



## ALLOCATION POLICY

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Cadder Housing Association Ltd  
66 Skirsa Street  
GLASGOW  
G23 5BA

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## Allocations Policy

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## Allocations Policy

### 1.0 Introduction

- 1.0.1 Cadder Housing Association (the "Association") is a registered social landlord, which took ownership of its properties through stock transfers from Scottish Homes in 1994 and 1998 with the aim to improve the living conditions for residents in the Cadder area in the north-west of Glasgow. It operates on a 'not for profit' basis and is run by an elected Management Committee consisting mainly of local residents who employ a staff team to manage the Association on a day to day basis.
- 1.0.2 The Association currently owns and manages 653 properties. These mainly consist of tenemental properties, but also include semi-detached and terraced houses. The Association receives an average of 60 houses for re-let each year of which the majority are 2 bedroom properties.
- 1.0.3 This document outlines the Association's Allocations Policy, which is one of the key documents we produce. In line with legislative and good practice requirements the underlying principles are for it to be: -
- **Consistent** - whereby applicants in similar circumstances are considered in a similar manner.
  - **Open** - with not only the policy document being available to potential applicants but also, meaningful information being provided at all stages of the allocations process. Individual confidentiality will be maintained at all times.
  - **Responsive** - the policy document will enable staff to respond to a wide range of needs and circumstances. We will generally allocate properties to applicants with high levels of housing need, which will relate to those needs outlined in the policy.
  - **Accountable** - the policy document has been prepared and reviewed taking account of the views our tenants, other service users, residents groups, relevant external agencies and the Association's Management Committee.
  - **Non-Discriminatory** - the Association's aim is to observe equal opportunity requirements to ensure equality of treatment for all applicants without discrimination or prejudice based on a person's gender, sexual orientation, race, ethnic origin, nationality, religion, age, disability, illness, social or financial status.
  - **Confidential** - all information provided for the purposes of the assessment for re-housing will be treated as strictly private and confidential under the terms of the Data Protection legislation. It will not be passed onto or discussed with any other person or organisation without the applicant's permission, apart

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from where the Association is legally required to do so. Where Committee members are required to consider an individual case the identity of the applicant will be treated as confidential.

- **Accessibility** - the Association will strive to ensure that this policy is made available on request in a variety of formats, also that applications for housing are available from a number of locations and organisations. We will also ensure that housing in the Cadder area is promoted through marketing initiatives.

- **Monitoring & Review**

Results and outcomes of the allocations process will be monitored and reported to the Management Committee. This information will be used to inform the on-going review process. We will also provide data relating to our waiting lists to the Scottish Housing Regulator as part of our annual return on the social housing charter. The Charter sets the standards and outcomes that Cadder Housing Association should aim to achieve when performing its activities.

### **1.1 Equal Opportunities**

The Association will regularly test this policy and associated procedures for equal opportunity implications and take appropriate action. To ensure equal access to the information contained in this policy for all, we are happy to provide copies in Braille, in larger print, translated into other languages or audio format to you or anybody that you know.

### **1.2 Consultation**

1.2.1 Consultation with the community and resident participation has always been one of the key aspects of the way in which the Association operates. We therefore, welcome the statutory provisions of the Housing (Scotland) Act 2001, which require all social landlords to take tenants' views into account when formulating key service policies.

1.2.2 There are two strands to policy consultation within Cadder: -

- Firstly, we believe it is important to inform all tenants when a policy review is due, together with some information on the proposed changes by the Association.
- Secondly, to invite feedback from tenants on (i) how well they feel the proposals address the needs of the community and (ii) whether there are any particular amendments they would like to see.

1.2.3 The Association's Resident Participation Strategy outlines our commitment to providing information and consulting with residents on our policies and in particular, the ones that affect them.

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- 1.2.4 The Association have taken account of feedback from tenants, service users and relevant external agencies in the review of this policy.

## **2. Policy Aims & Objectives**

- 2.1 The aims and objectives of this policy are to: -

- Ensure it complies with all relevant legislation and good practice
- Ensure that allocation practice is carried out effectively and efficiently to minimise the period properties are empty thus maximising income.
- Monitor allocation practice through effective performance management systems. Indicators to measure performance will be developed and information will be presented quarterly to the Management Committee and annually to all Cadder residents through the Annual Report.
- Address the housing needs of a range of applicants
- Be clear and easy to understand
- Have a system of prioritising applicants which is fair and consistently applied
- Allow the Association to manage its rented stock effectively, thereby making best use of the stock
- Maintain a balanced and stable community
  - Offering the most appropriate houses to meet people's needs
  - Housing people in appropriate locations
  - Where possible, avoiding clashes of lifestyle by over concentrations of household type or need in one close, street and parts of the Cadder area
  - Taking account of local need
- Ensure the accommodation available meets the housing need of the applicant.
- Allow Association tenants to transfer to other properties if they have: -
  - Housing need
  - Change of circumstance
  - Aspiration to move
- Encourage co-operation between the Association, other housing providers, agencies and the Local Authority in their homeless role and other housing providers to meet the needs and aspirations of all applicants.
- Provide good quality housing at an affordable rent.
- Training on the Allocation Policy will be given to staff, Committee members and Resident Group representatives.

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- We shall deal with complaints / appeals to any decisions in the implementation of this policy, in accordance with our Complaints Policy, as outlined in Section 7 of this document.
- A formal review of this policy will take place every 3 years, although, operational amendments may be presented to the Management Committee on an annual basis. Where the proposed changes affect service users, they will be consulted prior to the review. The outcome of the review will be published in our quarterly newsletter.

### **3. Legal and Good Practice Framework**

This policy takes account of current legislation and good practice guidance.

- 3.1 The following is a brief summary of the legislation that affects the allocation of properties: -

#### Housing (Scotland) Act 2001

The allocations policy adheres to the Housing (Scotland) Act 2001. The policy contains guidance on admission to its housing lists, how properties are allocated, allows for the transfer of tenants to other landlords, and allows for the exchange of houses. The policy is to be made accessible to the public in its entirety and in summary form. The Association must make sure the policy is circulated to the Scottish Housing Regulator and the Local Authority, Glasgow City Council.

Part 1 of Schedule 7 of the Housing (Scotland) Act 2001) places certain restrictions on housing associations to prevent the possibility of committee or staff member abusing their position. The law restricts the payments and benefits that the housing association can grant to committee members, employees, close relatives of committee members or employees, anyone who has been a committee member or employee in the previous 12 months, and any business trading for profit which any such people own or manage. The Housing (Scotland) Act 2010 rescinds Schedule 7 and the Scottish Housing Regulator has advised RSLs to continue to comply with this legislation and their policies on the control of payments and benefits until a new policy has been implemented.

When involved in allocating tenancies, staff and members involved in the process must read part 1 of Schedule 7 and ensure there is no conflict of interests. All staff and committee members must be familiar with the Schedule 7 Policy (Control of Payments and Benefits). If they are in any doubt or find themselves in a position of a conflict of interests they must bring this to the attention of the Acting Housing Manager / Director.

Section 5 of the Act imposes a duty on the Association to house homeless applicants referred to us by the Local Authority, unless we have good reason not to.



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Section 54 of the Act obliges Housing Associations to consult with tenants, service users and Registered Tenants Organisations regarding significant changes in the Housing Management service.

Section 106 of the Act requires the Association to 'act in a manner which encourages equal opportunities and, in particular, the observance of equal opportunities requirements. Equal opportunities are widely defined as: -

'the prevention, elimination or regulation on discrimination between two persons on the grounds of disability, age, sexual preference, language or social origin or other personal attributes including beliefs or opinions such as religious beliefs and political opinions'.

### Matrimonial Homes (Family Protection) (Scotland) Act 1981

The Matrimonial Homes (Family Protection) (Scotland) Act 1981 must be adhered to when providing advice to tenants on the statutory occupancy rights to their home. This legislation introduced rights for non-entitled spouses (non-tenants) where they have:

- A right to remain in the family home;
- A right to return to the family home if excluded from it, to enter and occupy the family home;
- A right to pay rent and require a landlord to carry out his duty to maintain the home
- The consent of the non-entitled spouse must be sought for any transaction which would affect his/her occupancy rights e.g. termination of tenancy.
- A right to a defence against repossession if the tenant fails to do so him/her self.

### Data Protection Act 1998

The Association will adhere to the Data Protection Act 1998 in order to ensure that information provided by an applicant or sought by the Association is relevant only to assessing their housing need and is treated in the strictest confidence.

Under the provisions of the Data Protection Act 1998 individuals are entitled to request personal data which is held by the Association. The Association may make a charge covering the administrative costs of providing this information.

### Human Rights Act 1998

In accordance with articles 8 and 14 of the Human Rights Act 1998, the allocations policy ensures that respect for applicants' private and family life is given when assessing housing need. Actions that interfere with these rights may be open to challenge.

In accordance with article 8 of the Act, applicants will not be banned from

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housing lists. However, their applications might be subject to deferment from housing allocation as per the terms of the Housing (Scotland) Act 2001 and the allocation policy. Any decisions to defer a housing allocation will be thoroughly documented.

### Asylum and Immigration Act 1996

Under the Act the Association will make sure that any applicants to its houses are eligible for housing.

### Housing (Scotland) Act 2010

The Act received Royal Assent on 9 December 2010. The stated purpose of the Housing (Scotland) Act 2010 is to improve value for tenants and taxpayers through a modernised system of social housing regulation and

Safeguard social housing for the use of future generations of tenants by reforming the Right to Buy (RTB).

A summary of the Act's main sections are as follows:-

Part 1-established the Scottish Housing Regulator as an independent regulator with the objective of safeguarding and promoting the interests of tenants, prospective tenants, homeless people and others using housing services provided by social landlords.

Part 2-requires the Scottish Housing Regulator to keep a register of social landlords and sets out the criteria for registration and the circumstances in which a body may be removed from the register.

Part 3-provides for Scottish Ministers to specify the standards and outcomes social landlords must aim to achieve in a Social Housing Charter, and for the Scottish Housing Regulator to set performance improvement targets and assess and report on their performance. It also requires the Scottish Housing Regulator to set out standards of governance and financial viability for registered social landlords.

Part 4-provides the Scottish Housing Regulator with powers to carry out inquiries and obtain information from social landlords.

Part 5-gives the Scottish Housing Regulator a range of powers to intervene where it has concerns about a social landlord's performance, governance arrangements or financial viability. It also requires the regulator to issue a code of practice explaining how it will use its intervention powers.

Part 6-provides for the Scottish Housing Regulator to set accounting requirements for registered social landlords.

Part 7-provides the Scottish Housing Regulator with powers to deal with an insolvent registered social landlord.

Part 8-deals with the constitution, rule changes, amalgamation and dissolution of registered social landlords.

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Part 9 sets out controls on the disposal of land by registered social landlords.

Part 10-sets out a special procedure for certain disposals by and restructurings of registered social landlords where there is a change of landlord.

Part 11-makes special provision, including approval by tenants, for a change of landlord from a local authority landlord.

Part 12-makes provision for regulation of charitable registered social landlords.

Part 13-makes provision for long leases and heritable securities where a social landlord or a rural housing body is, or is to be, the lessee or the debtor in the security.

Part 14-reforms the Right to Buy (RTB).

Part 15-amends the Housing (Scotland) Act 2006. The changes relate to local authority maintenance powers, charging orders and repayment charges, the scheme of assistance and enforcement powers.

Part 16-includes miscellaneous amendments to existing legislation.

Part 17-sets out supplementary and final provisions.

### Equality Act 2010

The Association within the operation of its Allocations Policy will comply with the Equality Act which protects persons from being discriminated against.

The characteristics that are protected by the Equality Act 2010 are

- age
- disability
- gender identity and gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

Under the Equality Act, if you have one or more of these protected characteristics, it is also against the law to treat you the same as everyone else if this treatment will put you at a disadvantage.

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3.2 The Association will observe the terms of all of the above legislation and strive to implement the policy and procedures to meet all legal requirements. In addition this policy takes account of Social Housing Charter and the Scottish Federation of Housing Associations' Raising Standards document, chapter 1.

3.3 The Scottish Housing Regulator – Self-Assessment

The Association's allocations policy will take account of and comply with the relevant Outcomes contained within the Social Housing Charter.

Outcomes 7, 8, 9 & 10:

- People looking for housing get information that helps them make informed choices and decisions about a range of housing options available to them
- Tenants and people on housing lists can review their housing options
- People at risk of losing their homes get advice on preventing homelessness
- 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.

3.4 This policy has been reviewed in line with the Scottish Government document, 'Social Housing Allocations: A Practice Guide' and the 'Suspending Housing Applicants Guide' (CiH / TC Young).

## **4.0 Application and Allocation of Housing**

### **4.1 Access**

4.1.1 The Association's principal aims and objectives of the allocations policy clearly illustrate that the allocation of houses should be fair, open, as well as meeting the needs of a range of applicants.

4.1.2 We will actively promote access to our list and encourage people to apply for housing in the Cadder area.

4.1.3 We receive applications for housing directly from applicants, as well as referrals from external agencies, for example, the Local Authority, other housing associations and support organisations on behalf of applicants who seek and aspire to live in the Cadder area.

4.1.4 All applicants aged 16 years and above will be accepted onto our list.

4.1.5 Application forms for housing can be sent out for completion by the applicant or alternatively assistance in completing the form can be provided on request.

4.1.6 The Association is currently a partner in the development of a Pathfinder Common Housing Register (CHR) within the North-West area of Glasgow. The CHR will mean that applicants can register their housing interest with any number of the partner landlords in the CHR through a single application form.

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Once implemented, the CHR will enhance choice and prospects for applicants.

### 4.1.7 Access to information

Housing legislation gives tenants and service users a right to information. In addition to the provisions of the Data Protection Act 1998 as outlined in section 3.1 (7), applicants are entitled to check information provided in connection with their application for housing free of charge.

4.1.8 In meeting our commitments to equal opportunities and in particular equality of access, the application and associated literature can be provided in different formats and languages. Copies of the application form are also available at the following locations: -

- Glasgow City Council – Homeless Sections
- Citizens Advice Bureau
- Maryhill Library
- Cadder Community Centre

## 4.2 Commitment

4.2.1 Our commitment to all applicants who apply for housing is: -

- To respect confidentiality
- To provide good quality information in plain language
- To assess all applicants details on their merits and in accordance with the policy.
- To record and where necessary request information relating to the application, for example personal details, tenancy references etc.
- We will acknowledge receipt of the application for housing within 5 working days
- To make the applicant aware of their provisional points total, queue position and prospects of securing accommodation in areas of Cadder they have requested within 10 working days.
- We will provide information to the applicant on properties and areas they have not requested but would qualify for, which may result in an earlier offer of housing.
- Where there is unlikely to be an offer of housing in the Cadder area within a reasonable period of time, we will encourage applicants to apply to other social rented landlords in the North West area of Glasgow. (Many of which will form part of the CHR)
- Staff will be available to give information and advice on the application, the allocations process, prospects for housing and other related matters either at the office or by telephone during the opening hours of the Association (Monday – Friday, 9.00am – 5.00pm)

## 4.3 Applicants' Obligations

Applicants, who seek and aspire to live in the Cadder area, will be required to fulfil the following obligations: -

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- Applicants are required to complete a Housing Application form and answer all questions to the best of their knowledge.
- Applicants will be required to sign a disclaimer allowing details to be sought in relation to tenancy references. Applicants will be required to confirm any change of circumstances in relation to their housing or personal situation.
- Applicants are required to provide information to support their application for housing, for example, proof of residency etc
- Applicants will be required to confirm their reasons for refusing an offer of housing.

### 4.3.1 Points System

4.3.2 We will operate a 'Group plus points system', where applicants will receive points relating to their circumstances and housing need as outlined in section 5 of this policy.

### 4.5 Access Routes / Applicant Status

4.5.1 The Association has categorised applicants from their status and access routes into category groups, for example:

- |  |   |               |
|--|---|---------------|
| ▪ Tenants of the Association   | - | Transfer list |
| ▪ Homeless referral from Local Authority   | - | Homeless list |
| ▪ Persons who do not have their own home but have not been assessed or given homeless priority | - | Waiting list  |
| ▪ Nominations (Positive Action in Housing / Glasgow Centre for Inclusive Living)               | - | Nominations   |

We have set targets for each category group, which we will aim to achieve on an annual basis. The Management Committee will be presented with a report in April of each year to approve the letting targets for the forthcoming financial year. This approach will ensure a balance of lets from the various access routes and secondly, status of applicants, into housing.

### 4.5.2 Lettings Targets

4.5.3 To establish the letting targets the Association has drawn information from the following sources, these are:-

- Historical lets by access route/ applicant status over recent years
- Current housing list
- Allocations Policy
- Good Practice Guidance
- Legislative compliance through Protocol Agreements, for example homeless persons.

The current category groups with the Lettings targets are attached in Appendix 1

A summary of each category group is as follows: -

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### **4.5.3.1 Waiting List**

An applicant on the waiting list will be a person(s) who is not a tenant, joint tenant or is the subject of a referral from either the Local Authority or another Registered Social Landlord

### **4.5.3.2 Transfer List**

Current tenants have the right to apply for re-housing in exactly the same way as waiting list applicants.

The Association recognises that some tenants have no apparent housing need for a change of house as outlined in the policy but may wish to move to an Association house they aspire to. Applicants on this list will be considered in the order in which the Association receives them. This category will not exceed 5% of the annual number of lets.

In addition to the criteria relating to outstanding monies and behaviour, tenants being offered tenancy transfers will be subject to a satisfactory property inspection. Where issue(s) are identified, the Housing Officer will advise the tenant how matters can be resolved to ensure they can progress their offer of re-housing. If such issues cannot be readily resolved, the tenant will be advised that the available offer of housing is to be withdrawn and the required actions to be taken to allow for future offers of housing to proceed. Where necessary, the tenant's housing application will be suspended until required actions are carried out by the tenant. As with all other cases, the Association will regularly review such suspensions and liaise with the tenant during reviews. Tenants registering for a transfer will be encouraged to contact their Housing Officer so as to arrange a tenancy inspection which will allow for any issues to be identified at an early stage and allow for housing prospects / options to be discussed.

As a result of Central Government's Welfare Reform Act, working aged tenants who are deemed to be under-occupying their homes will, from April 2013 be subject to a reduction in any payable housing benefit. This is commonly known as the 'Bedroom Tax'.

Affected tenants will experience reductions of 14% for one spare bedroom and 25% for two or more spare bedrooms.

The deduction amount will be taken from the actual gross rent amount as opposed to the paid housing benefit amount.

Priority will be given to such tenants seeking to move to a smaller house as a result of the financial pressures that this situation will cause. It is recognised that a large number of tenants who may wish to transfer to another property to avoid financial hardship as a result of the Bedroom Tax will ideally require 2 apartment properties. However, the availability of such properties is extremely scarce and given this, tenants under-occupying by two bedrooms or more will also be considered for 3 apartment properties so as to improve options and reduce the effect of the Bedroom Tax, which would result in the tenant experiencing a 14% reduction as opposed to a 25% reduction.

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Tenants seeking to transfer to a smaller property as a result of the Bedroom Tax will be considered for equivalent type housing.

Tenants transferring to smaller properties will not only assist their own needs but also the needs of other applicants' on the Association's Housing List by the freeing up of larger type housing thus making best use of our housing stock.

#### **4.5.3.3 Local Authority Homeless Case Referrals**

The Association as a Registered Social Landlord (RSL) has since the inception of the Housing (Scotland) Act 2001 had a statutory duty to provide accommodation for homeless people.

The duty to house homeless persons will be met in the following ways: -

- The Association will provide information to the Local Authority in respect to its housing stock, for example size, type and turnover of properties.
- The Local Authority, Glasgow City Council, will assess homeless persons and referrals will be made under section 5 of the Act. We will consider the referral and reply to the Homeless Caseworker within 5 working days to confirm our acceptance or refusal of the referral. If accepted we will confirm a likely timescale for the provision of accommodation. We will assess each referral but will not unreasonably refuse a homeless referral for accommodation. Reasonable grounds for refusal may include: -
  - Where re-housing is likely not to be secured within the target timescales due to poor turnover of size or type of property.
  - Improvements to property not suitable for that particular homeless case, for example Adapted properties.

The Association will liaise with the local authority to monitor, review and contribute to homeless allocations and strategies aimed at housing homeless people in the Cadder area.

We will be pro-active in identifying and referring applicants who may be a 'priority group' under the Homeless person's legislation to Glasgow City Council for a full assessment under the Act. We will complete an application form for housing and this will be processed as a waiting list case up until a formal homeless referral has been received and accepted.

#### **4.5.3.4 Referrals from Other Agencies**

We will set aside a percentage of our lets each year for referrals from other social landlords, as well as housing and support agencies. A referral will only be considered where the access routes to housing cannot meet an applicant's housing needs and aspirations.



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The Acting Housing Manager will assess and consider for approval each referral received by the Association.

### **4.5.3.5 Medical Priority A cases**

The Medical 'A' priority list will ensure that the Association makes best use of its housing stock, for example we allocate ground floor all on one level accommodation or adapted properties to cases with medical needs.

### **4.5.3.6 Management Transfers**

The Acting Housing Manager will have discretion to make an allocation of housing to a tenant where the normal housing need criteria would constrain a transfer of home. In these cases a transfer will be seen as essential to deal with an urgent tenancy related matter.

For example, an anti-social problem due to external violence and/or ensure the safety of the tenant and their family. These cases will be thoroughly documented and be included in the next Housing Management reports to the Management Committee for their information. In view of the nature of management transfers, it is anticipated that these will only be used on an exceptional basis.

### **4.5.3.8 Nominations Agreements**

The Association has a nomination agreement with Positive Action in Housing to ensure that we can allocate a proportion of our lets to their clients. This approach also meets our needs where we wish to provide housing to applicants from BME, European Nationals and Refugees, thus ensuring that the demographic profile of Cadder is consistent with other communities in the North-west area, as well as throughout Glasgow.

The Association will consider other nomination agreements where we can make a positive impact in allocating accommodation to clients of care and support agencies.

### **4.5.3.9 Ex-Service Personnel**

Although not a category group, in accordance with the Scottish Government's 'Social Housing Allocations Practice Guide', the Association recognises the challenges faced by personnel leaving or being discharged from the armed forces and will through the guidance:

- Award the same level of priority to ex-service personnel as those with a similar level of housing need
- Give consideration to injured ex-service personnel who require adapted housing as a result of their injury / disability through our medical assessment process in conjunction with the armed forces medical and rehabilitation services
- Not impose residency or local connection criteria which may disadvantage ex-service personnel from fair and equal access to our available housing stock

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- Will be mindful of and supportive to the needs of ex-service personnel and their widows/widowers/civil partners and conform to section 5.3(b) of the guidance.

#### 4.5.4 Other Tenancy Related Issues in the Allocations and Lettings Process

##### 4.5.4.1 Succession to Tenancy

In the event of the death of the tenant, the Association will consider applications from occupants of the household to succeed to the tenancy.

They will be considered on the basis of the following levels of priority: -

#### **Level One**

- The tenant's husband or wife or co-habitee if the house was their only or principal home at the time of death; OR
- a joint tenant, if the house was his or her only or principal home for six months at the time of the tenant's death.

In the case of a co-habitee, she/he must have occupied the house as his/her only or principal home for at least 6 months immediately before the tenant's death.

#### **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;
- the house was his or her only or principal home at the date of death.

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

In all levels if more than one person qualifies for the tenancy, they must decide among themselves who should get the tenancy. If they cannot agree, within 4 weeks of either:

- a. The death of the tenant or;
- b. The date on which the person in question is notified of their right to succeed to the tenancy;

we will decide who will succeed to the tenancy.

## Allocations Policy

Where the house has been designed or substantially adapted for a person with special needs, if at the first succession someone qualifies for the tenancy at Level Two or Three and does not have special needs requiring

accommodation of that kind, that person will not have the right to succeed to the house but does have the right to be provided with suitable alternative accommodation by the Association. Where, in the case of such a property, at the point of a second succession someone qualifies at Level One, Level Two or Level Three and does not have special needs requiring accommodation of that kind, we have the right to terminate the tenancy and offer that person suitable alternative accommodation

If someone qualifies for the tenancy but does not want it, they should tell us in writing within four weeks of the death and leave the house within three months. Rent will be charged only for the actual period of occupation.

The tenancy can only be inherited twice under the provisions of the Scottish Secure Tenancy Agreement. 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 a maximum of 6 months after the last death. The tenancy will not be either a Scottish Secure Tenancy or a Short Scottish Secure Tenancy for that period.

### 4.5.4.2 Mutual Exchange

Section 33 of the Housing (Scotland) Act 2001 gives a tenant the right to exchange their house with another tenant, providing that both applicants are tenants and have a Scottish Secure Tenancy Agreement with a RSL or local authority and the tenant(s) have received consent from their landlord(s)

Tenants who wish to mutually exchange their home must complete a Mutual Exchange Application Form. Both parties are required to complete this form prior to the exchange being considered.

Tenants who wish to transfer with a tenant of a Fully Mutual Co-operative must be agreeable to become a member of the housing co-operative when the exchange takes effect.

Tenants must terminate their existing tenancy prior to signing the Scottish Secure Tenancy with their new landlord.

We will not unreasonably refuse our consent for a mutual exchange application, reasonable grounds for refusal are as listed: -

- A Notice of Proceedings for Recovery of Possession has been served on the tenant under Section 14 of the Housing (Scotland) Act 2001 for grounds listed in paragraphs 1 to 7 of that Act.

## Allocations Policy

- An order for recovery of possession of the house has been made against the tenant under section 16 (2) of the Housing (Scotland) Act 2001
- The house was provided by the Association in connection with the tenant's employment.
- 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 needs occupying the house.
- The accommodation in the other house
  - is substantially larger required by the household
  - is not suitable to the needs of the tenant or the tenant's family
- the exchange would lead to overcrowding as defined in section 139 of the Housing (Scotland) Act 1987.

Association tenants can register for a mutual exchange through 'HomeSwapper' ([www.homeswapper.co.uk](http://www.homeswapper.co.uk)) or 'House Exchange' ([www.houseexchange.org.uk](http://www.houseexchange.org.uk)). These are national mutual exchange data bases and are free of charge to our tenants.

### 4.5.4.3 Assignations

The tenant can assign their tenancy to any person that has occupied their home as their own or principal home for at least six months before the date of the written request. The written request should be in the form of a completed Assignation Application Form.

We will not unreasonably refuse permission to assign the tenancy, reasonable grounds for refusing permission include: -

- we have served a notice on the tenant warning that we may seek eviction on certain grounds because of their conduct;
- we have obtained an order for eviction;
- the proposed change would lead to the criminal offence of overcrowding;
- we intend to carry out work on the house (or the building of which the house forms part) which would affect the part of the house connected with the proposed change.

### 4.5.4.4 Joint Tenancies

### **Allocations Policy**

A tenant can apply for a joint tenancy with any person that has occupied or will occupy the tenancy as their own or principal home. The written request should be in the form of a completed Joint Tenancy Application Form.

We will not unreasonably refuse permission for an application for joint tenancy, reasonable grounds for refusing permission include: -

- we have served a notice on the tenant warning that we may seek eviction on certain grounds because of their conduct;
- we have obtained an order for eviction;
- the proposed change would lead to the criminal offence of overcrowding;
- We intend to carry out work on the house (or the building of which the house forms part) which would affect the part of the house connected with the proposed change.
- The prospective joint tenant is ineligible for a tenancy where they fail to comply with the conditions as outlined in section 4.7 of this policy Cancellation and Suspension of Applicants
- The prospective joint tenant has been: -
  - served with an ASBO
  - evicted for anti-social behaviour in the last three years

#### **4.5.4.5 Sub-lets**

If a tenant wants to sub-let part or all of the house they must complete a Sub-Let Application Form. They must provide the following information: -

- Who they want to sub-let your home to
- The amount of rent and any other payments (including a deposit) they propose to charge (if any) in the case of sub-letting
- When they want the sub-let to take place.
- The tenancy/occupancy terms on which they intend to sub-let (prior to granting consent, we will require sub-lessees are provided with a written agreement and that the terms of the agreement are acceptable to the Association).

#### **4.5.4.6 Lodgers**

If a tenant wants to take in lodgers, a Permission to Reside Form must be completed. You must provide the following information: -

- Who they want to take in as lodger
- The amount of rent or other payments (including deposit) they propose to charge (if any) in the case of taking in a lodger
- When the lodging will take place

#### **4.5.4.7 Commitment**

The Association shall process applications for: -

- Succession to Tenancy
- Mutual Exchange
- Assignment of Tenancy

## Allocations Policy

- Joint Tenancy
- Sub – Lets
- Lodgers

within one month of receipt of the written application. If we do not reply within one month, we are deemed to have agreed to your request. If we refuse this

kind of permission, we must notify the tenant of the reasons for our refusal in writing within one month of receipt of the application.

The examples listed as reasonable grounds for refusal in the above applications are not exhaustive and do not in any way alter our general right to refuse permission on reasonable grounds.

Where applicable, the tenant and any outgoing spouse / partner must complete a Tenancy Termination form to end their interest in the tenancy before the applicant will be able to sign the Cadder Scottish Secure Tenancy Agreement.

If the tenant / applicant is unhappy about our refusal they have the right to appeal through the Association's complaints procedure or alternatively make an appeal application to the sheriff.

## 4.6 Other Factors in the Allocations Process

### 4.6.1 Equal Opportunities

The Association operates a policy of equal opportunities to provide housing for those in the most housing need. It will not discriminate against any person because of ethnic origin, race, colour, gender or sexual orientation.

We will set targets and report performance to the Management Committee to make sure no applicants, regardless of their background, are being treated less fairly than others

### 4.6.2. Black & Minority Ethnic

The Association has a nomination agreement and close working relationship with Positive Action in Housing, which has increased applications and lets from BME households.

The Association recognises that its allocation policy has to be sensitive to housing issues surrounding ethnic minority groups, for example isolation from social and religious networks, as well as harassment issues.

### 4.6.3 Physical Disabilities

## **Allocations Policy**

The Association's ability to respond to the housing needs of applicants with physical disabilities will be determined by the availability of suitable stock and demand for properties that require special adaptations.

The Association will maintain a comprehensive database of all its properties to ensure applicants are provided with accurate advice. This will ensure that these properties, if and when they become vacant will be allocated to persons in the greatest housing need.

We will in these cases ensure that an assessment is carried out by the Occupational Therapist, Social Work Services to ensure the property is suitable for the person's needs. Where the property is seen as suitable subject to minor adaptations, these will be carried out provided funding is available.

In the case where the Association is unable to provide appropriate housing, advice will be sought from the Glasgow Centre for Inclusive Living (GCIL) on housing providers who have specialised housing stock in the applicant's areas of choice. We will also liaise with GCIL if we do not have suitable applicants on our Housing List for vacant properties with substantial adaptations so as to seek suitable referrals to make best use of our available housing stock.

### **4.6.4 Sex Offenders**

Where the Association is aware that an applicant or a member of the applying household faces allegations or there is a declaration from the applicant that he/she is a sex offender, the Association's Director will liaise with the National Accommodation for Sex Offenders (NASO) Officer. This approach will be to ensure a risk assessment be carried out prior to any decision to allocate a property to the applicant.

No property will be allocated if the applicant refuses consent for a risk assessment to be completed.

### **4.6.5 Asylum Seekers**

The Association is prepared to consider applications from asylum seekers and refugees. In assessing such applications the Association will require to ensure that the applicant has appropriate authority from the Home Office. We will also ensure that provisions are in place for the financing of any tenancy offered and if appropriate support packages could be arranged.

### **4.6.6 Training**

## Allocations Policy

The Association will as required, arrange training to staff on housing and social issues relevant to ethnic minorities. This to support previous training in this area has been provided to staff via Positive Action in Housing.

### 4.7 Exclusion / Cancellation / Suspension

4.7.1 In accordance with section 9 of the Housing (Scotland) Act 2001, the Association will not exclude anyone aged 16 years or over from submitting an application form for housing. As such, we will fully assess and log all received applications.

#### 4.7.2 Cancellation of Application

There Association will only cancel an application for housing in the following circumstances: -

- The applicant has requested removal from the housing list in writing;
- The death of the applicant;

The failure of the applicant to respond to a periodical review of their application. The Association will not automatically cancel an applicant's application when s/he fails to respond to the first letter issued as part of the annual review process and as such, further effort(s) will be made to contact the applicant after initial non-responses before consideration is given to cancelling applications. This will as a minimum, include a follow up letter being issued, which will inform applicants of a cut off date for re-registration.

#### 4.7.3 Suspension

The Association is committed to assessing all applicants for housing. In some applications there will be legislative or policy guidance that necessitates the need to suspend the applicant's application from the housing list. We will:

- Carefully consider and evaluate the evidence in relation to the breach of legislative and/or policy guidance.
- Subject decisions to a test of reasonableness taking full account of the applicants housing need and circumstances.
- Give clear information to the applicant on how they can end the suspension of their application from the housing list.
- Regularly review the suspensions on our housing list
- Have clear and accountable appeal mechanisms in place for cancellation and suspension cases.

##### 4.7.3.1 Financial – Rent & Other Debts

Where the applicant is an existing tenant of an RSL or Local Authority, amounts of up to one month's rent outstanding will be disregarded. Where the applicant has more than one month's rent outstanding and is a tenant of a



### **Allocations Policy**

RSL or Local Authority a satisfactory repayment agreement will require to be in place with the landlord which has been maintained for at least three successive months.

Where a housing list applicant has monies outstanding amounting to more than one month's rent or from a previous tenancy a satisfactory repayment agreement will be required to be in place with the previous landlord and maintained for at least the three successive months immediately preceding the allocation.

We shall not suspend applicants with debts that are 5 years or older.

In the event of an applicant having other outstanding tenancy related debts, for example rechargeable repairs, such an applicant will be suspended from

the housing list and will only be allowed to register their housing need if any of the following circumstances apply: -

- The monies outstanding are greater than one twelfth of the full amount initially due.
- The tenant has not entered into a repayment arrangement
- The repayment arrangement has not been maintained for at least 3 months and the applicant is continuing to make these payments.

The Association will not be obliged to award a tenancy to an applicant who has been issued with a Notice of Proceedings for Recovery of Possession under Section 14 of the Housing (Scotland) Act 2001 on the grounds listed in paragraphs 1 – 7 of Schedule 2, Part1 of that Act. Such an applicant will, however, be allowed to register their housing need.

#### **4.7.3.2 Unsatisfactory Tenancy Report**

Where the Association are made aware that the present or a previous tenancy has not been conducted in a satisfactory manner it may consider suspension of an application or withdrawal of an offer of accommodation. This decision will depend on the individual circumstances, and staff will discuss the content of any information or tenancy report with the applicant.

Where the tenancy breach has not occurred in the past 12 months, it will not count as a reason for withholding the offer. Otherwise, suspension will be for a period that allows the applicant to resolve the tenancy matter to the satisfaction of the Association or full period of 12 months, whichever has occurs first.

An example would be where a Notice of Proceedings for Recovery of Possession has been served on ground 1 – 7 of Schedule 2, Part 1 of the Housing (Scotland) Act 2001

#### **4.7.3.3 Aggressive & Violent Behaviour towards Staff**

## **Allocations Policy**

The Association reserves the right to reject applicants who verbally or physically abuse or threaten staff. Similarly any applicant who attempts to bribe a staff member or offer some other form of inducement in order to receive an offer of housing will automatically be suspended from the list.

### **4.7.3.4 False or Misleading Information**

Anyone who knowingly provides false information (or withholds something known to be relevant) will have their application suspended.

If, after a let has been made, it comes to light that false information may have been given, the Association will consult its solicitor to assess the likelihood of an action for repossession being successful.

### **4.7.3.5 Offers of Housing**

- **Non-Response to offers**

In the event that an applicant fails to respond to offers of housing on two occasions, their application will be suspended until they have indicated their interest in securing an offer of housing, as well as their areas of choice.

- **Number of Offers**

Applicants who refuse three reasonable offers of housing will have their application for housing suspended until they have a prospects interview to establish their aspirations for housing in the Cadder area.

### **4.7.3.6 Review of the Housing List**

The Association will carry out an annual review of all applications. This exercise will be done on a monthly basis on or around the anniversary submission dates of applications. This will help to ensure that the Association has up to date information from applicants and preferred choice of locations so as to reduce offers of housing that the applicant may otherwise not be interested in and in turn improve allocations and void processes. Applicants who fail to register their interest to remain on the housing waiting list will have their application cancelled and removed from the list (see 4.7.2).

### **4.7.3.7 Anti-Social Behaviour**

The Association will normally refuse a tenancy to an applicant where there is evidence of serious anti-social behaviour, which has been confirmed by an official source.

## **Allocations Policy**

This behaviour is likely to have been related to their tenancy, and/or have caused significant alarm, distress, nuisance or annoyance at or in the vicinity of their home or the Cadder area and will normally (but not always) have occurred on a number of occasions.

Applicants whose housing applications are suspended on the grounds of anti-social behaviour will be advised of the reason and will have access to the appeals process.

### **4.7.3.8 Support**

Where appropriate, the Association will seek to support the tenant to encourage and attain the required improvement in conduct which has caused the suspension. Support will be made available through Associations staff, its tenancy support partners and other relevant agencies

### **4.7.3.9 Suspension Periods**

The Association will carefully consider the period that applications for housing are suspended. We will set a timescale that we feel will allow the applicant to resolve the breach of policy and/or legislative guidance and have their

application reinstated into the live category of the housing list. We will make the applicant fully aware of the reason for the suspension and the associated timescales.

### **4.7.3.10 Information to Applicants with suspended applications**

The Association is committed to providing good quality information to all applicants on their prospects of housing. In the information to applicants that are being suspended from the housing list we will confirm: -

- The reason for the suspension from the housing list
- Information on how the applicant can end their suspension
- The applicant's right of appeal
  
- The review period for the suspension.

### **4.7.3.11 Deferrals and Delayed Applications**

The Association will defer applications when an applicant is not in a position to accept an offer of accommodation. For example, applicants with tied accommodation or applicants who are not able to receive offers of housing for reasons such as ill health, bereavement or other personal circumstances.

The Association shall give consideration to the progress of applications where there has been a delay in the applicant providing information. Such delays may not necessarily result in offers of housing being withdrawn and may be used as a prompt for securing requested information.

## **4.8 Marketing**

## Allocations Policy

We will consider any marketing initiatives that promote and encourage people to consider Cadder as the area they would seek or aspire to live in.

### 4.9 Letting Considerations

The Association is committed to letting properties in accordance with the aims and objectives of this policy, as outlined in section 2.1.

#### 4.9.1 The Association will not take into account of the following factors in the allocation of houses. These are: -

- The length of time for which an applicant has resided in its area.
- Any outstanding liability (such as rent arrears) attributable to a house of which the applicant was not the tenant.
- Any rent or other arrears accrued by the applicant on a previous tenancy, which are no longer outstanding.
- Any such liability which is outstanding but where: -
  - The amount outstanding is not more than 1/12<sup>th</sup> of the annual rent amount payable
  - The applicant has agreed repayment arrangements with the landlord for paying the outstanding liability;
  - The Association may refuse to house an applicant if she/he has significant outstanding arrears or service charges.
- The age of the applicant provided that the applicant is 16 years of age.
- The income of the applicant and his/her family
- Whether or to what value the applicant or any of the applicant's family owns or has owned heritable or moveable property

#### 4.9.2 Control of Payments and Benefits (Schedule 7)

The Housing (Scotland) Act 2010 rescinds Schedule 7 and the Scottish Housing Regulator has advised RSLs to continue to comply with this legislation and their policies on the control of payments and benefits until a new policy has been implemented.

Under Section 63 and Schedule 7 of the Housing (Scotland) Act 2001, the Association may grant a tenancy to Employees, Committee Members, former Committee Members and close relatives of the aforementioned but only where the application has been processed and meets the following requirements: -

### **Allocations Policy**

- The allocation is in accordance with the Allocation policy, and not for any other reason.
- The applicant has had no influence or involvement in the allocation process for the tenancy in question and has not been present during any discussion or vote on the matter.
- The allocation has been specifically agreed at a full meeting of the Association's Management Committee.

All tenancies granted in this way will be recorded in the Control of Payments and Benefits register, which will be available for inspection by the Scottish Housing Regulator.

The Association will ensure it is acting in the best interests of all tenants and prospective tenants.

Applicants affected by this will be advised of these procedures when they apply.

#### **4.9.3 Proof of Residency**

All residents will have to provide proof of their personal identity and confirmation that they reside at their current address. In addition, they will have to provide information to verify the current address of each person who is part of the family composition.

This information will be required before any tenancy is awarded. However, it will be made clear applicants that they should submit required information as soon as possible and failure to do so may result in their application being suspended until requested information is received. We will endeavour to avoid this.

#### **4.9.4 References**

The Association will only seek information on the 'conduct' of an applicant's current or former tenancies within five years. The Association will discuss with the applicant any conduct issue that is highlighted from the reference request and confirm whether these will have an affect in them securing an offer of housing.

#### **4.9.5 Permission to Reside**

The Association requires that anyone wishing to take up residence with an Association tenant, who is not a member of the existing household must apply for permission to reside.

The Association will process the application within one month of the written application. If we do not reply within one month, we are deemed to have agreed to your request. If we refuse this kind of permission, we must notify the tenant of the reasons for our refusal in writing within one month of receipt of the application.

### Allocations Policy

The Association will not unreasonably refuse an application for permission to reside, reasonable grounds for refusal include, but are not limited to: -

- There is overcrowding by more than one room.
- The applicant has been evicted by the Association in the period 12 months prior to the application.
- Where the applicant has been served with an interim or full ASBO

Where an applicant is refused permission to reside and they apply for housing with the Association, their housing need will be assessed as if they are living at the property. The Association will pursue the tenant to ensure these non-household members remove themselves from the tenancy.

#### 4.9.6 Choice

The Association recognises that allowing applicants to express choice reduces the likelihood of refusals of offers of accommodation. Applicants will be provided with advice in relation to their possible choices in respect of their housing options:-

- All applicants are asked to complete an area indicator pro-forma, which details the size and type of properties by street in the Cadder area  
Applicants will be given detailed information on their prospects of housing in their requested areas in relation to their points total.

Where they have no realistic chance of securing accommodation in their requested areas, they will be encouraged to consider either other areas with Cadder or other social landlords

- Reason for tenants seeking to transfer to another property and if any aids / support could be put in place to allow the tenant to remain in his / her home
- Making applicants aware of the mutual exchange schemes – HomeSwapper and House Exchange
- Making applicants aware of other possible options / assistance schemes, such as LIFT (Low Cost Initiative for First Time Buyers), Keepingyourhome, Homelessness Service
- Mortgage to Rent Scheme
- Rent Deposit Schemes
- Private Rented Sector

#### 4.9.7 Home Visit

The Association will carry out home visits to a random sample of applicants on the housing list. 10% of applicants to the housing list will be identified for home visits. This will allow the Association to validate that the points awarded are consistent with the applicants' circumstances and that we are allocating housing to persons in the greatest need.

In addition, the Association will carry out a visit to all transfer cases immediately prior to the offer of alternative accommodation. The purpose of this visit will be to assess their property and ensure that it has been

## **Allocations Policy**

maintained in accordance with their Cadder Scottish Secure Tenancy Agreement and to validate household composition with that on the housing application form. Where there is damage to the house, decoration, our furniture or the fixture or fittings that has been caused wilfully, negligently or accidentally by the tenant or anyone living with them or visiting their home, it may result in the withdrawal of the offer of re-housing.

### **4.9.8 Balanced Communities**

Key objectives of the Allocations Policy in relation to maintaining a balanced community are: -

- to achieve and contribute to the creation of a balanced community, which will realise a healthy variation of residents across the social and demographic spectrums. The Cadder area would then have residents with differing employment experience and different ages and types of households.
- to offer choice and aspiration amongst people looking for housing.

Our approach to maintaining a balanced and stable community will be to: -

- Offer the most appropriate houses to meet people's needs
- House people in appropriate locations
- Where possible, avoiding clashes of lifestyle by over concentrations of household type or need in one close, street and parts of the Cadder area.

### **4.9.9 Offers of Housing**

The Association will initially limit the number of offers that an applicant can receive to three reasonable offers of housing. Analysis of the reason for previous refusals will be taken into account when future offers are considered. For example, wrong type of property, not interested in a particular street.

The Association will detail the reason for each refusal.

After the third refusal the applicant's application for housing will be suspended until they attend a prospects interview to establish their aspirations for housing in the Cadder area. Thereafter, they will be reinstated on to the live list and eligible for three further offers of housing.

We shall confirm offers of housing to applicants in writing. Additionally, we shall also telephone the applicant to advise of the available property. If the applicant is interested in the available property, the Housing Officer will arrange a suitable date and time for viewing. If required, the applicant will be allowed 24 hours to make a decision as to whether to accept the offer.

If the offer of housing is accepted, arrangements will be made for the applicant to complete missives and other associated paperwork.

## **Allocations Policy**

We shall ensure that all properties are repaired to a suitable and habitable standard and provide a list of identified void property works to the new tenant.

Where identified / agreed, we shall ensure that suitable support services are put in place so that new tenants (and existing) can maintain their tenancy and therefore reduce the risk of homelessness occurring.

## **5. Assessing Housing Need**

### **5.1 Housing Need**

The Association will in the main observe the principles of housing need when allocating our properties, and will at all times: -

- ensure that in the main, allocations from whatever source are primarily based on housing need;-
- work in conjunction with other housing providers with the aim of complementing its housing provision and housing those in the greatest housing need;-
- ensure the accommodation available is suitable for the applicant's housing need;-
- consider social and medical factors and the capacity to improve the applicant's quality of life;-
- minimise the length of time properties are vacant in order to allocate to those in housing need as quickly as possible;-
- make best use of available stock;-
- seek to maximise stock; and
- help to sustain communities

### **5.2 Section 20(1) of the 1987 Housing (Scotland) Act as amended requires the Association to give reasonable preference: -**

- To persons who
  - are occupying houses which do not meet tolerable standard
  - are occupying overcrowded houses; or
  - have large families; or
  - are living under unsatisfactory housing conditions
- Homeless persons and persons threatened with homelessness as outlined in Part II of the 1987 Housing (Scotland) Act (as amended by the Housing (Scotland) Act 2001).

The factors we take into account in assessing housing need are: -

- Overcrowding / under occupation
- Medical
- Marital / Partnership Breakdown
- Harassment / Abuse
- Homeless
- Lack of, or sharing amenities



### Allocations Policy

- Condition of current property.
- Social / Family Support
- Economic Factors
- Welfare Reform Act / 'Bedroom Tax'

The housing need of each category is given a particular number of points in order to gauge the level of housing need each applicant is experiencing: -

#### 5.2.1 Overcrowding / under occupation

5.2.1.1 The Association shall award points where there is overcrowding or under occupation of the property, against the following criteria: -

- One bedroom for the applicant and / or partner
- One bedroom for two children of the same gender (where neither child is aged over 16 years of age)
- One bedroom for two children of opposite gender (where both are aged 10 or under)
- One bedroom for all other persons

The points awarded are as listed: -

#### Overcrowding

- |                                 |           |
|---------------------------------|-----------|
| ○ One bedroom short             | 30 Points |
| ○ Each additional bedroom short | 15 Points |

#### Under occupation

- |                                 |            |
|---------------------------------|------------|
| ○ One bedroom extra             | 100 Points |
| ○ Each additional bedroom extra | 20 Points  |

A household will not normally allocate accommodation that would cause immediate overcrowding or under occupation. The Acting Housing Manager will have discretion to authorise an offer to an applicant where overcrowding/under-occupation would result, in exceptional circumstances.

Tenants under-occupying properties will be entitled to under- occupation points to help meet their housing need in terms of accommodation size. Priority in this regard will be given to tenants who are subject to the Bedroom Tax. Appropriate points based upon number of unoccupied bedrooms will be awarded to each application.

## **Allocations Policy**

5.2.1.2 Applicants are required to provide evidence of the number and ages of their household.

5.2.1.3 Applicants must have part custody of, or regular overnight access to their children before they will be considered as part of the household. The Association will require a written declaration from the applicant or another source of information confirming the current access or custodial arrangements of their children.

In addition to any other persons included in the applicant's household, the house size allocated to applicants with access only will depend on the number of children and the frequency of visits and duration of residence

Where applicants are being offered a property with an extra bedroom for access purposes we will make them aware that they will or may become subject to the Bedroom Tax so that they may make an informed decision. We will provide advice in relation to payment of rent and offer assistance from our welfare rights service.

5.2.1.4 Applicants requesting an additional bedroom on medical grounds require to complete a medical self-assessment form or alternatively provide information from their G.P or Consultant. If confirmed, the number of bedrooms required will be assessed against the family composition and overcrowding points calculated as outlined in section 5.2.1.1 of this document. Such cases may be subject to the Bedroom Tax and accordingly clear advice and information will be provided in this regard.

5.2.1.5 Applicants who apply for housing on the grounds of marital or relationship breakdown, but who have to remain within the family home may be eligible for overcrowding points. These points will be awarded unless the property is currently under occupied and the applicant has their own bedroom.

5.2.1.6 In the event of a birth of a child, the Association shall acknowledge the child as part of the family composition on the provision of confirmation on the date of confinement.

## 5.2.2 Medical

5.2.2.1 Medical points will be awarded where an applicant or member of their household / application for re-housing requires re-housing on medical grounds due to unsuitability of the current accommodation. A self assessment medical application form requires to be completed, which will request details of the applicants:-

- Medical condition
- Current accommodation
- Accommodation that would be suitable for their medical needs

## Allocations Policy

The points will be awarded based on the applicant's present accommodation by its design, condition or location, which adversely affects the medical or mobility condition. The level of priority and points will be based on the unsuitability of the property in relation to the applicant or household member's medical condition. In addition, we will take into account the type of property that would be suitable for the applicant's needs in our award of medical points.

### Priority 'A'

Applicants in this category will normally have severe difficulty accessing and leaving their home and re-housing is extremely urgent.

Applicants who are given a medical A priority will only be considered for ground floor all on one level accommodation.

Applicants awarded a medical priority A will be placed on a medical list and be given priority for suitable ground floor or adapted properties, which are suitable for their medical needs. Their list position will be based on their total housing need points awarded. **100 Points**

### Priority 'B'

Applicants in this category will be awarded points where they have great difficulty in accessing or leaving their home or alternatively it is causing serious aggravation to their medical condition. For example, this category could be awarded to assist applicants to secure accommodation, which has considerably less access problems to their front door. **40 Points**

### Priority 'C'

Applicants in this category will be awarded points where their accommodation is causing significant degree of discomfort to the applicant's medical

condition. For example, this category could be awarded where applicants require re-housing for improved quality of life or to accommodation, which has less access problems to their front door. **10 Points**

### Priority 'D'

Applicants in this category reside in accommodation that is seen as suitable for their medical needs. **0 Points**

5.2.2.2 The Association may also seek medical advice in certain cases to clarify or seek further information on the content of the self-assessment application form, with the aim to award the correct medical priority award. Only one

### **Allocations Policy**

award of medical priority will be awarded for each application for housing, which will be the highest priority category.

5.2.2.3 In particular cases, the tenant may be able to continue to reside at their present accommodation if medical adaptations are installed to assist them or members of their household. If medical adaptations are an option, the tenant should be encouraged to contact the Occupational Therapist at Social Work Services to have an assessment of their needs undertaken.

5.2.2.4 In all cases where an applicant has an award of a Medical A or B priority and has been selected for a property, the Housing Officer will contact the Occupational Therapist to arrange for an inspection of the property on offer to the applicant to ensure it is suitable for their needs.

### **5.2.3 Marital / Partnership Breakdown**

5.2.3.1 The Association's policy is subject to the requirements of the Matrimonial Homes (Family Protection) (Scotland) Act 1981. In addition, the Association will recognise same sex partners, co-habitation and civil partnerships.

5.2.3.2 When an applicant applies for housing on the grounds of relationship breakdown, the Association will react sympathetically and advise applicants of their rights under the above Act. Applicants will also be advised to seek legal advice.

5.2.3.3 The Association has stock in a limited geographical area, so it may not be appropriate for the Association to re-house the applicant. Advice and assistance on alternative housing opportunities will be offered.

5.2.3.4 Applicants whose relationship has broken down must complete a declaration confirming their relationship has ended and they are to separate as a consequence.

5.2.3.5 Applicants, under this category, will be placed on the waiting list and pointed according to this criteria and their present housing situation.

5.2.3.6 As outlined in section 5.2.1.4 of this document, applicants in this category will be eligible for overcrowding points where they do not have their own bedroom in the marital home.

### **Marital/Partnership Breakdown**

**15 points**

### **5.2.4 Harassment / Abuse**

5.2.4.1 The Association will consider applications from applicants who are victims of harassment. Harassment and abuse of any kind is extremely serious and can have a detrimental effect on the quality of life and at worst, be life threatening. Claims of this nature will always be taken seriously with safety being paramount. In dealing with such cases, the Association will adopt the following: -

Unable to Continue to reside

## Allocations Policy

Where the applicant confirms that they are unable to continue to reside in their home due to harassment, emergency re-housing will be sought. The Association will seek the assistance of the Homeless Caseworker Team of the Local Authority, Glasgow City Council to provide temporary accommodation. They will undertake a full assessment of the applicant's situation under the provisions of the Homeless Persons legislation, with a view of providing alternative re-housing.

The Housing Officer will assist their assessment of the applicant's situation where they have previously resided in the Cadder area. They will forward a report to the Caseworker within 48 hours outlining their knowledge of the situation and confirming any further investigations.

These further investigations could include a full investigation into the alleged harassment and abuse and request for police or social services reports.

### Able to Continue to Reside

In the event that the applicant can continue to reside in their home or can reside temporarily with friends or family and they are clearly suffering from harassment, the Association will consult them on their prospects of re-housing, which may include: -

- Move within the area.

Where an applicant who is experiencing harassment or abuse lives in the Cadder area and the situation could be resolved with a move within the area they will be considered for a Management Transfer.

- Move out with the area

Where an applicant who is experiencing harassment or abuse lives in the Cadder area and the situation can only be resolved with a move outwith the area, the Association will pursue a referral to another RSL.

### Applicants from Out with the Cadder

Where an applicant, who is a tenant of another RSL makes a direct waiting list application to the Association and claims to be experiencing harassment or abuse, we will encourage the applicant to make contact with their own

landlord. They should be advised that if established their landlord could refer their case for consideration as a Housing Association referral.

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Where an applicant is not a tenant and claims to be experiencing harassment, they will be required to provide information to support their claims of harassment. The safety of an applicant is paramount and in all cases the applicant will be advised and encouraged to contact agencies who can give assistance, for example Women's Aid, Racial Equality Councils, Police, Social Work Services and relevant housing advice agencies.

Confidentiality will be observed and is crucial to ensure safety. The Association will not contact and/or provide information to other agencies or individuals without permission. We will never contact the alleged perpetrators which will include other members of the household where the claims are of domestic violence or abuse.

We will deal with all claims of harassment and abuse sensitively and provide support and assistance to the person.

### **Harassment / Abuse**

**75 Points**

#### 5.2.5 Homeless / Insecurity of Tenure

##### 5.2.5.1 Homeless

Applicants who are assessed by the Local Authority, Glasgow City Council, and in respect of whom a referral under Section 5 of the Housing (Scotland) Act 2001 is accepted by the Association will be awarded homeless points only and placed on the Homeless List queue for re-housing. The Homeless List will queue applications in date order, which will reflect the date their application was accepted for re-housing under the Act.

#### Statutory Homeless Referral

100 Points

Applicants who regard themselves as homeless but have no priority need under the Homeless persons legislation will be entitled to points under section 5.2.5.2 – Insecurity of Tenure.

#### Potentially Homeless

The Association should receive written declaration from the applicant or documentation to confirm that the applicant's status is potentially homeless, for example letter from landlord, letter from Mortgage Company etc.

Applicants that are potentially homeless will be awarded basic overcrowding, lacking amenities and insecurity of tenure points.

The awarding of such points is to enhance applicants' prospects of obtaining a tenancy and reduce the likelihood of actual homelessness occurring.

All applicants in this position will be encouraged to seek advice and support on their options for housing from Glasgow City Council's Homeless Persons Casework Team.

## Allocations Policy

The Association's commitment to assisting homelessness is evidenced through its affiliation to Glasgow City Council's Homelessness Duty Protocol.

### 5.2.5.2 Insecurity of Tenure

Applicants will be awarded insecurity of tenure points in the following circumstances.

1. Where an applicant is in tied accommodation which they are required to leave. Points will only be awarded where the applicant has through no fault of their own had to vacate tied accommodation, for example redundancy, retirement, medical retirement, deletion of job / post etc. No points will be awarded where the applicant has to vacate tied accommodation through his / her conduct, for example dismissal on conduct grounds.
2. Applicants living in mobile homes, boats, caravans or other movable structures that have no place where they are legally entitled to live in them.
3. Applicants who are subject to notice to quit from the owner or tenant of the accommodation. Applicants will not be eligible for points where they have made themselves intentionally homeless, because of, for example, rent arrears or anti-social behaviour.
4. Applicants who have a short Assured tenancy with a private landlord.
5. It has been determined that repossession of the applicant's tenancy or owner-occupied property is inevitable.
6. Applicants living in supported accommodation, for example Richmond Fellowship, Simon Community etc.
7. Where an applicant's home will be demolished by their landlord or reposessed through no fault of their own.

**Insecurity of Tenure Points (One award per application)                      20 Points**

### 5.2.6 Lack of, or sharing amenities

5.2.6.1 The Association shall award points to applicants who lack or share the following amenities: -

#### Lack of Amenities

<b>No bath or shower</b>	<b>10 points</b>
<b>No hot running water</b>	<b>10 points</b>
<b>No inside wc</b>	<b>10 points</b>
<b>No access to kitchen facilities</b>	<b>10 points</b>

The maximum number of points awarded in this category is 30.

## Allocations Policy

### Sharing Amenities

When sharing the following with another household.

<b>Sharing a bathroom or toilet</b>	<b>7 points</b>
<b>Sharing a kitchen</b>	<b>7 points</b>
<b>Sharing a living room</b>	<b>7 points</b>

The maximum number of points awarded in this category is 15.

### 5.2.7 Condition of current property

The Association recognises that all citizens should have a right to live in quality housing accommodation. Applicants will be awarded points where they are living in the following conditions: -

Rising & penetration dampness	20 points
Inadequate heating	10 points

The Association will require confirmation of the above before points will be awarded. This will involve asking the applicant to provide satisfactory

evidence from the Local Authority's Building Control Department, the Environmental Health Department or their Landlord.

### 5.2.8 Social / Family Support

The Association will consider the award of social points to applicants who require re-housing because of a serious social problem. Social points will normally only be considered where other solutions to the social issue(s) cannot be resolved through the award of housing need.

Social points will normally be awarded in the following situations: -

- Applicants who wish to live closer to a relative, friend or any other person in the community to give or receive support.
- Re-housing of an applicant is required to solve a social problem made significantly worse by their current living conditions.

Applicants will be required to complete an application for Social Points to detail their circumstances for assessment.

Social Points

20 Points



## Allocations Policy

### 5.2.9 Economic Factors

The Association recognises that the allocation of houses can assist applicants to take up employment opportunities or maintain their existing employment.

To be responsive to these economic factors, applicants who have job opportunities or have a job in the immediate vicinity of the Cadder area and have a travelling journey of in excess of 15 miles or one hour (whichever is the lesser) will be eligible for points.

The Association will require written confirmation of an offer of employment or details from the applicant's current employer.

The Association will be sympathetic in assessing applications for points in this category out with the above guidelines where the applicant works unsociable hours.

Economic Factors

10 Points

### 5.2.10 Review of Points

As a minimum, awarded points will be subject to review at annual registration periods or at offer of housing stage. Where it is discovered that an award of points is no longer merited, applications will be re-pointed and revised points

levels will be confirmed in writing to the applicant. Where it is discovered that an award of points is no longer merited at offer of housing stage, the application will be re-pointed and a decision will be made if the offer of housing should remain in place.

We will take into account the revised points level, housing need, property location / demand and any other relevant factors.

## 6.0 Tenancies

The Housing (Scotland) 2001 created a new statutory tenancy and has replaced the previous secure and assured tenancies of the local authority and housing associations.

### 6.1 Scottish Secure Tenancy

6.1.1 The Scottish Secure Tenancy will be the main tenancy agreement that RSLs will use to outline the statutory and contractual rights of responsibility of the landlord and the tenant.

### 6.2 Short Scottish Secure Tenancy

## Allocations Policy

6.2.1 The Housing (Scotland) Act 2001 introduced the short Scottish Secure Tenancy (SSST) and Schedule 6 of this Act sets out circumstances in which the Association can offer a SSST. These are: -

- Lets to persons previously subject to a repossession order for anti-social behaviour in respect of a tenancy in Scotland, England, Wales or Northern Ireland within a period of 3 years prior to the service of a notice that a SSST will be offered;
- Lets to persons where they or members of their household are subject to an Anti-social Behaviour Order granted under section 19 of the Crime and Disorder Act 1998
- Temporary lets to persons moving into the area in order to take up employment.
- Temporary lets pending development affecting the house.
- Temporary lets to homeless persons for tenancies of 6 months or over.
- Temporary lets to persons requiring or receiving housing support services.
- Lets in houses leased by the Association from another body where the terms of the lease preclude the Association sub-letting under a full Scottish Secure Tenancy.

It should be noted that tenants have a right to appeal to the Sheriff Court where they are aggrieved at being given a short SST.

### 6.2.2 Security of Tenure

- The terms of the tenancy are for a period of at least six months
- The Association can seek an order for recovery of possession of the house from the court where:
  - We give two months notice before the end of the lease
  - We use the recovery procedures available on a full SST.

### 6.2.3 Tenancy Rights

The tenancy rights are identical to the full SST except:

- There is no Right to Buy
- There is no provision for succession
- Security of Tenure is modified as outlined in section 6.2.2

### 6.2.4 Support

The Association has a duty to provide, or ensure provision of appropriate housing support services, which would enable the tenancy to succeed and through time convert to a full SST.

### 6.2.5 Conversion of Short SST to full Scottish Secure Tenancy

The Association may at any time convert a short SST to a full SST where we consider it appropriate.

## Allocations Policy

Where a tenant has been given a short SST because of previous anti-social behaviour, it will automatically convert to a full SST after 12 months unless we serve a notice to commence proceedings for recovery of possession as outlined in section 6.2.2.

### 7.0 Complaints & Appeals

#### 7.1 Complaints

7.1.1 We will always try our best to give customers an excellent service, but we know sometimes things go wrong and customers might want to complain or appeal against decisions that we make about their housing applications.

7.1.2 If you do not agree with the points that we have awarded to your application, you should firstly contact the staff member who assessed your application to discuss matters. This will then be assessed at stage 1 of the Association's complaints' procedure. Stage 2 of our complaints procedure will attend to complaints that require further investigation on issues that customers

continue to be unhappy with after completion of stage 1. We will investigate stage 1 and stage 2 complaints within 5 and 20 working days respectively.

7.1.3 Not all investigations will be able to be completed within 20 working days. For example, some complaints may be so complex that they require careful consideration and detailed investigation beyond the 20 day limit. However, these would be the exception and we will always try to deliver a final response to a complaint within 20 working days. We will notify customers if we require more than 20 working days to complete our investigations.

7.1.4 Once the investigation stage has been completed, the customer has the right to approach the Scottish Public Services Ombudsman (SPSO) if they remain dissatisfied.

7.1.5 The SPSO considers complaints from people who remain dissatisfied at the conclusion of our complaints procedure. The SPSO looks at issues such as service failures and maladministration (administrative fault), as well as the way we have handled the complaint. The SPSO does not normally consider complaints about factoring services, unless they relate to the way we have handled the complaint.

#### 7.1.6 SPSO Details:-

In person: SPSO

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4 Melville Street  
Edinburgh  
EH3 7NS

By post: SPSO  
Freepost EH641  
Edinburgh  
EH3 0BR

Freephone: 0800 377 7330

Online contact: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

Mobile site: <http://m.spsso.org.uk>

7.1.7 You can obtain a copy of our complaints procedure by telephoning 0141 945 3282, e-mailing – [enquiry@cadderhousing.co.uk](mailto:enquiry@cadderhousing.co.uk) or by calling into our office.

## **8.0 Auditing, Monitoring & Review of Policy**

### **8.1 Auditing**

The Association has a commitment to ensure that the tenant selection and lettings procedure are carried out fairly, effectively and efficiently. In order to ensure that the allocation policy is being followed in a correct, fair and efficient manner we will undertake an audit of the allocations process. This self assessment audit will measure our compliance with the provisions of our policies, procedures, legislative and good practice requirements. It will ensure that allocations have an audit trail that are clear and can account for why each allocation was made.

### **8.2 Monitoring & Reporting**

The Acting Housing Manager will present information on the allocations process to the Management Committee on a quarterly basis, which will include: -

- Demand information by street, size and type of property
- Performance against Targets in the allocations process
- Ethnic origin of applicants on the waiting lists and quarterly lettings
- Number of applicants who identify they have a disability on the waiting lists and quarterly lettings
- Gender of applicants on the waiting lists and quarterly lettings
- Number of Void properties
- Length of vacancies
- Lost rent information

We will use this monitoring information to inform strategies to improve the allocations process, as well as ensure our policy continues to meet the needs

### **Allocations Policy**

of applicants. This information will also inform demand for all parts of our area and the review of our policy and procedures in the allocations and other relevant procedures, for example empty homes.

### **8.3 Training**

Training and awareness sessions will be arranged with various stakeholders to ensure the provisions of the revised policy, as well as the outcome of self assessment audits are implemented successfully.

### **8.4 Review**

This Policy is scheduled for review in October 2015 and will take account of: -

- Legislative, regulatory and good practice requirements
- Association performance
- the views of tenants staff and our members of the Management Committee.

Appendix 1

The current category groups with the target proportion of lets are as listed: -

<b>Category Group</b>	<b>Target Proportion of Lets (%)</b>
Waiting List	45
Internal Transfers	10
Internal Transfer (Aspirational Move)	5
Local Authority Homeless Case Referrals	30
Referrals from PAiH	5
Referrals from Other Agencies	5
Medical (Priority A cases )	Ad Hoc
Management Transfers	Ad Hoc
Succession to Tenancy	Ad Hoc
Assignment to Tenancy	Ad Hoc
Mutual Exchange	Ad Hoc
Sub-lets	Ad Hoc
Lodgers	Ad Hoc