set out how Clydesdale Housing Association (CHA) will allocate its vacant properties.

The Association is based in South Lanarkshire, in what was formerly the Clydesdale District.

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.

Ensure that its policies and practices are consistent with and take cognisance of the requirements of all relevant legislation

As one of the partner landlords in South Lanarkshire Council's (SLC) Common Housing Register (CHR) our Allocation's Policy has been aligned to SLC's to make it easier for applicant's who wish to be considered for rehousing.

### **1.2 Policy Objectives**

The principal objectives of this policy are to:

- be responsive to local needs and demands and ensure the best use of available CHA stock
- make sure those assessed as being in most housing need are prioritised
- make sure the allocation process helps to achieve balanced and sustainable communities
- be fair, transparent and consistent in the allocation of CHA stock
- make sure that equality of opportunity is achieved in the allocation of CHA stock
- facilitate effective and efficient operation of a South Lanarkshire wide Common Housing Register (CHR).

### **1.3 General Data Protection Regulations**

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing
- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.

Further information is available by viewing the Association's Privacy Policy.

#### **1.4 Legal Requirements and Minimum Standards**

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, 2001 and 2014.
- The Equality Act 2010;
- The Scottish Social Housing Charter
- The Scottish Housing Regulator's Regulatory Framework

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

- comply with all legal requirements and good practice;
- comply with the Scottish Housing Regulators Regulatory Standards
- comply with The Scottish Social Housing Charter
- 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 line with the nine protected characteristics as determined by the Equality Act 2010.

#### **1.5 Equal Opportunities**

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. In particular the observance of equal opportunity requirements as specified in the Housing (Scotland) Act 2001 and the Equality Act 2010.

We do not discriminate against applicants in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

To support our commitment to equality of opportunity an equality and human rights impact assessment has been carried out on this policy.

## **1.6 Customer focus and service commitment**

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.

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;

On an annual basis review and establish operational targets for:

- A percentage of lets to homeless applicants, transfer list applicants (applicants currently housed by one of the partner landlords) internal transfers (existing Clydesdale Housing Association tenants), waiting list applicants and applicants on the other categories list.
- the letting of void dwellings benchmarked against peer group performance;
- responding to service delivery complaints

## **1.7 Joint Working Arrangements**

The Association has entered into a protocol with SLC in relation to Joint Working Arrangements in respect of its full engagement with and efficient operation of the South Lanarkshire Homefinder Common Housing Register. It is acknowledged that the Joint Working Arrangements only apply while and for as long as the Association participates in the CHR, and that if it should withdraw at a later date, it will be necessary to enter into a separate protocol with South Lanarkshire Council with regard to nomination rights and section 5 referrals.

## **1.8 Common Housing Register**

The Association, in partnership with South Lanarkshire Council and other RSL's operating within South Lanarkshire is fully engaged in the operation of the Homefinder Common Housing Register (CHR).

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.

## **1.9 Policy Outcomes**

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 housed;
- the number of tenancies terminated as a percentage of the total housing stock;
- the average time taken to re-allocate and let void properties
- performance against the targets agreed with South Lanarkshire Council in relation to the Urgent Homeless List.

## **2. Management of the Housing List & Allocation Process**

### **2.1 Access to housing**

In accordance with the Housing (Scotland) Act 1987, as amended by the Housing (Scotland) Act 2001 any person aged 16 years or over, can be apply for housing provided they are not prevented from doing so by legislation.

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.

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.

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.

The Association will ensure this policy is widely publicised by making it available to:

- The Scottish Housing Regulator;
- South Lanarkshire Council;
- Libraries and public welfare and advisory agencies such the Citizen's Advice Bureau;
- On the Association's website
- And, by making information available in different languages and formats whenever necessary.

### **2.2 Applying for housing**

All applications must be made using the appropriate form. A form will be available for all of the Homefinder Partners. An electronic copy is available from [www.southlanarkshire.gov.uk](http://www.southlanarkshire.gov.uk)

With the exception of statutory homeless applicants, the housing circumstances and needs of applicants will be assessed in accordance with the housing need criteria referred to at section 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.

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).

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 Applicants

Joint applications will be accepted from applicants who:

- currently live separately but wish to share accommodation
- have moved in together

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.

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.

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).

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 How applicants are queued for housing

The common housing register is made up of 4 separate lists. Following assessment of their circumstances, applicants will be queued within one of the following 4 lists: -

- Urgent housing need
- Transfer list
- Waiting list
- Other categories

### Urgent housing need list

This list contains the following three categories of applicant;

Homeless applicants - Applicants to whom South Lanarkshire Council has a legal duty to provide permanent accommodation under the Housing (Scotland) Act 1987, as amended by Housing (Scotland) Act 2001 and the Homelessness etc. (Scotland) Act 2003.

Applicants with an urgent medical need - Applicants (or member of their moving household) with an extremely serious and enduring medical condition who are unable to occupy their present accommodation because it is wholly unsuitable in light of their medical needs and cannot be adapted to suit those needs.

Members of H.M. Forces – applicants who have completed a minimum of three years' service or have been injured in action or have been discharged on medical grounds; and

- Lived in South Lanarkshire immediately prior to commencement of service; or
- Partner is permanently resident in South Lanarkshire or previously lived in South Lanarkshire immediately prior to commencement of service or marriage/relationship; or
- Parents are permanently resident within South Lanarkshire; or
- Have an offer of full-time employment within South Lanarkshire.



Priority under this category will be awarded up to six months prior to and up to six weeks following the date of discharge from the service. You will be required to provide confirmation of your date of discharge and the period of your service either in the form of a letter from a senior officer or by providing a copy of your certificate of discharge.

If you are queued on this list, you are considered to have the highest priority for housing and will be queued solely according to the date of your homeless application or date of your application for urgent medical need or date H.M. Forces was awarded.

#### Transfer list

This list contains all applicants who are:

- a tenant of Clydesdale Housing Association; or
- a tenant, or tied tenant of South Lanarkshire Council; or
- a tenant living in South Lanarkshire of a Registered Social Landlord.

To assist in meeting the needs of applicants on the housing list, there is a requirement to maintain a sufficient turnover of Association, South Lanarkshire Council and other Registered Social Landlord properties. Therefore, applicants queued on this list will be sub divided on the following basis:

- tenants assessed as having a housing need as defined within section 3; and
- tenants who do not have a housing need as defined within section 3 but have an aspiration to move to another area or property type.

#### Waiting list

This list contains all applicants who are not statutorily homeless or a tenant with the Association, South Lanarkshire Council or other Registered Social Landlord (but living in South Lanarkshire) or who do not meet the eligibility criteria of the other housing lists.

Examples of applicants who can queue for this list include:

- tenants of other local authorities or Registered Social Landlord (living out with South Lanarkshire)
- sub tenants or lodgers
- individuals living care of relatives or friends
- owner occupiers
- individuals living in houses in multiple occupation (e.g. hostels)
- tied tenants (not employed by South Lanarkshire Council)
- members of HM Forces (who do not fulfil the Urgent Housing Need criteria)
- individuals with a short-assured tenancy or an assured tenancy within the private sector

#### Other categories

Applicants can only be queued on this list where their housing need cannot be effectively met through any of the other lists. Examples of applicants who may be eligible to be queued within this list include:

- applicants with significant community care needs, such as those returning to the community from long stay residential care or those who have previously been in the care of the local authority e.g. young adults leaving residential care
- people suffering from racial harassment or other forms of harassment such as homophobia and people requiring specific accommodation on religious grounds.
- applicants living in accommodation which does not meet the tolerable standard
- applicants who require to be rehoused as part of a regeneration programme.

The examples cited above are not exhaustive and applicants with other circumstances may be considered on an individual basis.

## **2.5 Allocations between the housing lists**

In recognition of its obligation to assist South Lanarkshire Council in the discharge of its duty towards statutory homeless applicants, and in lieu of section 5 referrals and other nomination rights, the Association, subject to availability of suitable housing will determine in conjunction with South Lanarkshire Council the target quota of lets to the Urgent Housing List for homeless applicants on an annual basis. It is accepted that this quota may increase over time to assist South Lanarkshire Council deliver its Rapid Rehousing Transition Plan.

On an annual basis the Association will determine a target quota of lets for its own internal transfer applicants.

In the interests of the efficient and equitable operation of the CHR, the Association, having regard to the target letting quota to the urgent housing list and internal transfers, will wherever possible endeavour to mirror South Lanarkshire Council's target quota of lets to waiting and transfer lists, although it will not necessarily be bound by these.

## **2.6 Change of applicant preferences**

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 example e-mail.

## **2.7 Application/Housing review list**

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. This is carried out on behalf of the Partner landlords by South Lanarkshire Council.

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.

## **2.8 Deferment of application**

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. At the end of the specified deferment period, the status of the application will automatically revert to 'active' unless the applicant requests an extended period of deferment.

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.

## **2.9 Abuse of the Allocation System**

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

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.

Depending on the nature and seriousness of the misrepresentation(s), the application maybe suspended for a period of up to 3 months (see Suspension table).

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.

### **2.10 Manipulation of circumstances**

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.

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 3 months.

### **2.11 Internal Transfers**

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.

In the interests of community sustainability and tenant retention, the Association on an annual basis will determine a target quota of lets for allocation to existing tenants wishing to be rehoused in a different house type or location.

### **2.12 Removal of applicants from the Housing List**

An application will only be cancelled where the applicant has:

- specifically requested in writing that their application be cancelled
- 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

### **2.13 Allocation of housing**

Except in the case of statutory homeless applicants (see section 3.1), or where a local letting initiative or internal transfer target letting quota applies, 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. In the allocation of house type dwellings preference will be given to households with children.

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.

## 2.14 Mainstream, amenity and adapted dwellings

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

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.

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.

## 2.15 Areas of choice

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.

## 2.16 Occupancy standard

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

As a minimum, 1 bedroom is required by:

- a single person aged 16 years and above;
- a couple whether married, co-habiting or in a civil partnership;
- 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.

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

<b>Number of bedrooms required</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
Size of property that can be chosen	2 apt 3 apt	3 apt	4 apt	4 apt 5 apt	5 apt 6 apt

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 2.16.7 below.

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.

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.

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.

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.

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**

##### Reasonable Preference Criteria

The Housing Scotland Act 2014 provides for landlord's to be able to give reasonable preference to applicants and existing tenants on the following grounds:

- Homeless persons and persons threatened with homelessness and who have unmet housing needs;
- People who are living under unsatisfactory housing conditions and who have unmet housing needs; and
- Tenants of houses which are held by a social landlord and which the social landlord selecting its tenants considers to be under-occupied.

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 under-occupying 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;
- need to be rehoused due to unsatisfactory housing conditions for example suffering from harassment.

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 while engaged in the Homefinder common housing register, will strive to comply with target letting quotas determined by South Lanarkshire Council for the this client group and/ or other urgent housing list categories in lieu of section 5 referrals and nomination rights.

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.

## HM Forces Members

Applicants who have completed a minimum of three years' service or have been injured in action or have been discharged on medical grounds; and

- had lived in South Lanarkshire immediately prior to commencing their service; or
- their partner is permanently resident in South Lanarkshire or previously lived in South Lanarkshire immediately prior to commencement of service or marriage/relationship; or
- their parents are permanently resident within South Lanarkshire; or
- who have an offer of full-time employment within South Lanarkshire.

Priority under this category will be awarded up to six months prior to and up to six weeks following the date of discharge from the service. Applicants in this category will be required to provide confirmation of their date of discharge and the period of their service either in the form of a letter from a senior officer or by providing a copy of their certificate of discharge. Applicants in this category will be queued on the Urgent Housing Need List in date order of priority status being awarded.

## Insecurity of Tenure

Insecurity of tenure points will only be awarded to applicants who are considered not to have security of tenure. Insecurity of tenure points will not be awarded to applicants who have a Scottish Secure Tenancy, an Assured Tenancy or a Private Residential Tenancy within the private rented sector or own their own home.

Where an applicant has a Private Residential Tenancy or an Assured Tenancy and has received a Notice to Quit (non-conduct grounds), then they will be eligible for points under this category.

**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**

**Under-Occupancy**

An applicant is under-occupying if the accommodation occupied is too large for their household needs in terms of the Association's occupancy standard as detailed as detailed at above. Points will be awarded per extra bedroom in excess of the required standard of occupancy as follows:

1 bedroom	10 points
2 bedrooms	20 points
3 bedrooms	30 points
4 bedrooms	40 points

**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 (queued on date medical priority awarded) or Category B – Serious medical need (120 points). Further details of the medical process and these categories are provided at section 5.3.

**Tied Tenancies**

Tied tenants' points will only be awarded if you are required to leave tied accommodation as a result of one of the following reasons:

- redundancy
- retirement
- ill health; or
- death of a spouse

Points will only be awarded under this category if the employment and accommodation are within South Lanarkshire; and length of service is in excess of two year. You will be required to provide written confirmation from your employer of your length of service; your employment is being terminated; that you are required to leave the tied tenancy; the reason for termination of employment and the date you are required to vacate the property.

**Points available: 150 points**

**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 are 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 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, and priority may be awarded by the Depute Chief Executive following a report to, and after consultation with, the Association's Chief Executive Officer, with a report to be later submitted to Management Committee for information. Applicants will be queued on the Other Categories list in date of application order for the size and type of accommodation required to resolve the particular issue.

### **Special Cases**

The list of housing criteria can never cover all situations. Priority under this category will only be granted in the most exceptional of circumstances where an applicant's needs cannot be met under any other category or list. 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 for example, requiring a specific type of housing for religious purposes such as an additional room and/or particular food preparation.
- Where an applicant is suffering from some form of harassment such as racial harassment or homophobia.

The Depute Chief Executive in conjunction with the Chief Executive Officer, will determine whether an 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.

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

## **4. Offers and penalties**

### **4.1 Offers**

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.



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 needs of the wider community and impact the allocation could have on the area.

Applicants will be restricted to a maximum of 2 reasonable offers. On refusal of a second 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 applicant's circumstances are unchanged, their application will be reinstated, and they will be eligible for a further 2 offers.

Applicants who have been awarded priority as statutory homeless, Category A. Urgent medical, Management Transfer or Special Case will 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 offer under other categories of need as detailed in section 3.

Offers to statutory homeless applicants will be made in writing, and in the event of a reasonable offer being refused, the relevant case worker at South Lanarkshire Council will be informed and the dwelling withheld from further offer pending an appeal.

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.

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.

#### 4.2 Suspension of applicants from housing list

Applicants will be suspended from the housing list where any of the criteria specified in the table on the following page 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.

	<b>Suspension reasons and circumstances where a suspension will apply</b>	<b>Rules and timescale of suspension</b>
1	<p><b>Anti-social behaviour</b> - by an applicant or a member of their household</p> <p>The list below provides examples of the types of behaviour considered to be anti-social. It should be noted that the list is not exhaustive:</p> <ul style="list-style-type: none"> <li>● annoyance, harassment, violent or intimidating behaviour towards staff members, neighbours or others;</li> <li>● criminal convictions relating to a tenancy e.g. drug dealing, prostitution, fire raising;</li> <li>● extensive damage caused to a landlords property;</li> <li>● Anti-Social Behaviour Order granted;</li> </ul>	<p>Where the applicant has an existing application for housing and anti-social behaviour has been established or under investigation, the application will be suspended.</p> <p>Where an offer of housing has been made to the applicant, the offer will be held pending the outcome of any investigation.</p> <p>Where the anti-social behaviour has been established, the application will be suspended and the offer of housing withdrawn (where relevant).</p>

	<b>Suspension reasons and circumstances where a suspension will apply</b>	<b>Rules and timescale of suspension</b>
<b>1</b>	<p><b>Anti-social behaviour - continued</b></p> <ul style="list-style-type: none"> <li>• Eviction decree granted relating to anti-social behaviour;</li> <li>• established and sustained pattern of conduct considered anti-social.</li> </ul>	<p><b>Suspension timescale - up to 36 months</b></p> <p><b>(Suspension timescale subject to nature and severity of the anti-social behaviour.)</b></p> <p>Following application of the suspension, the case will be reviewed by the Area Housing Manager to determine whether:</p> <ul style="list-style-type: none"> <li>• the applicant can demonstrate their ability to behave in such a way as not to cause harassment, nuisance or annoyance to others.</li> <li>• the household will be able to maintain a future tenancy in an acceptable manner.</li> </ul>
<b>2</b>	<p><b>Tenancy related debt</b> - attributable to the applicant as a tenant of a social rented landlord and accrued within the previous 3 years.</p> <p>Suspension will be applied where the applicant has rent arrears or any other tenancy related debt (for example, rechargeable repairs/service charges). Exceptions to this would be where:</p> <ul style="list-style-type: none"> <li>• the debt has been paid off in full</li> <li>• the level of debt is equivalent to or less than a month's full rent before any benefit adjustments;</li> <li>• an agreement with the tenant has been made to pay the debt off and this has been maintained for at least three months and is continuing;</li> <li>• the debt is not the responsibility of the applicant as a tenant.</li> </ul>	<p><b>Suspension timescale - up to 36 months</b></p> <p>The suspension will be lifted in the following circumstances:</p> <ul style="list-style-type: none"> <li>• immediately following full payment of the debt;</li> <li>or</li> <li>• where an arrangement to pay off the debt has been maintained for a minimum of three months;</li> <li>or</li> <li>• where the debt has been reduced to less than a month's rent.</li> </ul>
<b>3</b>	<p><b>Breach of tenancy condition(s)</b></p> <p>Suspension will be applied where the applicant is a current tenant of a Council or Registered Social Landlord and has breached their tenancy conditions.</p>	<p><b>Suspension timescale – up to 36 months</b></p> <p>Suspension will be lifted as soon as the Council or Registered Social Landlord is satisfied that the condition of the property, or any other breach of tenancy, has improved to a satisfactory level.</p>

	<b>Suspension reasons and circumstances where a suspension will apply</b>	<b>Rules and timescale of suspension</b>
<b>3</b>	<p><b>Breach of tenancy condition(s) - continued</b></p> <p>For example:</p> <ul style="list-style-type: none"> <li>• unsatisfactory condition of property, garden, common areas, disposal of rubbish, wilful damage, vandalism, control of pets;</li> <li>• where alterations/improvements have been carried out on a property without the relevant approval from the Council or Registered Social Landlord.</li> </ul>	<p>The suspension will continue until the landlord is satisfied that the property has been brought up to a satisfactory condition and that any rechargeable repairs associated with bringing the property up to a satisfactory standard have been paid.</p>
<b>4</b>	<p><b>Refusal of a second offer of housing</b></p> <p>Suspension will be applied where the applicant has refused a second reasonable offer of housing within a 12 month period (made in accordance with the applicant's preferences).</p>	<p><b>Suspension timescale - 6 months</b></p>
<b>5</b>	<p><b>Fraud, false or misleading information</b></p> <p>Suspension will be applied where the applicant has deliberately misrepresented information in order to gain advantage over other applicants in housing need.</p>	<p><b>Suspension timescale - up to 36 months</b></p>

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**

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.

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 Area Service Office.

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 the 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.

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.

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**

Your medical circumstances will be assessed by an independent medical adviser, who will make a recommendation to us on the level of medical award you (or a member of your household who is moving with you) should be given. The two categories of medical award available are detailed below.

## **5.3 Medical categories**

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 light of the applicant's, or the member of their household's medical needs; and
- the applicant's present accommodation cannot be adapted; and urgent rehousing is required to suitable accommodation

Urgent medical priority 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.

Applicants categorised as 'urgent', will be queued and considered on a date of application basis (date of medical priority award) for accommodation that meets their specific medical circumstances.

**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**

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.

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 & Complaints**

### **6.1 Right to appeal – general**

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 Depute Chief Executive.

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 to appeal – application decisions**

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 housing list you have been queued on;
- 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

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

- The level of points awarded (non-medical) - Appeals will be processed by the Depute Chief Executive who will review the assessment made and points awarded.
- The level of points awarded (medical) - Appeals will be processed by the Depute Chief Executive 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 Depute Chief Executive.

- 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 - An 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 - 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**

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.

Where the adoption of a Local Letting Initiative is considered necessary, the Depute Chief Executive 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.

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**

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.

On an annual basis, the Association will consult and agree with South Lanarkshire Council a target quota of lets to be allocated to the Urgent Housing Needs list, through the Homefinder common housing register although it is recognised and acknowledged that in terms of Section 5 of the Housing (Scotland) Act 2001, the Council is not duty bound to be constrained by any such agreed quota.

## **8. Tenancies**

### **8.1 Scottish Secure Tenancy (SST)**

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.

Notwithstanding the generality above, 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; and the additional measures as determined by the Housing

Scotland Act 2014 in individual cases where it is appropriate to do so in accordance with the approved policy on the use of sSST's.

In all cases where an 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**

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; civil partnerships
- other recognised joint applicants

In the case of Assignment and Succession, the updated guidance for these are encapsulated within the relevant procedure notes.

## **9. Tenancy Successions**

Applications to succeed to a Scottish secure tenancy on the death of a tenant will be processed in accordance with the provisions of the Housing (Scotland) Act 2002 and 2014.

In the absence of a 'qualifying person' as defined by the Act, an application from a non-qualifying person who was normally resident with the tenant at the time of death will be considered on its merits having regard to the particular circumstances in individual cases.

In all cases where the dwelling occupied is of a type specifically designed or substantially adapted for special needs, first level succession by anyone other than a spouse, recognised partner or joint tenant, or second level succession by any party will not apply unless the proposed successor or any member of their household has special needs requiring accommodation of the kind provided by the dwelling.

## **10. Assignations, Subletting and Mutual Exchanges etc.**

The Association recognises the right of secure tenants to assign, sublet, or exchange their tenancy or to take in a lodger or lodgers. Requests to assign, sublet, exchange or take in lodgers must be in writing and tenants must provide any additional information required to allow proper consideration of their request. Approval will not be unreasonably withheld but may be granted subject to certain conditions.

In all cases, approval will not be granted where:

- The dwelling is of a type specifically designed or substantially adapted for special needs and neither the applicant nor any member of their household has special needs requiring accommodation of the type provided by the dwelling;
- The granting of approval would result in a dwelling being overcrowded;
- There are arrears of rent and no acceptable arrangements for payment have been presented, accepted or maintained;

- The tenancy is subject to a notice of proceedings or an ongoing action for repossession;
- In the case of a subletting, the tenant is not occupying, or does not intend to return to occupy the dwelling as their principal or only home.

Approved subletting periods will normally be for periods not exceeding 6 months, but at the discretion of the Housing Manager, may be extended for a further 6 months, subject to the proviso that no sublet will be permitted to exceed a maximum period of 12 months.

Under no circumstances will approval to sublet, assign or to take in lodgers be granted where it would necessitate a dwelling having to be licensed with South Lanarkshire Council as a House in Multiple Occupation (HMO).

Requests to exchange dwellings will only be considered and approved where:

The parties involved occupy their respective dwellings under a Scottish secure tenancy. Such requests will be dealt with in accordance with the Association's core Allocation Policy and will not be unreasonably refused but will be subject to conditions regarding periods of occupancy and property condition.

The tenants can demonstrate they:

- have conducted their respective tenancy in a satisfactory manner;
- are up to-date with rent payments or where they are in arrears have made and are maintaining an acceptable payment arrangement and have done so for at least 3 months;
- have the appropriate family circumstances suited to the size and type of dwelling which they propose to occupy.

Acceptable landlord references are forthcoming on behalf of external applicants who will also be required to complete the appropriate application form.

Where permission to assign, sublet, exchange or take in lodgers is refused, the tenant(s) will be informed of the reasons and of their statutory right to appeal the decision through the court in addition to utilising the Association's internal Complaints and Appeals procedure.

All requests will be acknowledged within 3 working days and processed in accordance with relevant procedures, and formally responded to within the statutory timescale of 1 month from date of receipt.

Where permission to assign, sublet, exchange or take in lodgers is granted to a tenant who is in receipt of housing benefit, the change in circumstances will be communicated to the South Lanarkshire Council in order to minimise the Association's exposure to possible housing benefit overpayment claims.

The Association will maintain a register of approved assignments, sublets and mutual exchanges.

## **11 Miscellaneous**

### **11.1 Purpose built/adapted special needs facilities**

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.



## **11.2 Operation of the housing list**

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

Applicants will be considered for available housing having regard to:

- The target quota of lets for the list on which they have been queued (urgent, transfer, waiting and other categories)
- The size and type of accommodation required, and area(s) requested;
- In the case of priority applicants, the date of priority application / property type
- For non-priority applicants the total aggregated points awarded to their application and 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

## **11.3 Residence and contact with children**

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.

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

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

## **11.4 Expectant Mothers**

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.

## **11.5 Adopting children**

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

## **11.6 Part time occupants**

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.

## **11.7 Mutual exchanges**

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 or by e-mail.

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
- under-occupation by more than one bedroom
- 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
- The person exchanging does not have a Scottish Secure Tenancy.

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.

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.

## **12. Confidentiality**

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.

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.

## **13. Rent Arrears**

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.

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.

## **14. Former Tenants**

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

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.

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. Alternatively, they may be offered a short Scottish Secure Tenancy in accordance with Section 34 of and Schedule 6 to the Housing (Scotland) Act 2001 and the additional measures as determined by the Housing Scotland Act 2014 in individual cases where it is appropriate to do so in accordance with the approved policy on the use of sSST's.

#### **15. Section 5 referrals**

Notwithstanding the Joint Working Arrangements governing the engagement in the Homefinder common housing register, 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.

#### **16. Nomination agreements**

Although a previous Nomination Agreement between the Association and South Lanarkshire Council has been superseded by the Joint Working Arrangements, it is recognised that they only apply while and for as long as the Association continues to be fully engaged with the Homefinder common housing register.

The Association will where appropriate and on request enter into nomination arrangements with agreed allocation quotas with voluntary organisations working with vulnerable clients.

#### **17. The role of the Management Committee**

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.

#### **18. Policy monitoring and review**

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 annually.

This policy will be subject to periodic review, not less than once every three 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.

## Appendix 1

### Allocation Roles and Responsibilities

Distribution of Housing Application forms and corresponding forms (Medical/ Care and support forms)	All Staff when requested
Application enquiries and loading of application forms	Housing Officer
Quality Check of application forms	Housing Officer/ Housing Manager
Assessment of homeless status (or Urgent Forces / Urgent Medical)	South Lanarkshire Council (SLC) Homeless Team
Assessment of Sheltered Needs	Referral form completed by Housing Officers then assessed by SLC
Assessment of Medical Needs	Issued to SLC's medical advisor for assessment
Shortlisting for allocation of property	Housing Officer
Authorisation of offer	Housing Manager
Offer of property made and subsequent sign-up process	Housing Officer
Tenancy agreement creation	Housing Officer
Suspending Applications per policy guidelines	Housing Officer
Attendance at quarterly Common Housing Register meetings	Housing Officer and Housing Manager

Approved by the Committee of Management on: 27<sup>th</sup> September 2023

Signed:

Secretary/Chairperson

Signed: 

Chief Executive/Senior Staff Member