



TOLLCROSS
housing association

Allocation Policy

Prepared By	Housing Manager
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CORPORATE FIT	
Internal Management Plan	✓
Risk Register	✓
Business Plan	✓
Regulatory Standards	✓
Equalities Strategy	✓
Legislation	✓

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Tha am poileasaidh seo ri fhaotainn ann an deifir chànanan agus ann an cruthan eile mar clò-sgrìobhadh mòr, teip agus Braille.

ਬੇਠਤੀ ਕਰਨ ਏ ਇਹ ਪਾਲਿਸੀ (ਨੀਤੀ) ਅਲੱਗ-ਅਲੱਗ ਬੋਲੀਆਂ ਅਤੇ ਦੂਜੇ ਰੂਪਾਂ ਜਿਵੇਂ ਕਿ ਵੱਡੇ ਪਿੰਟ, ਟੇਪ ਅਤੇ ਬੇਲ ਏ ਉਪਲਬੱਧ ਹੈ।

ندم رنساپه به گونوهی داواکاری به زمانی جزواوجمور و شنهوی تروه کو جمایی هنی گهوره، کاسهنی دهنگ و برابیل ناماده کواوه و دهستههر ده کونیت.

یہ پالیسی گذارش کرنے پر مختلف زبانوں اور مختلف صورتوں یعنی علی حروف میں، ٹیپ پر ریکارڈ شدہ اور بریل لکھائی (ٹایپنا افراد کے پڑھنے والی لکھائی) میں دستیاب ہے۔

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Section 1 – Introduction

Introduction

A Registered Social Landlord's (RSL) Allocation Policy is the set of rules they use to decide how to allocate their available properties. Each RSL has its own rules for allocating housing. Many rules are based on the law, and others are up to the individual RSL to decide.

This Policy will clearly outline what the Association's rules are for letting our properties. We will explain what we are required to do in accordance with legislation and our regulatory framework and we will outline measures that have been put in place to meet the needs of the Association's stock profile and service users.

Background

Tollcross Housing Association (THA) is a Registered Social Landlord based in the East End of Glasgow. The Association is a non-profit making organisation, established in 1974 with the primary remit being to provide good quality affordable rented accommodation, demonstrating value for money. Its areas of operation are Tollcross, Braidfauld, Carmyle, Lilybank and Newbank and it currently owns and rents over 2200 properties.

Key Aims and principles

The Allocation Policy is vital to ensuring that the Association allocates available housing within its stock in a manner that is fair and equitable, and in line with good practice guidelines. The Allocation Policy is needs based in order to reflect the statutory duty to identify and give reasonable preference to those categories of housing need specified in the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Acts 2001 and 2014. Therefore, when allocating properties the Association's key aims are:

- Be consistent with the relevant themes set in our Internal Management Plan - Engage with Tenants and other Customers; Sustain Financial Viability and Invest in and develop our Assets.
- Clearly outline what our tenants and other customers should expect from us when applying for housing with us.
- Do our best to maintain affordable rents that are consistent with our tenant's ability to pay but also taking into account the current supply and demand for our properties
- To manage access to our houses in a way which is clear, fair to all, and tackles discrimination on grounds of the 9 protected characteristics - age, disability,



gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex; and sexual orientation.

- Provide access to good quality, affordable rented housing to people in the greatest housing need;
- To support regeneration of the Tollcross area, by meeting local housing needs (including those resulting from demolition and redevelopment) to help to create a stable sustainable community.

Customer Expectations

To ensure that the expectations of our tenants and customers are met this policy will clearly outline what someone should expect if they apply for rehousing with the Association:

- We will provide clear information about our housing to help inform those choices and good quality advice and information about other re- housing options in the area;
- Let empty houses in line with set time scales thus maximising income from rents;
- Work in partnership with other housing providers to tackle housing need, for example, working with Glasgow City Council to address homelessness;
- Assess performance regularly and inform tenants and other service users of progress, for example, through our annual report;
- Deal with appeals and complaints in line with existing procedures

Section 2 - Legal Framework and Regulatory Requirements

This Policy will comply with all legal and regulatory requirements.

Legal Framework

The legal framework for the allocation of social rented sector homes has evolved through the years commencing with the consolidated legislation being the Housing (Scotland) Act 1987. Over the years the 1987 Act has been amended by the following statutes:

- Housing (Scotland) Act 2001
- Housing and Regeneration Act 2008
- Housing (Scotland) Act 2014

This Policy will also need to comply with Homeless rules set out in Part II of the 1987 Act (as amended by the 2001 Act and the Homelessness etc (Scotland) Act 2003).

There is also other legislation that will be relevant to this policy. They are:

- Race Relations (Amendment) Act 2000
- Matrimonial Homes (Family Protection) (Scotland) Act 1981
- Sex Discrimination Act 1975
- Data Protection Act 2018
- Human Rights Act 1998
- Equalities Act 2010

Regulatory Requirements

The Scottish Social Housing Charter was introduced by the Scottish Housing Regulator in 2012. The charter sets the standards and outcomes for all social landlords when performing their housing activities. The outcomes that are relevant to this policy are:

Equality – Outcome 1

This ensures that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services.

Communication – Outcome 2

This ensures that tenants and other customers find it easy to communicate with their Landlord and get the information they need about their Landlord, how and why it makes decisions and the services it provides.



Participation – Outcome 3

This demonstrates how landlords manage their businesses so that tenants and other customers find it easy to participate in and influence their Landlord's decisions at a level they feel comfortable with.

Housing Options - Outcome 7, 8 and 9

These outcomes ensure that:

- People that are looking for rehousing get information that will help them make informed choices and decisions about the range of housing options available to them
- That tenants and people that are on housing lists can review their housing options, and;
- People that are at risk of losing their home get advice on preventing homelessness

Access to social housing – Outcome 10

This ensures 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 their prospects of being housed.

Tenancy Sustainment – Outcome11

This ensures that landlords provide information to their tenants on how to obtain support to remain in their home and to ensure suitable support is available, including services that are provided directly by the landlord and other organisations.

Homeless People – Outcome 12

This ensures that Homeless people get prompt and easy access to help and advice, are provided with suitable, good quality temporary or emergency accommodation when this is needed; and are offered continuing support to help them get and keep the home they are entitled to.

Section 3 – The Association's Housing Stock

The Association's stock is within 5 areas of operation, Braidfauld, Carmyle, Lilybank, Newbank and Tollcross. We have over 2200 properties. Regardless of the location all stock will meet the Scottish Housing Quality Standard. The range of housing stock



is as follows:

Mainstream

The vast majority of the Association's stock is mainstream flats and houses. The size of these properties range from 1 bedroom to 5 bedroom flats and houses with the majority being 2 bedroom flats. Selection for these properties will come from the main Housing Lists.

Sheltered Accommodation

The Association manages 2 Sheltered Complexes that provide applicants who through age, disability or vulnerability may need additional support to sustain their tenancy. Each complex consists of 29 properties and a staff office. Due to the specialised nature of the stock a separate housing list will be maintained with applicants being assessed in terms of their need.

Applicants Applying for Sheltered Housing

Applicants wishing to apply for our Sheltered Housing Service should be able to live reasonably independently with some support. Selection for these properties are generally restricted to applicants who are aged 60 years or over and can demonstrate that they can live independently with minimal support.

Further guidance on how we allocate sheltered housing can be found at section 5 of this policy.

Wheelchair Adapted Housing

The Association has a small amount of wheelchair adapted properties. Selection for these properties will be restricted to applicants who can clearly demonstrate the need for such accommodation and must have medical verification.

Adapted Accommodation

The Association has a small amount of accommodation with specialised features (e.g. medically adapted flats with handrails, walk in showers etc.) Selection for these properties will be allocated to applicants in terms of their housing need.

The tables below show the number of properties owned by the Association in relation to bedroom size and property type. This information should assist applicants when making a decision on whether or not to apply to the Association for Housing.

Table 1 – Total stock based on bedroom size*

1 bedroom	2 bedroom	3 bedroom	4 + bedroom	Total
655	1180	381	44	2260

Table 2 – Total stock based on property type*

Houses	Tenemental	4 in a block	Other Flat/Maisonette	Total
369	1520	272	99	2260

**please note these figures are based on 2018-19 ARC return and could change as a result of demolition or new build.*

Section 4 – Applications and the basis of Selection

The Association operates the following 4 lists which applicants can be considered for given they are 16 years or over:

- General Waiting List (open to all applicants who are not THA tenants)
- Transfer list (open to all existing THA tenants)
- Section 5 Referrals (statutory Homeless applicants who will be referred by the local authority)
- Sheltered (open to all applicants who meet the Sheltered criteria)

Anyone who wishes to apply for housing from the Association must complete an application form and an additional medical assessment form for those who wish to apply for sheltered housing. Every applicant must provide all of the requested identification and proof of residency. If this is not provided an applicant will not be offered a property until the requested information is received. All applications will be processed within 5 working days of receiving the application and supporting information. The only applicants who may not require to provide supporting documentation at the application stage are the following:

Section 5 Referrals

These applicants will already have had their identification verified by the local authority and in accordance with the Homeless protocol can be accepted based on the information provided on the resettlement plan provided by the caseworker.



One offer of accommodation will be made and if this offer is refused the Homeless Casework Team will assess whether or not the Association is obliged to make a further offer.

Care Leavers

Applicants leaving a care environment, supported by Continuing Care Services (Social Work) will be awarded Homeless priority under the Allocations policy.

Young persons will be referred onto Tollcross Housing Association under the Care Leavers protocol and Continuing care services will provide ongoing support for a 6 month period to ensure that only 'tenancy-ready' young care leavers are submitted to the Protocol. It is now fully established as the agreed and successful route of obtaining tenancies for care leavers, who are assessed as being ready for their own tenancy.

Applicants who may have lost information in a fire or flood

It is recognised that in some instances applicants may apply for housing due to a fire or flood and it is likely that their documentation may have been destroyed. Housing Management staff can apply some discretion in these cases, however the documentation must be obtained retrospectively and before any offer of accommodation can be made. In such cases the assistance of the homeless casework team may be required to verify an applicant's details.

Victims of Domestic Abuse

Applicants who have fallen victim to domestic abuse, in some instances, may find it hard to provide supporting documentation due to the nature of their circumstances. HM staff should use discretion in such cases and may be able to verify the applicant details through any support groups or any other information that the applicants can provide.

Support and advice when applying for Housing

On receipt of an application with supporting documentation Housing Management staff will provide advice and assistance to applicants and provide them with their housing options. We will make referrals, if applicable, to other agencies who may be able to provide the applicant additional support.

In order to prevent homelessness we will liaise with the local authority housing options service to ensure people at risk of losing their homes access appropriate advice and support to sustain their tenancy where possible.

Section 5– Housing Need and the Points System

Housing Need

Housing Need is not legally defined but is described in good practice guidance. We also recognise that housing need is subject to change as standards evolve. For this reason, we assess levels and types of need on a regular basis and make changes when and where it is relevant but also in accordance with Legislation and Regulatory requirements.

We will regard applicants as being in Housing Need where:

- They are homeless or do not have a secure tenancy
- They are living in property in a very poor condition
- They are living in unsatisfactory housing conditions, including lacking or sharing amenities
- Their home is overcrowded (too small for their household) or under occupied (too large for their household where they have a RSL tenancy)
- Their current home is unsuitable for their particular needs due to a medical condition
- If they need to move provide, receive, or improve family support arrangements
- If they need to move because of a relationship breakdown
- If they need to move to the Tollcross area to improve Travel to Work/ Study arrangements
- If they need to move as a result of harassment in your existing accommodation
- If they have to leave their property, which is due to be demolished as part of a Regeneration Strategy in the Association's area of operation, and it has been agreed that THA, will provide re-housing for people losing their homes.

Factors not taken into account

The factors which Landlords must not take into account when allocating properties are set out in Section 20(2) of the 1987 Act (as amended by section 10(3) of the 2001 Act). They are:

- The length of time for which an applicant has resided in its area



- Outstanding Liabilities attributable to the tenancy of any house of which the applicant is not, and was not when the liability accrued, a tenant
- Age of the applicants provided that they are 16 years of age or over
- Income of the applicant

All relevant issues are covered within our Allocation procedures so that allocations meet legal requirements. These procedures are held internally and can be made available to applicants on request.

Reasonable Preference Groups

There are some groups that the Association also need to give reasonable preference to. This is when a level of priority is given to applicants under certain circumstances and the Landlords, through their Allocation Policy, must give a reasonable level of priority to those applicants who fall within one of the reasonable preference groups. The groups are as follows:

- homeless 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, which the Social Landlord selecting it's tenants considers to be under-occupied

No Housing Need

There may be some applicants who have no priority need when they make their applications. These applicants may for instance be living in suitable accommodation and only wish to move for aspirational needs. Whilst this Policy operates on a need basis the Association will accept such applications, however they will be placed in the "Zero Points" category. One exception to this category is as follows:

The Association will not accept an application from individuals who own their own property and are suitably housed except in the following situations:

- Where the property is not let, but the owner cannot secure entry to the property. This could, for example, be where it is unsafe to enter the property due to severe structural faults or where there are squatters living in the property.
- Where it is probable that occupying the property will lead to abuse from someone currently living in the property.
- Where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in the property or elsewhere; and

- Where occupation of the property may endanger the health of the occupants and there are no reasonable steps that can be taken by the applicant to prevent that danger.

Applicants who own their property may also be eligible for Housing if they meet the criteria that is set out in “*Factors not taken into account*” in Section 5 of this Policy.

Anti-Social Behaviour

If the Association has knowledge or evidence that an individual or someone in the his/her household has been involved in anti-social behaviour we can refuse access to our housing lists. In addition if allocated a property and the tenant or someone in the household has been involved in anti-social behaviour the Association may place you on a Short Scottish Secure Tenancy (subject to compliance with statutory requirement and statutory guidance).

House Type and size required

Normally houses will be allocated on the basis of accommodation required as detailed below and should help applicants decide if they are entitled to either overcrowding or under-occupation points:

Household members	Bedrooms needed
Each Couple (of same or opposite sex)	1
Single Adult (aged 16 or over)	1
Adult and 1 child	2
2 People of same sex (age 16 or over)	2
2 Children of same sex (up to 16 years)	1
2 children of different sex (10yrs or less) up to age 10	1
2 children of different sex (age 10 and over)	2

Guidance on House Type and size required

- A pregnant woman is regarded as two persons; points are awarded 18 weeks prior to the date of confinement.
- Additional rooms may be needed on medical or other grounds. In such cases the HM staff should seek written or verbal confirmation from a medical professional to confirm why such extra bedrooms are needed (further guidance for staff is provided in the Allocation procedure).
- We will consider members of an applicant’s household who are temporarily absent from the house as part of the household when assessing overcrowding levels. Proof of temporary nature of their current residence is required.



- Where households are split, the Association will consider children as part of the household if they stay with the applicants for a few days or more. Applicants should however be aware that this situation may affect the amount of housing benefit entitlement. In most cases we would look for evidence for proof of residency such as a solicitor's letter.
- Applicants may be considered for housing that alleviates their overcrowding, although it does not fully resolve it.
- Proof of residence will be necessary for the award of overcrowding points
- In some cases we may consider under-occupying if it resolves another priority need. Such cases need to be authorised by the Housing Manager/Director.

The Points System

The assessment of housing need is on a points' basis and will be based upon the following criteria:

	Category	Points Award
1.	<p><u>Demolition</u></p> <p><u>For TXHA tenants</u></p> <p>If a property has been designated for demolition through a local strategy</p> <p><u>For tenants of other RSL's</u></p> <p>If a property has been designated for demolition through a local strategy and the Landlord has made a request that has been discussed and agreed by the Housing Manager</p> <p><u>For all other applicants</u></p> <p>If a property has been designated for demolition and through a local strategy and there is evidence of no means to fund the purchase of another property.</p>	<p>200 Points</p> <p>100 Points</p> <p>100 Points</p>

2.	<p><u>Homelessness</u></p> <p>Where a referral is made by Glasgow City Council under Section 5 of the Housing (Scotland) Act. These referrals will be prioritised in date order with the oldest referral having priority. These cases will be placed on a specific queue and only other referrals from the local authority will be on this queue.</p>	<p>150 Points</p>
	<p><u>Care Leavers</u></p> <p>Applicants leaving a care environment, supported by Continuing Care Services (Social Work) will be awarded Homeless priority under the Allocations policy. Young persons will be referred onto Tollcross Housing Association under the Care Leavers protocol.</p>	<p>150 Points</p>
	<p><u>Other Homeless applicants</u></p> <p>Statutory Homeless applicants that are roofless, no fixed abode or a homeless unit</p>	<p>80 Points</p>
	<p><u>Others that are threatened with Homelessness</u></p> <p>Victim of violence or abuse in present accommodation</p>	<p>80 Points</p>
	<p>Victim of severe racial or other harassment in their present accommodation</p>	<p>80 Points</p>
	<p><i>**Please note applicants can only be awarded a form of Homeless points or Insecure Accommodation (not both)</i></p>	

3.	<p><u>Medical Points</u></p> <p>Medical Emergency</p> <p>Medical Essential</p> <p>Medical Advisable</p> <p><u>Additional Medical Points</u></p> <p>If more than one applicant in each household could be awarded moderate or high priority, additional points will be awarded.</p> <p>In all cases where the Association award medical points we may ask for proof of a disability benefit (PIP, DLA, Attendance Allowance or any other appropriate benefit). This should assist staff on making a decision when awarding medical points and what level. Further guidance for staff is detailed in the Allocation's procedure.</p>	<p>125 Points</p> <p>100 Points</p> <p>50 Points</p> <p>15 Points</p>
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4.	<p><u>Insecure Accommodation – Preventing Homelessness</u></p> <p>These points should be awarded to applicants who are :</p> <ul style="list-style-type: none"> • Under the threat of Eviction (this must be evidenced) • Having to sell their current property but have no financial resources to buy another. (this must be evidenced) • In tied accommodation • A THA tenant, or the partner of a tenant, and are resident in the property with your partner, and are seeking to separate because of a relationship breakdown • Private tenants who have difficulty making rent payments due to excessive rent charges(evidence must be provided) • Under the threat of eviction but cannot provide evidence – a notice to quit (Housing staff must be satisfied with explanation provided by applicant) <p><i>Guidance for Insecure Accommodation</i></p> <p><i>You can only award one factor of insecure accommodation points(i.e. maximum points in this category is 50 points)</i></p> <p><i>Any applicant in threat of eviction must provide the relevant paperwork – notice to quit or solicitor’s letter.</i></p> <p><i>**Please note applicants can only be awarded a form of Homeless points or Insecure Accommodation (not both)</i></p>	<p>50 Points</p> <p>50 Points</p> <p>50 Points</p> <p>50 Points</p> <p>50 Points</p> <p>50 Points</p> <p>25 Points</p>
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<p>5.</p>	<p><u>Under – Occupation</u></p> <p>These points will only be awarded to tenants who are under-occupying their current property.</p> <p>Under-occupying by 1 bedroom</p> <p>Each additional room under-occupied</p> <p><i>Guidance for Under-Occupation</i></p> <p><i>To comply with the policy principle of making the best use of the Housing stock the Association seeks to encourage applicants under-occupying accommodation intended for larger families to transfer to smaller properties. Applicants who are under-occupying will have the number of bedrooms they need, compared with the number of bedrooms presently available.</i></p>	<p>50 points</p> <p>30 points</p>
<p>6.</p>	<p><u>Overcrowding</u></p> <p>These points will be awarded if your current accommodation is overcrowded.</p> <p>For the first bedroom you will receive the following points</p> <p>For each additional bedroom overcrowded you will receive the following points</p> <p><u>THA Tenants only</u></p> <p>The Association recognises that some of its properties have smaller bedrooms. HM staff can apply some discretion in these cases and award overcrowding points if they deem this appropriate. The same guidance in terms of awarding overcrowding points should be used. (e.g. if someone lives in a 2 bedroom house but one bedroom is smaller than normal then this can be deemed as a 1 bedroom house and overcrowding points should be calculated in accordance with family composition.</p>	<p>30 Points</p> <p>10 Points</p>

<p><u>7.</u></p>	<p><u>Social Conditions</u></p> <p><u>Employment</u></p> <p>Points will be awarded to those applicants who wish to move to the area for employment reasons. Their place of employment must be within a 5 mile radius.</p> <p><u>Support</u></p> <p>Points will be awarded to those applicants who need support or have to support, a relative living within THA's area of activity</p> <p><u>Other Social Conditions</u></p> <p>The Association recognises that there are some other situations where there are special needs or exceptional social circumstances not adequately covered under the sections of this policy</p> <p>High Rate points such as domestic abuse (not emergency but serious), racial harassment (not emergency but serious)</p> <p>Low rate points such as persistent problems with neighbours that can be evidenced and HM staff must have some record or knowledge of.</p>	<p>40 Points</p> <p>40 Points</p> <p>50 Points</p> <p>25 Points</p>
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<p>8.</p>	<p><u>First Accommodation</u></p> <p>In order to assist those applicants who are not overcrowded or under-occupied who are applying for their first property and are part of a tenant's household these points can be awarded.</p> <p><u>Guidance</u></p> <p><i>If overcrowding or under-occupation points have been awarded then these points should not be awarded</i></p>	<p>25 Points</p>
<p>9.</p>	<p><u>Lack of Amenities</u></p> <p>If the current occupied property lack amenities, the following will be awarded</p> <ul style="list-style-type: none"> • No bath or shower or WC • No hot water • No Cooking Facilities • Where cooking facilities are in the same room that the applicant sleeps <p><u>Sharing Amenities</u></p> <p>If you share the following facilities you will be awarded points as follows:</p> <ul style="list-style-type: none"> • Bathroom • Kitchen 	<p>20 Points 20 Points 20 Points 10 Points</p> <p>5 Points 5 Points</p>

If any applicants have the same points on the queue the applications will then be prioritised in date order e.g. the earliest application will have priority.



Sheltered Housing

We will assess applicants for sheltered on the following grounds:

Emergency or Essential Medical Priority

If the applicant has a serious medical illness or condition and by moving into one of the complexes would greatly improve that condition or illness. High medical condition would be applied as per the guidance set out above - generally bed blocking cases.

Medical Advisable Priority

If the applicant has some minor medical conditions and by moving into one of the complexes could improve that condition.

Social Priority

If we feel the applicant would benefit from some levels of social activity that either of the sheltered complexes offer and would benefit their quality of life.

Priority Group – highest priority group 1st	Points Award
Higher Emergency	125 Points
Medical emergency or Essential for 1 or more member of the household	115 Points
Medical Essential	100 Points
Medical Advisable	50 Points
Social Priority	10 Points
If there are 2 applicants with serious medical condition within the 1 household an additional point award will be made.	Additional applicant has any Medical Priority then an additional 15 Points can be awarded.

We will carry out a pre allocation visit to assist us with our decision to establish if you are eligible for Sheltered Housing.

Guidance on how to award priority points for sheltered Housing are detailed in the Allocation procedure.

We use the above system to ensure that we:

- meet our legal obligations and good practice guidance by addressing a range of housing needs.
- achieve balanced communities by meeting the needs of different households, for example, single people and families.
- promote equality by providing housing for particular needs such as supported housing for older people



If any applicants have the same points on the queue the applications will then be prioritised in date order e.g. the earliest application will have priority.

Offers of Association Accommodation

All completed applications will be entered onto the respective Housing list and offers made to applicants will be based on a housing need and the availability of Housing stock.

Queues and bypass applicants

As the Association is committed to building and maintaining a balanced and stable community it seeks to avoid an excessive number of vulnerable households or a concentration of age range and/or lifestyles in one area. At the same time consideration must also be given to potential problems caused by possible clash of lifestyles. As such the Association is required to consider the needs of the existing tenants in an area as well as the local community before making a specific allocation to an applicant. The Association, therefore, must be able to exercise an element of flexibility and the use of discretion when making individual allocations.

Where it is felt to be inappropriate, inadvisable or against the greater good of the community or the applicant, the Association retains the right to bypass applicants at the top of the Housing list for a particular property. The Housing Director must approve the bypassing of any applicant on discretionary grounds, clearly providing a written audit of the reason(s). The applicant will remain at the top of the Housing List and will be considered for the next suitable offer of accommodation.

Selections

The Association will select applicants for properties based on the size of the property required and will prioritise the applicants who have the most points, working in descending order. The applicant who would appear at the top of the queue would be the applicant with the most points.

If applicants are to be bypassed in the queue the Allocations procedure will provide staff with the guidelines and a range of bypass codes to ensure consistency with the process and to demonstrate an effective audit trail of selections

Removal from the Housing List

The Association will only remove applicants from the list for the following reasons

- The applicant requests that their application be removed from the list
- On the death of an applicant
- Applicant fails to respond to the annual review of the Housing List

Suspension from the Housing List

Applicants may be suspended from the Housing List for the following reasons:

- Making a false statement in an application for rehousing
- Rent arrears and other tenancy related debt
- If an Order for Recovery of Possession has been granted against them
- Have previously abandoned a property
- Have refused 3 consecutive reasonable offers
- Where an applicant or a person accompanying an applicant adopts threatening, violent or abusive behavior towards staff
- Has been or someone in their household has been involved in anti-social behavior
- If an unsatisfactory tenancy reference has been received where issues remain unsolved (e.g. rent arrears outstanding with no repayment plan – applicants must have maintained arrangements for 3 months or more).

Further guidance regarding suspensions and removals from the Housing list is detailed in the Allocation procedure.

Reviewing Applications

The Association will review applications once a year based on their registration date. This is important to ensure that information is accurate that serves, in turn, to reduce offers refused.

We write to all applicants and request that they inform us within a reasonable period of time if they want to stay on our housing list. For those applicants who do not respond we issue a reminder letter giving them more time to confirm their intentions.

If applicants fail to respond, their applications will be removed from the housing list. Consent to do this is contained in the application form signed by applicants.

Applicants suspended as a result of a review may register again on the housing list at any time.

Section 6 – Other Allocations

Mutual Exchanges

A Mutual Exchange is the swapping of home and tenancies between two parties. Tenants have the right to exchange their tenancy with the Association's permission, as defined in the Housing (Scotland) Act 2001 and as detailed within the terms of their Scottish Secure Tenancy Agreement.

Applicants wishing to apply must complete a Mutual Exchange Form and submit this to the Association. It is important that both the Association and the other respective Landlord (if applicable) have received submitted applications as written approval must be obtained from both Landlords before any exchange can take place. The Association should process any applications within 28 days of receiving it.

In the case of joint tenants, the Association requires the consent of all tenants before the request can be considered. In the case of tenants who have a partner, spouse, or cohabitee (and that partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.

Should the tenant have their rent registered by the Rent Officer, these rights will NOT be transferred through the exchange.

After considering your application and discussing with the other Landlord (if applicable) a decision will be reached by the Housing Officer as to whether or not to grant permission for a mutual exchange to proceed.

Reasons for refusing a Mutual Exchange

The Association is required to provide written consent or refusal to a Mutual Exchange application.

- The application can be refused only if the Association has reasonable grounds for doing so. In terms of the Housing (Scotland) Act 2001 there are certain automatic reasons for refusing consent and these are as follows:-
- We have served a Notice of Proceedings for Recovery of Possession on the tenant specifying a ground set out in Paragraphs 1 to 7 of Schedule 2 of the Housing (Scotland) Act 2001.
- An order for Recovery of Possession of the house which is the subject of the current tenancy has been made against the tenant.
- The house was provided by us in connection with the tenant's employment with us.



- The house has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and if the exchange took place there would no longer be a person with such special needs occupying the house.
- The accommodation in the other house is either substantially than that required by the tenant and the tenant's family or is not suitable to the needs of the tenant and the tenant's family.
- The exchange would lead to overcrowding which would result in the occupier guilty of an offence under Section 139 of the Housing (Scotland) Act 1987.

In addition to these automatic grounds for refusing consent the Association can refuse consent if it considers it has reasonable grounds for doing so. Such grounds may include the following:-

- If sufficient information is not provided by the applicant to allow a decision to be taken In this situation the applicant can reapply at any time.
- If either party has been involved in antisocial behaviour and a Notice of Proceedings has been served.
- The Association's knowledge or evidence that any of the applicants have been involved in antisocial behaviour if either party does not have a clear rent account or has other debts with the Association or another registered landlord. If either party does not have a good tenancy reference or the tenancy inspection is unsatisfactory.
- The exchange is for financial gain and/or there is no housing needs supporting the exchange.

In these circumstances the Association will exercise its discretion as to whether or not to consent to the proposed exchange. There may be other situations where the Association will not consent to the exchange if it considers it has reasonable grounds to do so.

Where the Association does not give consent to the proposed exchange, we will advise both parties within one month of the date of the application and in our reply we will provide the reasons for our refusal. The tenants will also be advised of their right to seek further information, review and appeal through the Association's Complaints Policy.

If you are granted permission for the Mutual Exchange to go ahead

If the Association and the other landlord(if applicable) are happy with exchange to go ahead we will consult with the other landlord and both exchange parties and agree a



mutual date on which the exchange will take place. The move would then take place and both properties would be accepted as seen. No repairs would be carried out in this type of allocation.

Advertising for an Exchange

The Association will keep an updated Mutual Exchange Register in the reception area. This register will contain details of tenants interested in exchanging. This will be updated as and when interested parties contact the Association.

Assignations

An Assignation of a tenancy is when one tenant (or tenants) wish to pass over their tenancy to another person (or persons). The new tenant (or tenants) are known as "the assignees".

Tenants have the right to assign their tenancy with the Association's permission, as defined in the Housing (Scotland) Act 2001, Section 32 and Schedule 5, part 2. and also detailed within the terms of their Scottish Secure Tenancy Agreement.

Tenants shall be permitted to assign the tenancy only with the written permission of the Association, and this will only be given where their request is in accordance with the guidelines set out in this section of the policy. The Association may refuse consent only where it has reasonable grounds to do so.

Applying for an Assignation of tenancy

All applications for permission to assign a tenancy must be made in writing to the Association, using the Association's Assignation Application Form.

In the case of joint tenants, the Association requires the consent of all tenants before the request can be considered. In the case of tenants who have a partner, spouse, or cohabitee (and that partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.

Guidelines for approving an application for Assignation

If you want to assign your tenancy to another person, the house must have been your only or principal home during the 12 months immediately before the date of your written request to assign the tenancy to someone else. In addition, the person who you wish to assign your tenancy to must have been living in the house as their only or principal home for at least 12 months before the date of your written request and you, a joint tenant or the person who you now wish to assign the tenancy to must have notified us of them moving into the property. The length of time the person you want to assign this tenancy to must have been living in the property starts from the date we are notified that the person is living in the property as their only or principal home.



Where the request is made by the tenant to assign the tenancy to a spouse or partner (including same sex partner), son, daughter or another member of the tenant's household the following rules shall apply:

- The tenant will cease to reside in the Association's property after the assignation has occurred
- The conduct of the tenancy has been satisfactory to the Association in all respects and
- The proposed new tenant is eligible to apply for admission to the housing list
- The proposed new tenant is eligible to apply for admission to the housing list

Grounds for refusing an application for Assignation

The application can be refused only if the Association has reasonable grounds for doing so. In terms of the Housing (Scotland) Act 2001 there are certain automatic reasons for refusing consent and these are as follows:-

- A Notice of Proceedings has been served on the tenant specifying a ground set out in Paragraphs 1 to 7 of Schedule 2 of the Housing (Scotland) Act 2001.
- An order for Recovery of Possession of the house has been made against the tenant.
- It appears to the landlord that payment other than a rent which is in its opinion reasonable rent or a deposit which is reasonable has been made or is to be received by the tenant in consideration of the assignation.
- The transaction will lead to overcrowding so that the occupier will be guilty of any offence under Section 139 of the Housing (Scotland) Act 1987.
- We intend to carry out work to the house or the building of which it forms part so that the proposed work will affect the accommodation likely to be used by the person who would reside in the house as a result of the transaction.
- Where we would not give the proposed new tenant reasonable preference under our allocations policy.



- Where in our opinion the assignation would result in the house being under occupied.

In addition to these automatic reasonable grounds for refusing consent the Association can refuse consent if it considers it has reasonable grounds for doing so. Such grounds may include the following:-

- If sufficient information has not been provided by the applicant to allow a decision to be taken. However the applicant may reapply at any time.
- If the tenant does not have a clear rent account or has other debts with the Association and has adhered to or maintained a reasonable agreed arrangement for a minimum of three months.
- If the proposed new tenant owes the Association a debt and has not adhered to or maintained a reasonable agreed arrangement for a minimum of three months.
- If the pre-end of tenancy inspection is unsatisfactory and there is not enough time for the tenant to carry out the necessary repairs.
- The proposed new tenant had been previously evicted by the Association or any other housing association.
- The proposed new tenant abandoned the tenancy with the Association or other registered housing association.
- Where the assignation is proposed to a person or persons either the Association has knowledge or evidence that the future incoming tenant has acted in an antisocial manner in relation to another person residing in or visiting or otherwise engaged in lawful activity or pursued a course of conduct amounting to harassment of such a person or a course of conduct which is otherwise antisocial conduct in relation to such a person the terms "antisocial conduct" and "harassment" have the same meanings as set out in Schedule 2 Part 1, Ground 2(2) of the Housing (Scotland) Act 2001.
- The proposed new tenant has omitted, distorted or given false information in their application.
- Where there is substantial damage or disrepair to the property caused by the tenant, a member of the household or a visitor to the property.

In these circumstances the Association will exercise its discretion as to whether or not to consent to the proposed assignation. There may be other situations where the Association will not consent to the assignation if it considers there are reasonable grounds to do so.



Responding to requests for assignation

The Association will respond, in writing, to the request for permission to assign the tenancy within 28 days of the date on which the request was received. We will also endeavor to complete the Assignation request as quickly as possible.

Where we reply and give consent to the assignation, we will advise the tenant of the date on which the assignation will take place.

Where the Association does not give consent to the proposed assignation, we will advise the tenant, in our reply, of the reasons for our refusal. The tenant will also be advised of their right to appeal any decisions. The tenant also has a right to apply to the court by way of Summary Application if the tenant is aggrieved by the Association's decision.

Joint Tenancies

A joint tenancy is when two (or more) residents within a household want to share jointly the responsibilities of the tenancy. It should also be noted that, although the term "joint tenant" is used throughout, legally joint tenants are actually tenants in common.

Tenants have the right to ask to change their tenancy to a joint tenancy, with the Association's permission, as defined in the Housing Scotland Act 2001 and as detailed within the terms of their Scottish Secure Tenancy Agreement.

Tenants shall be permitted to change their tenancy to a joint tenancy only with the written permission of the Association, and this will only be given where their request is in accordance with the terms of this policy. The Association will refuse consent only where it has reasonable grounds to do so.

It is good practice, when signing up a new tenancy, where there is a partner moving in, that both parties should sign the tenancy agreement at the date of entry. It is the Association policy to offer applicants the choice of whether to have a sole or joint tenancy.

Applying for a Joint Tenancy

All applications from tenants requesting permission to change their tenancy to a joint tenancy must be made in writing to the Association, using the Association's Joint Tenancy Application Form.

Tenants have the right to apply for a joint tenancy with one or more individuals who either live (or intend to live) in the house as their only or principal home.



In the case of joint tenants, the Association requires the consent of all tenants before the request can be considered. In the case of tenants who have a partner, spouse, or cohabitee (and that partner, spouse or cohabitee is not a joint tenant), the consent of the spouse, partner, or cohabitee is also required.

The Association will also consider the welfare reforms and other legislation when assessing the joint tenancy request.

Grounds for granting a joint tenancy

If you want another person to be a joint tenant, the house must have been the only or principal home of the person who is to become a joint tenant for at least 12 months immediately before the date of your written request and you, a joint tenant or the person you now wish to become a joint tenant must have notified us of the proposed new tenant moving into the house. The person you wish to add as a joint tenant, and any existing joint tenants must apply to us in writing along with you. The length of time the person you want to add as a joint tenant must have been living in the property starts from the date the Association is notified that the person is living in the property as their only or principal home.

We will also consider applications if all of the above is met and;

- The request is reasonable
- The conduct of the tenancy has been satisfactory to the Association in all respects and
- The proposed new tenant is eligible to apply for admission to the housing list

Grounds for refusing a Joint Tenancy

Permission may not be granted for a joint tenancy on the following grounds:

- If insufficient information is not provided by the tenant to allow a decision to be taken, however the applicant can reapply at any time.
- Where the Association has served on the tenant a Notice of intention to raise proceedings for possession, specifying a ground or grounds for recovery of possession.
- The Association has obtained a Court Order for recovery of possession of the house.



- Where creating a joint tenant would result in statutory overcrowding. Statutory overcrowding is defined by the Housing (Scotland) Act 1987, section 135-139.
- Where the Association has knowledge or evidence that the tenant or the proposed joint tenant(s) has been involved in an anti-social behaviour
- Where the proposed joint tenant would be unable to fulfil the terms of the tenancy
- Where the house is not the proposed joint tenants principal home and they do not intend to move in
- Where the proposed joint tenant does not meet the eligibility criteria for the property.
- Whilst this Policy explains certain situations for approval and refusal, it cannot cover every scenario, therefore each request will be examined on its individual merit.

Succession of Tenancy

Succession of tenancy is the transfer of a tenancy from a tenant who has died to a qualified person or persons. **Succession cannot take place unless the tenant dies.**

Where a tenant has unfortunately passed away the tenancy may be inherited by one of the following people in the following way.

Level One

A spouse, civil partner or co-habitee if the house was their only or principal home on the death of the tenant; OR

A joint tenant, if the house was his or her only or principal home on the death of the tenant.

In the case of a co-habitee, he or she must also have occupied the house as his/her only or principal home for at least 12 months immediately before the death of the tenant. The 12 month period commences from the point that we were told that the individual was living in the property as their only or principal home.

If more than one person qualifies for the tenancy under Level One, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

Level Two

If no-one qualifies at Level One, or a qualified person does not want the tenancy, it may be inherited by a member of the tenant's family as long as:

- he or she is aged at least 16 at the date of death; and
- the house was his or her only or principal home at the date of death and that the member of the tenant's family have occupied the house as his/her only or principal home for at least 12 months immediately before the death of the tenant to qualify to succeed to the tenancy.
- They have enough income to pay the rent

The 12 month period cannot begin unless we have been told that the family member is living in the property as their only or principal home. We must have been told that by the tenant, a joint tenant, or the person who wishes to succeed to the tenancy.

If more than one person qualifies for the tenancy under Level Two, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

Level Three

If no-one qualifies at Level One or Level Two, or a qualified person does not want the tenancy, it will be inherited by a carer as long as:

- he or she is aged at least 16 at the date of death; and
- the house was his or her only or principal home at the date of death; and
- he or she gave up another only or principal home before the death of the tenant; and
- he or she is providing, or has provided care for the tenant or a member of the tenant's family.

The carer must have occupied the house as his/her only or principal home for at least 12 months immediately before the death of the tenant to qualify to succeed to the tenancy.

The 12 month period cannot begin unless the Association have been told that the carer is living in the property as their only or principal home. We must



have been told that by the tenant, a joint tenant, or the carer who wishes to succeed to the tenancy.

Definition of Care

The Association recognises the rights of genuine carers to succeed to a tenancy where qualifying conditions are met (see 6.4 above). The Association recognises “care” as comprising “Personal Care” as defined within Section 2 (28) of the Regulation of Care (Scotland) Act 2001 or Social Care as defined within Schedule 2 of the Community Care and Health (Scotland) Act 2002.

If more than one person qualifies for the tenancy under Level Three, they must decide among themselves who should get the tenancy. If they cannot agree, the Association will decide.

Adapted Properties

If the house was designed or substantially adapted for a person with special needs, no person will qualify under level two or three above unless that person has special needs requiring the type of accommodation in the house. If a person would have qualified, but for this paragraph, we will make other suitable accommodation available.

Additional Information regarding Succession of Tenancy

If someone qualifies for the tenancy but does not want it, they should advise the Association as soon as possible, in writing, and leave the house as soon as possible. Rent will be charged only for the actual period of occupation.

The tenancy can only be inherited twice under the provisions noted above. If the tenancy has already been inherited twice, the third death will normally end the tenancy. This will not happen if there is a surviving joint tenant whose Scottish secure tenancy will continue. However, if there is still a person in the house who would otherwise qualify to inherit the tenancy under the above paragraphs, the tenancy will continue for up to 6 months after the last death. The Tenancy will not be a Scottish Secure Tenancy for that period.



Section 7 - Letting Targets and Quotas

The Association sets a target each year for houses to be let to individual groups based on expected levels of turnover within our housing stock. This is to ensure we have balanced sustainable communities and that we also meet our legal and regulatory requirements.

The targets can be amended on request to our Management Committee should there be changes in legislation or take account of situations such as Local Regeneration Strategy eg. Clearance and Demolition.

Targets will be set prior to the commencement of each financial year and senior staff will seek consent for these targets from the Operations Sub Committee.

Section 8 – Audit and Performance Monitoring

Audit

To ensure this policy is effective in the allocation of our properties we will carry out audits to ensure compliance. These audits will be carried out periodically by:

- Senior Members of HM staff
- External Auditors

The Association will also submit the outcomes of this Policy in terms of Allocations to the Management Committee and Scottish Housing Regulator in our Annual Returns Charter (ARC).

Performance Monitoring

To ensure the Association is achieving high standards of performance in terms of Allocations we will:

- Commit to training and developing our staff in dealing with Allocations
- Will benchmark with similar landlords to gauge our performance and share best practice guides.
- Provide quarterly reports to our Management Committee and Operations Sub Committee in terms of Allocation performance
- Audit Allocations to continuously improve our management of allocations and to ensure there is consistency in our approach to dealing with allocations
- Provide effective procedures for staff for this policy



- Provide our Management Committee and Operations Sub-Committee with an overview on Allocations and provide training as and when required.

Section 9 - Role of Committee

Code of Conduct

The Housing (Scotland) Act 2010 replaces Part 1 schedule 7 of the Housing (Scotland) Act 2001. The Code of Conduct has provided guidance on payments and benefits to Committee Members, Staff Members and their relatives, which was previously contained within schedule 7 of the Housing (Scotland) Act 2001.

The effect will be that Committee Members/ Staff members cannot put themselves in a position where their duties and personal interests conflict or may conflict and they must not benefit in any way from their connection with the Association.

Housing Association's may grant a tenancy, transfer a tenancy or mutual exchange to an employee, former employee, Committee Member or relative of these groups providing that the person:

- Fully meets the Associations' published Allocation criteria, and
- Has no involvement in or influence over the process by which the Association allocated the tenancy in question

All allocations falling into this category will be approved by the Management Committee prior to an offer of tenancy being made.

Performance Monitoring

Quarterly reports with regards to Allocations will be provided to the Management Committee and Operations Sub Committee detailing quarterly allocations and any information regarding the audit of Allocations.

Committee members will take no part in deciding individual allocations but are responsible for Policy development, Code of Conduct and the monitoring of this policy.

Section 10 - Tenant Consultation

Each year, we will provide customers with information about our performance in letting properties and how long it takes us to do this.

We will periodically ask tenants about their experience of applying for a house and report their views on the standard of service we offer and report customer feedback annually to the Management Committee. This information will mainly be gathered



through customer satisfaction surveys and complaints handling.

We also actively encourage our Tenant scrutiny group (Performance Improvement Network) to provide feedback on areas of this policy and seek recommendations in order to improve policies and processes for our tenants and other customers.

Section 11 - Confidentiality and Access to information

We process personal information in line with legal requirements; this means that it will not be shared with other agencies except with applicants' consent, or as permitted in law.

Therefore, we ask applicants' permission to discuss application details with other agencies as part of our application form. We may contact other landlords, for example, to confirm tenancy details. We do not request personal references.

Applicants may request a mandate from the Association's office that they must complete in order to give consent to another individual to discuss their application with Association staff.

Information

This policy is available on our website and can also be provided to applicants or other customers on their request free of charge. On request we will also provide this policy in any other format i.e. in another language, braille etc.

General Data Protection Regulations

Applicants have a legal right to gain access to personal information supplied in connection with their application. This is covered by the Housing (Scotland) Act 1987. Applicants may also view other personal information supplied to the Association in line with the Data Protection Act 2018. We may only refuse such requests on grounds specified in the Act. We do not charge for this service.

Equalities

The Association promote equal opportunities throughout all of our policies, including allocations. An equality impact assessment has been carried out in this Policy to ensure that any individual can access this policy or have the support to access it. A separate report for this is provided to the Management Committee detailing considerations that have been made in line with the 9 protected characteristics.



Section 12 - Appeals and Complaints

Appeals

Applicants can appeal decisions made by the Association in regards to this policy. An appeal may be raised, for instance, if someone believes that insufficient points have been awarded.

The Housing Director or Housing Manager will assess all appeals as it is unlikely that they would not be involved in awarding points or allocating houses. In any cases where they have been involved in the process the appeal would then be heard in most cases by their line manager.

Appeals may be made in by telephoning, writing, emailing or in person.

Complaints

Appeals are different from complaints for which we have a separate procedure for. Complaints might occur, for instance, if someone is concerned about the standard of service you have received or the conduct of our staff.

Tenants are provided with a copy of our complaints procedure when they sign their tenancy agreement. This informs them about complaint procedures. A copy can also be obtained at the reception area of our office or on our website if you are not a tenant or could ask a member of staff.

If applicants remain dissatisfied with the Association's response to the complaint, the Association will provide information about making a complaint to the Scottish Public Services Ombudsman who deals with complaints involving maladministration that have fully progressed through the Association's Complaint Procedure.

Review

We will aim to review this policy every 3-5 years or when legislation requires us to do so.

Any changes to this Policy will be fully discussed with tenants and other service users as part of our tenant participation strategy.

We will consult with our tenants, Performance Improvement Network, other customers and service users on the review of this Policy.

Fiona Mills
September 2019