**Customer Services**

Allocations Policy

**Approved by Board on 6th December 2013**



|  |  |
| --- | --- |
| **Subject** | Allocations Policy |
| **Relevant Legislation** | Housing (Scotland) Act 2001Housing (Scotland) Act 1987Race Relations Act 1976Sex Discrimination Act 1975 and 2005Disability Discrimination Act 1995Human Rights Act 1998The Matrimonial Homes (Family Protection) (Scotland) Act 1981Data Protection Act 1998Civil Partnership Act 2005Immigration and Asylum Act 1999 |
| **Relevant Policies** | Tenancy ChangesRe-housing of Sex OffendersWitness ProtectionCustomer CareFeedbackTenant ParticipationEquality and Diversity |
| **Relevant Clauses of Tenancy Agreement** |  |
| **Performance Standards** | AS1.1 Access to Housing:We ensure that all people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing.AS1.2 LettingsWe let houses in a way that gives reasonable preference to those in greatest housing need; makes best use of available stock; maximises choice; and helps to sustain communities. |

|  |  |
| --- | --- |
| ***PADP_E_C*** | ***HTT Logo 2Colour 150dpi Mar07*** |

**CONTENTS**

[Scope](#ScopeD) 4

[Policy Aims & Objectives](#PolicyD) 4

[GENERAL PRINCIPLES](#genprincD) 4

[Legislation, Guidance and Good Practice](#LegislationD) 4

[Customer Care](#CustomerD) 4

[Equality & Diversity](#EqualityD) 4

[Linkages with other Cairn Housing Association Policies](#LinkagesD) 5

[Allocations of Housing to Staff and Committee](#AllocationsD) 5

[Confidentiality](#ConfidentialityD) 5

[Records](#RecordsD) 5

[Appeals and Complaints](#AppealsD) 5

[Monitoring and Reporting](#MonitoringD) 5

[Review](#ReviewD) 6

[Publicity](#PublicityD) 6

[Information and Advice](#InformationD) 6

[ROUTES TO HOUSING](#RoutesD) 7

 [Common Housing Registers](#CommonD) 7

[Nominations](#NominationsD) 7

[Homelessness](#Homelessness) 7

[Direct Referrals](#DirectD) 8

[ACCESS TO HOUSING AND TYPES](#AccessD) 8

 [Direct Application](#DirectAppD) 8

 [Open Housing Lists](#openD) 8

 [General Needs Housing](#GeneralD) 8

 [Sheltered Housing](#ShelteredD) 8

 [Very Sheltered Housing](#VerySHD) 9

 [Madelvic Square](#MadelvicD) 9

 [Amenity Housing](#AmenityD) 9

 [Wheelchair and Other Adapted Housing](#WheelchairD) 9

 [Ground Floor](#GroundD)  9

 [Property Size](#PropertyD) 9

 [Access and Custody Arrangements](#AccessCUARD) 10

 [Overcrowding and Under-occupation](#OvercrowdingD) 10

[ASSESSMENT OF APPLICATIONS](#AssessmentD) 11

 [Local Lettings Arrangements](#LocalD) 11

 [General](#GeneralaofhD) 11

 [References](#ReferencesD) 11

 [Transfers](#TransfersD) 11

 [Points Awards](#PointsD) 12

[Management priority: exceptional circumstances](#ManagementD) 12

[Best Use](#bestd) 12

[Time in Need](#TimeD) 13

[Care and Support Assessment](#CareD) 13

[Panel Assessment](#PanelD) 13

[Additional/Alternative Local Assessments](#AdditionalD) 13

[VERIFICATION AND HOME VISITS](#VerificationD) 13

[SUSPENSION OF AN APPLICATION](#SuspensionD) 13

 [General](#GenSusD) 13

[Period of suspension](#PeriodD) 13

[Circumstances in which suspensions may apply](#CircumstancesD) 13

[Notifying Applicants of a Suspension](#NotifyingD) 13

[REVIEW AND CANCELLATION OF AN APPLICATION](#CancellationD) 14

[LEGAL ACTION FOR RECOVERY OF TENANCY](#LegalD) 15

**1.** [**SCOPE**](#Scope)

This Allocations Policy covers the permanent letting of Cairn Housing Association’s (The Association) housing stock.

It does not cover allocation of:

* decant accommodation,
* garages or commercial properties,
* shared ownership,
* care homes or
* Flora MacDonald House.

These are subject to separate policies and procedures.

Mutual Exchanges, which represent an alternative route to housing, are also out-with the scope of this Policy and are included in the Tenancy Changes Policy.

**2.** [**POLICY AIMS & OBJECTIVES**](#Policy)

We aim to provide good quality, affordable accommodation on a fair basis for people in housing need.

In our partnerships with other agencies such as local authorities, registered social landlords and voluntary organisations, through the application of this Policy, aims to assist in the creation and maintenance of balanced and stable communities.

This Policy will establish standards for allocating our properties. It provides a framework within which guidelines and procedures will be implemented; these will be used in the admission of applicants to the housing list and in the letting of properties.

**3.** **[GENERAL PRINCIPLES](#GenPrinc)**

**3.1** **[Legislation, Guidance and Good Practice](#Legislation)**

In formulating the policy we have taken into account guidelines issued by Scottish Government, the Scottish Housing Regulator, the Chartered Institute of Housing and the Scottish Federation of Housing Associations, as well as all relevant legislation.

**3.2** **[Customer Care](#Customer)**

We are committed to customer care and will endeavour to apply its Customer Care Policy at all stages of the allocations process. A copy of this policy is available on request.

**3.3** **[Equality and Diversity](#Equality)**

We are committed to provide all our customers, including applicants for our housing, with equality of access to our housing and other services. We will ensure that allocations are made efficiently and fairly and will provide support and assistance to ensure that all applicants are able to apply for housing and to prevent any unfair discrimination to particular applicants.

We aim to promote Equality and Diversity and comply with the requirements of relevant legislation. We will welcome applications from all people in housing need regardless of their sex, marital status, age, race, colour, ethnic or national origin, sexual orientation, religion, culture, medical condition, disability, subject to meeting eligibility criteria for the type of accommodation applied for.

This is within the constraints of the availability of type and location of existing stock.

**3.4** **[Linkages with other Cairn Housing Association Policies](#Linkages)**

Applications for housing will also be subject to other policies of the Association, copies of which are available on request. These include but are not limited to those listed at the front of this Policy.

**3.5** **[Allocations of Housing to Staff and Committee](#Allocations)**

Special rules apply if the applicant is a close relative of a member of staff or member of the Board of Management.  All applicants will be asked to state whether they are related to any current or former member of staff or committee.  This will ensure that we comply with the statutory requirements regarding the granting of benefits to current or former members of staff or committee, or their relatives as defined by the legislation.

**3.6** **[Confidentiality](#Confidentiality)**

All information provided in connection with an application will be treated as confidential. We will comply with the requirements of legislation and voluntary arrangements.

**3.7** **[Records](#Records)**

Records of the decision making process will be maintained.

**3.8** **[Appeals and Complaints](#Appeals)**

Applicants will be advised in writing of non-acceptance or cancellation of an application and the reasons why. The applicant, if not satisfied with the way in which any decision concerning their application has been reached or the way the application has been handled, may appeal the decision to a more senior member of staff, not involved in the original decision. The complaints process is set out in more detail in our Customer Feedback Policy.

**3.9** **[Monitoring and Reporting](#Monitoring)**

Information will be reported to The Board as agreed on a regular basis. This will enable legislative and best practice requirements to be met, performance to be monitored, and draw the attention of The Board to areas of potential concern which may require policy review or interim revision.

Ethnic and disability monitoring will be applied for all applicants and nominations for and allocations to our properties. Information will be kept confidential and will not form part of the allocations process.

**3.10** **[Review](#Review)**

This Policy and Appendix 1 will be reviewed on a regular basis and at least every 3 years, to ensure that the Aims and Objectives are being achieved, and that best use is being made of current housing stock.

The remaining Appendices to this Policy will be reviewed at least annually.

We reserve the right to change or amend the policy, subject to approval of The Board, and to re-assess the status and priority of applicants as required.

**3.11** **[Publicity](#Publicity)**

We will take appropriate action to publicise our services to ensure the applications we receive reflect housing need. The nature of this publicity will be consistent with the turnover of housing in its areas of allocation.

**3.12** **[Information and Advice](#Information)**

A copy of the Allocations Policy will be available for download from our website. A copy of the Allocations Policy can be viewed at any of our offices or if requested sent to an applicant’s address at no charge.

This Policy can be made available in alternative formats on request such as audio, large print, Braille or community languages, where feasible.

Applicants can request a meeting with a member of staff to discuss their application and may bring a friend, relative or advisor. Meetings will be held in private rooms whenever possible. Applicants can seek information, advice and support with housing options. Where appropriate we may signpost the applicant to sources of independent advice and information.**4.** **[ROUTES TO HOUSING](#Routes)**

**4.1** **[Common Housing Registers](#Common)**

It is the our Policy, where feasible, to become an active participant in Common Housing Registers (CHR) in areas where we have housing.

A CHR enables people to apply for affordable rented housing by completing just one application form and to receive information and advice about their current housing options; tenants are selected from a single pool of applicants being considered for housing by partner providers with housing stock covered by the CHR.

Where the we enter into a CHR, we will not hold our own housing list. We will allocate our housing in accordance with the common arrangements agreed, which may include the ability to enter into a common allocations policy with partner providers, applicable to the local area in question.

The agreement of The Board will be sought for any local amendment required to this Allocations Policy as a result of entry into a CHR. This will be recorded in Appendix 2 to this policy.

**4.2** **[Nominations](#Nominations)**

Where such arrangements exist, we will assist the local authority in its statutory duties by entering into a nomination arrangement for a percentage of our vacancies each year. This percentage may be increased in specific areas at the our discretion.

Where nominations are requested from the local authority but no suitable nominees are forthcoming, we reserve the right to allocate from our own housing list.

**4.3** **[Homelessness](#HomelessnessD)**

Section 5 of the Housing (Scotland) Act 2001 provides a statutory mechanism for local authorities to refer applicants with a homeless assessment to us for allocation of our forthcoming empty houses.

We will fulfil our statutory duty to comply with requests from local authorities to re-house households assessed as statutorily homeless and will not refuse a referral without good reason.

We will, where appropriate, enter into formal arrangements with local authorities and other partner Landlords, often known as homeless protocols, to assist the local authority in effective discharge of its statutory obligations. This may include the provision of furnished or unfurnished temporary accommodation for persons under homeless assessment.

**4.4** **[Direct Referrals](#Direct)**

We reserve the right to enter into agreements with other voluntary and statutory agencies regarding our properties to enable direct allocation of these to specific needs groups.

Such agreements may include but are not limited to Management Agreements where an arrangement is entered into with the agency to address specific needs; Nomination Arrangements where the agency refers a client for housing and provides the appropriate support; and Lease Agreements where the agency leases a property from us to deliver a supported accommodation service.

These agreements are subject to regular review as stated in their individual terms.

**5.** **[ACCESS TO HOUSING AND TYPES](#Access)**

**5.1** **[Direct Application](#DirectApp)**

In areas where we are not a member of a CHR, and holds our own list, applications should be made on our official application form.

On receipt of a completed application form, relative housing need will be assessed on the basis of our points system. The application will then be placed on the appropriate housing list, subject to fulfilment of other policy criteria.

**5.2** **[Open Housing Lists](#open)**

Any applicant aged 16 or over is entitled to apply and be admitted to a housing list held by us at any time, subject to meeting the eligibility criteria.  This is in accordance with the Housing (Scotland) Act 2001.

## 5.3 [General Needs Housing](#General)

This type of housing is available to any person 16 years of age and over. There is no upper age limit for applications.

**5.4** **[Sheltered Housing](#Sheltered)**

This type of housing is mainly for people aged 60 or over who, while able to live independently in their own home, would benefit from a Housing Support Service. (Where a couple applies, at least one of the applicants should meet the above criteria.)

Younger people with a disability (whether registered or not) may be accepted if it is considered that through disability they would benefit from a Housing Support Service.

Where possible, people interested in our sheltered housing service will be offered the opportunity to visit a development to assist them to clarify the suitability of the service to meet their housing, support and care needs.

**5.5** **[Very Sheltered Housing](#VerySH)**

This type of housing is suitable for people aged 60 or over who, while able to live independently in their own home, have housing support or personal care needs.

Younger people with a disability (whether registered or not) may be accepted if it is considered that through disability they would benefit from a Housing Support Service or Personal Care Service.

This service aims to allow older people to live in a supported but independent environment within community settings.

**5.6** **[Madelvic Square](#Madelvic)**

This type of housing is suitable for people who are aged 60 or over who have housing support needs and/or a critical or substantial level of personal care needs. Housing Support is supported by advanced telecare technology, enabling a wide range of particular needs to be accommodated. Given the expertise required to assess and compare the competing needs for this type of accommodationwe will assess applications and allocatehalf of these property in partnership with the City of Edinburgh Council.

**5.7** **[Amenity Housing](#Amenity)**

This type of housing is suitable for people who are aged 50 or over; or who have a medical need or physical disability, which requires the provision of amenity standard accommodation.

Younger people with a disability (whether registered or not) may be accepted if it is considered that through disability they would benefit from amenity housing.

**5.8** **[Wheelchair and Other Adapted Housing](#Wheelchair)**

If the property is purpose built for wheelchair use, or designed or adapted for special needs, the applicant or a member of their household should require such specialised accommodation.

**5.9** **[Ground Floor](#Ground)**

Priority may be given to persons with mobility difficulties or medical requirements benefiting from level access accommodation, where a specific need has been assessed. Medical evidence may be required.

**5.10** **[Property Size](#Property)**

We will, at the point of allocation, accommodate the household in a property that meets minimum bed space requirements.

We will seek to better these by application of the following standards:

* Persons of 16 years of age and over should have their own bedroom
* Single bedrooms can only be occupied by one person
* Double bedrooms can be occupied by one or two persons but will only be occupied by two persons under the following circumstances:
	+ adult couples 16 years of age and over
	+ two children of the same sex
	+ two children of different sex under the age of 8

**5.11** **[Access and Custody Arrangements](#AccessCUAR)**

For the purposes of assessing property size required, the applicant’s household will include children for whom overnight access or custody has been confirmed to the applicant; this will not be dependent upon the length of time the child stays with the applicant.

Only one additional bedroom can be requested for access or custody requirements over and above what is required for permanent members of the household regardless of the number of children to whom access or custody applies.

In line with best use principles, a property with an extra bedroom will only be allocated if there is no requirement for the property from households with an equal number of points that would fully occupy the property when occupancy standards are applied.

No points will be awarded for overcrowding where the child is not a permanent member of the household.

We will require verification of any such access or custody arrangement.

**5.12** **[Overcrowding and Under-occupation](#Overcrowding)**

Overcrowding will be assessed according to the total number of persons in the present accommodation measured against the total number of bedrooms and bed-spaces required under sub-section 5.11 above. This includes applicants in bed-sit accommodation with no separate bed-space.

For the avoidance of doubt, current tenants of Cairn HA or of other social sector rented housing, living in 1 person/1 apartment bed-sit flats that have been specifically designed with a bed-space, will not receive points for over-crowding as they are defined as adequately housed.

If the applicant’s household is split because of insufficient room in the present accommodation, all members of the household who wish to be re-housed together will be included as if in the main accommodation for the assessment of overcrowding.

Under occupation will be assessed according to the total number of persons in the present accommodation measured against the total number of bedrooms and bed-spaces required under sub section 5.11 above. This will apply only to applicants who under occupy social sector rented housing; i.e. Scottish Government, Local Authority, Registered Social Landlord, that will become available for re-let once the applicant has been re-housed.

**6.** **[ASSESSMENT OF APPLICATIONS](#Assessment)**

**6.1** **[Local Lettings Arrangements](#Local)**

We may enter into local lettings arrangements with the local authority and/or other Registered Social Landlords. Any local amendments to this Allocations Policy which may be required can be implemented after receiving the agreement of The Board.

**6.2** **[General](#Generalaofh)**

Properties will be allocated on the basis of housing need therefore no account will be taken of the following:

* length of time resident in the area
* tenancy related debts (related to current or former tenancies):
	+ for which the applicant has no legal responsibility
	+ which no longer exist
	+ where the amount outstanding is less than one month’s rent
* where a repayment arrangement has been made and agreed with the landlord, in accordance with which payments have been made for at least 3 months and payments are continuing
* non tenancy debts
* income of the applicant and his/her family
* property ownership, or the value of any property owned
* length of time on housing list
* ability to pay
* personal references

**6.3** **[References](#References)**

Where an applicant has a current tenancy or has previously held a tenancy, we reserve the right to seek tenancy references from the current/former landlord, with the applicant’s permission, regarding the conduct of the present or previous tenancy.

If the applicant is or has recently been a homeowner, we reserve the right to seek non-personal references from the mortgage lender, with the applicant’s permission, regarding payment record.

Any costs incurred in obtaining references will be borne by the applicant.

**6.4** **[Transfers](#Transfers)**

We will accept applications for transfers from existing tenants, which will be assessed on the basis of housing need.

A tenant wishing to transfer must satisfy the eligibility criteria for the type of housing applied for.

Consideration will be given to a transfer request alongside other housing list applications taking into account demand for the accommodation to be released by the transfer, and making best use of housing stock.

Targets can be put in place locally to assist with management of the list(s). Information on the management arrangements in operation locally will be made available, and targets reviewed regularly (Appendix 3).

**6.5** **[Points awards](#Points)**

Housing needs will be assessed and prioritised using a points system. Points will be awarded on the basis of the applicant’s existing housing situation and personal housing needs as identified in Appendix 1.

Within any one category, only one set of points will apply, and the highest points applicable will be awarded where more than one criterion applies.

An exception has been agreed to allow an additional points award for under occupancy to take account of the impact of the bedroom tax under Welfare Reform Regulations. The points will be awarded for an 12month period and then a review will be carried out.

If an application is received from a household living apart and points are applicable to more than one household member, they will be awarded on the basis of whichever household member is in highest housing need, at the point of allocation.

An award of zero points does not necessarily mean that an applicant is unlikely to be housed as this will depend on relative demand at the point a property is allocated.

**6.6** **[Management priority: exceptional circumstances](#Management)**

Management priority points may be awarded where an application, due to particular exceptional circumstances, cannot be adequately assessed via the available points criteria.

The award of Management Priority Points will be made where there is independent evidence provided of the applicant’s circumstances which supports the need to move from their current property.

The Board will be advised quarterly of the number of allocations made utilising management priority points.

**6.7** **[Best Use](#best)**

We seek to make best use of our properties, through balanced application of the general eligibility principles outlined above, for example by allocating properties to households who require the specific features of the property such as disabled adaptations, or who will use all available bedrooms.

In some areas, dependent upon local circumstances, larger properties may be allocated to smaller households, for example, where demand from larger households is low or supply of smaller accommodation is limited at a local level.

Where applicants on a housing list have an equal number of points, priority will be given to applicants who will make best use of the property, as outlined in paragraph 1 of this section, above. We reserve the right to determine best use, and our decision will be final.

**6.8** **[Time in Need](#Time)**

The length of time that the applicant has been in housing need will be a factor after consideration of best use and points, where further distinction between applicants is required.

**6.9** **[Care and Support Assessment](#Care)**

An additional Care and Support Assessment is required for:

* Very Sheltered Housing
* Madelvic Square

**6.10** **[Panel Assessment](#Panel)**

A further Panel Assessment is required for:

* Madelvic Square

**6.11** **[Additional/Alternative Local Assessments](#Additional)**

Additional or alternative local assessments in conjunction with, for example, the local authority or health board may be required. For example, where in our view an applicant is vulnerable and may require assistance or support in order to sustain a tenancy, a Community Care or Housing Support Assessment may be required in order to ensure sufficient support mechanisms are in place.

**7.** **[VERIFICATION AND HOME VISITS](#Verification)**

We reserve the right to interview applicants (normally at home) prior to making an offer of housing, in order to verify the information on the housing circumstances of the applicant and to explain to those applicants who have not previously been tenants of the Association, what is involved in becoming a tenant.

With the applicant’s permission further information may be requested from agencies with whom they have been involved for the purposes of verifying the applicant’s housing circumstances.

**8.** **[SUSPENSION OF AN APPLICATION](#Suspension)**

**8.1** **[General](#GenSus)**

In accordance with the requirements of the Housing (Scotland) Act 2001 to assist in the housing of homeless households, Section 5 referrals may be considered out-with the stated suspension criteria.

**8.2** **[Period of suspension](#Period)**

In all cases suspensions will be put in place for a maximum of 12 months at a time, after which the application will be reviewed. The suspension will not be renewed if the conditions leading to it no longer apply. Further detail regarding the suspension of applications and the time-scales imposed for different circumstances is contained within the Allocations Policy procedures'

**8.3** **[Circumstances in which suspensions may apply](#Circumstances)**

Where an adverse tenancy reference is received which relates specifically to conduct or breach of the tenancy, we may impose conditions such as a requirement that a suitable support package be in place before an allocation is made.

We may require a suitable support package to be in place before agreeing to house an applicant where their degree of physical or mental illness or disability requires a level of support services.

Transfer applicants will have their application suspended once a Right to Buy application has been submitted.

Tenants whose tenancy has been conducted unsatisfactorily will not be re-housed by us, except where a compulsory transfer is to be carried out. We may impose conditions such as a requirement for a suitable support package to be in place or that a period of time passes which is trouble free before a transfer is permitted.

Where an applicant has refused two reasonable offers made in accordance with their stated application preferences, eligibility criteria and identified housing needs, we will suspend the application and withhold any further offers.

We reserve the right to validate information provided by applicants. If any applicant is found to have deliberately provided false or misleading information, we reserve the right to suspend the application.

Behaviour of an abusive or violent manner towards our staff or agents will result in an application being suspended on the housing list pending investigation. If confirmed, the suspension will remain in place until we can be satisfied that there will be no re-occurrence. This suspension will be subject to regular review.

**8.4** **[Notifying Applicants of a Suspension](#Notifying)**

An applicant suspended from receiving an offer of housing will be notified in writing of the reasons for the suspension, its length and how they can appeal.

**9.** [**REVIEW AND CANCELLATION OF AN APPLICATION**](#Cancellation)

All applications for housing will be subject to periodic review which will take place at least annually.

An application will be removed from the housing list only:

* at the request of the applicant
* on the death of the applicant
* where the applicant has failed to respond to two letters, without good reason
* where the applicant has failed to respond to the periodic review of the application.

**10.** **[LEGAL ACTION FOR RECOVERY OF TENANCY](#Legal)**

If a tenancy is granted and is found to have been allocated on the basis of false and misleading information, we will take legal steps to recover the tenancy.