



ALLOCATION POLICY 2021

1.0 INTRODUCTION

The Association is a housing association registered with the Scottish Housing Regulator and with Charitable Status. We provide quality, affordable and sustainable housing and associated services for people in housing need in Clackmannanshire and West Fife.

Many of our properties are allocated through These Homes, our choice-based lettings system. Some are not, and this includes:

- ✓ Housing for sale, whether outright sale, shared ownership or shared equity sales
 - ✓ Properties let at market or intermediate market rents
 - ✓ Properties where allocations have been delegated under a lease or other agreement
 - ✓ Properties offered to local authority partners for Nomination
- Any other properties that the Association decides should be the subject of special allocation arrangements.

2.0 OBJECTIVES

The objectives of the Allocation Policy are to:

- ✓ Allow simple, fair and open access to our affordable housing for rent
- ✓ Make the best use of our housing stock
- ✓ Meet the requirement that we must give reasonable preference to certain types of applicant
- ✓ Maximise the choice available to housing applicants
- ✓ Be accountable to our tenants and the communities we serve in the development of our Allocations Policy
- ✓ Allocate properties in a fair and consistent manner that does not discriminate or unfairly exclude applicants
- ✓ Maximise commonality and co-operation with other local landlords
- ✓ Develop and maintain sustainable communities

2.1 Departmental Plan

The Allocations Policy also aims to support the achievement of Departmental Objectives set out in the Housing Services Departmental Plan, as follows:

- ✓ To provide a quality management service to tenants and customers
- ✓ To ensure the tenant participation and communication elements of the Housing (Scotland) Act 2001 are maintained
- ✓ To participate positively in the creation and maintenance of balanced, sustainable communities
- ✓ To achieve consistently high levels of customer satisfaction from the delivery of housing services

- ✓ To assist local authorities meet the needs of homeless applicants

2.2 Departmental Objectives

The Allocation Policy will achieve these Departmental objectives by;

Allowing fair and open access to our housing register

We recognise the criteria for admission to housing lists as set out in the Housing (Scotland) Act 2001 and Guidance on Housing Lists and Allocations (SEDD Circular 1/2002). We admit all applicants aged 16 years and older to our housing register.

Providing information to people in housing need

We recognise that people cannot apply unless they are aware of our housing services and their eligibility to apply. Hence, we will publicise our operations and service by a range of methods, including the following:

- ✓ Distributing publicity and promotional material in places where people in housing need are likely to find it
- ✓ Our website
- ✓ Social media platforms e.g. Ochil View Facebook page
- ✓ Training and information sessions provided to staff of agencies working with people in housing need.

Taking a “transfer led” approach to allocations

We aim to make best use of our existing housing stock. We will give preference in the allocation of the first available property in a chain of vacancies.

Firstly, to an applicant who is an Ochil View tenant and who has a housing need, as evidenced by a priority pass. If no such applicant has expressed an interest in an available property, then to an applicant of a registered social landlord where they have a housing need as evidenced by a priority pass.

When we let the second and any subsequent lets in any chain of vacancies we will give preference to applicants who are not currently tenants of a registered social landlord and are in one of the “reasonable preference “groups, specifically those who are:

- ✓ Homeless or threatened with homelessness
- ✓ Are living in unsatisfactory housing conditions and who have unmet housing needs, this includes:
 - ❖ Overcrowding
 - ❖ Living in a property that is below tolerable standard
 - ❖ Health & Disability
 - ❖ Harassment and abuse
 - ❖ Social community or family support
- ✓ Tenants of houses which are held by a social landlord and who are under-occupied

Making the best use of our housing stock

We make best use of our housing stock by:

- ✓ Allocating homes to people in housing need
- ✓ Matching applicants with properties to utilise features and amenities
- ✓ Maximising occupancy levels

Maximising choice available to applicants

We maximise the opportunities for greater access to housing and the ability of applicants to make informed choices through:

- ✓ the provision of good information and advice;
- ✓ Reducing complexity in our allocations systems and eliminating bureaucracy wherever possible.

We operate These Homes, a form of Choice Based Lettings where vacant properties are advertised and applicants apply for the ones they want. We aim to keep the system as straightforward and easy to understand as possible and to provide good information and advice so that applicants can make informed choices.

Being accountable to our customers

We will achieve this by involving tenants and the wider community in the development of the policy and by making available information about our targets and performance in providing an allocations service.

We will achieve good communication with applicants at all stages of the allocations process from the initial enquiry onwards. This will include observation of confidentiality and Data Protection. We will treat all personal information as confidential and use it only for operating our allocations policy.

Helping to develop sustainable communities

The Allocations Policy aims to assist in the creation and maintenance of stable and sustainable communities that are places where people want to live and remain.

Promoting partnership

We will work in partnership with other bodies and organisations where possible. We will consider opportunities that may exist for joint work with local authorities or other housing associations and voluntary organisations working together to identify and alleviate housing or support needs.

Promoting Equality of Opportunity

We will not discriminate against any individual, household or group on the grounds of any protected characteristic as set out in the Equality Act 2010. We will make information available in different formats as required and will provide translation services free of charge. We will monitor our allocations to ensure that nothing in this policy leads to discrimination.

2.3 The Role of Governing Body Members

Committee members will:

- ✓ Initially agree and review the policy
- ✓ Consider appeals, homologate exceptional allocations and approve allocations made where the Entitlements, Payments and Benefits Policy applies (or equivalent)
- ✓ Monitor the outcomes of the policy through the Association's established Performance Monitoring and Risk Management framework

3.0 LEGISLATIVE AND REGULATORY FRAMEWORK

The Association will comply with the requirements of relevant legislation, regulatory requirements and the Social Housing Charter Outcomes relating to Allocations. Relevant and applicable legislation includes:

Section 19(2) of the 1987 Housing (Scotland) Act

Which defines a housing list as a list of applicants for housing which is either kept by social landlords individually, jointly, or by a third party.

Section 20(1) of the 1987 Act (as amended)

Requires that in selecting tenants for their houses we must give reasonable preference to persons who;

- (i) Homeless persons and persons threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended))
- (ii) Occupying houses which do not meet the tolerable standard; or
- (iii) Occupying overcrowded houses; or
- (iv) Under-occupying houses; or
- (v) Have a health and disability where the housing need cannot be met where they live; or
- (vi) Harassment and abuse; or
- (vii) Must have to locate due to social, community or family support;

Section 20 (2) of the 1987 Act (as amended by section 10 (3) of the 2001 Act)

This sets out factors which Registered Social Landlords must not take into account including:

- (a) Residency
- (b) Outstanding liabilities
- (c) Age
- (d) Income

Housing (Scotland) Act 1987

In accordance with Section 21 of this Act we will:

- (a) Publish our Allocation Policy
- (b) Send a copy to Fife Council, Clackmannanshire Council and the Scottish Housing Regulator
- (c) Supply a copy on request to anyone
- (d) Publish it on our website
- (e) Provide a free summary of the rules to every applicant

Housing (Scotland) Act 2001

In accordance with Section 5 of the 2001 Act we will house homeless applicants referred to us by Fife Council and Clackmannanshire Council (unless we have a “good reason” not to do so as defined by the Scottish Government’s guidance and protocol agreements with the local authority).

In accordance with Section 54 of the Act we will consult with tenants and registered tenants’ organisations regarding significant changes in our Allocation Policy.

Entitlements, Payments and Benefits Policy 2015

Committee members, officers and employees of housing associations cannot be in a situation where their duties and personal interests conflict, or might conflict, and they must not benefit in any way from their connections with the Association. We will only grant a tenancy (whether by allocation of a new tenancy, a transfer of tenancy or a mutual exchange) to an employee, former employee, Committee Member or former Committee Member, or a close relative of such a person (a relevant person) if the allocation is:

- ✓ Fully in compliance with our Allocations Policy, **and**
- ✓ the relevant person was not involved in or had influence over the process by which we allocate the tenancy **and**
- ✓ the offer of tenancy is approved in advance by our Customer Services Committee
- ✓ The tenancy is recorded as an interest in the appropriate register within five days of the tenancy commencing

Our Allocation Audit trails will show that we have followed these rules where they apply.

Homelessness etc. (Scotland) Act 2003

We will assist Clackmannanshire and Fife Councils in implementing their homelessness strategies, mainly through the provision of accommodation to homeless people and by co-operating with local authorities to minimise the incidence of homelessness among our own tenants.

The Equality Act 2010

The Public sector equality duty requires public authorities to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations. This duty covers RSLs in the exercise of public functions.

There are specific duties that also require some public authorities to publish schemes setting out how they will promote equality, including their method for formal impact assessment of policies and practices. While RSLs are not subject to these specific duties, the Equality and Human Rights Commission (the enforcement body for these duties) encourages other bodies to take on board the principle of these duties and do equality impact assessments.

The Equality Act 2010 has introduced 9 protected characteristics:

- ✓ age;
- ✓ disability;
- ✓ gender reassignment;
- ✓ marriage and civil partnership;
- ✓ pregnancy and maternity;
- ✓ race;
- ✓ religion or belief;
- ✓ sex;
- ✓ sexual orientation.

The European Convention on Human Rights

Under the Human Rights Act 1998, in enjoying the rights and freedoms granted by the European Convention on Human Rights applicants have the right not to suffer

discrimination on grounds such as sex, race, language, religion, sexual orientation, or national or social origin. The rights protected by the Act include the right to:

- ✓ Respect for private and family life, home and correspondence;
- ✓ Freedom of religion or belief;
- ✓ Freedom of expression
- ✓ Peaceful enjoyment of possession.

The Data Protection Act 2018 and the General Data Protection Regulation (EU) 2016/679 (GDPR)

We will make applicants aware that their application will be recorded on our computerised records and ask for their written consent to process their personal data. Applicants must give their written consent – we cannot accept an application without this. However, we recognise that applicants may be concerned about inappropriate use of personal data and so we will:

- ✓ Describe the content of the personal data held through entry on the public register
- ✓ Use the described data only for the registered purposes
- ✓ Not disclose the data to persons other than those described in the register
- ✓ Maintain the accuracy of the data
- ✓ On request, disclose to individuals any personal data held on them
- ✓ To keep data only for as long as necessary for that purpose

The Housing (Scotland) Act 2014

Section 5 of the Housing Scotland Act 2014 permits Social Landlords to take account the ownership of property (or the value of that property) by housing applicants, a person who normally lives with the applicant or any person that it is proposed will reside with the applicant.

3.1 The Social Housing Charter

The Association's Housing Allocation Policy aims to support compliance with the following requirements of the Social Housing Charter.

3.2 Equalities & Diversity

Every tenant and other customer have their individual needs recognised, are treated fairly and with respect, and receive fair access to housing and housing services.

3.3 Communication

Tenants and other customers find it easy to communicate with their landlord and get the information they need about their landlord, how and why it makes decisions and the services it provides.

3.4 Participation

Tenants and other customers find it easy to participate in and influence their landlord's decisions at a level they feel comfortable with.

3.5 Housing options

- ✓ People looking for housing get information that helps them make informed choices and decisions about the 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

3.6 Access to Social Housing

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.

4.0 ELIGIBILITY AND ACCESS

Our housing register is open at all times.

These Homes is a digital choice-based lettings system therefore, we will firstly encourage all applicants wishing to be housed to complete a Housing Registration Form online. However, if an applicant is unable to register online a paper form can be completed instead or a member of staff will assist the applicant by completing the registration online with them either in person or over the phone.

Anyone can get assistance to complete the online form or request a paper form by calling at the office, by phoning, by writing or sending an e-mail. Applicants must also answer the questions we ask fully and honestly. If we request supporting information to confirm an applicant's housing circumstances this must be provided.

When we receive a Housing Registration, we will assess the applicant's housing needs in accordance with the priority system we have set out. Everyone who applies and is aged over 16 will be admitted to our housing register. But we may suspend some registrations so that they may not be offered a tenancy. Section 8.0 below gives more information on why we suspend registrations, for how long they may be suspended and how applicants may have suspensions removed.

Applicants who register with Ochil View will, subject to their agreement and consent, be notified to and registered with our Clackmannanshire Common Housing Registration (CHR) Partners. Applicants who register with Clackmannanshire CHR partners will, subject to their approval and consent, be registered with Ochil View.

5.0 AVAILABILITY OF INFORMATION TO HOUSING APPLICANTS.

We are committed to equal opportunity of access for everyone to apply for housing. We will publish information about our housing stock and housing services and make this widely available in the communities we serve, through our website, social media or These Homes website.

When applicants complete a Registration Form we will supply a summary Guide for applicants to These Homes, our Allocations Policy and Procedures, including information about:

- ✓ How we will deal with applications and our targets for replying to applications
- ✓ What applicants can expect after they register
- ✓ The information applicants are expected to provide to help us deal with their application
- ✓ Information about prospects of obtaining a tenancy
- ✓ Alternative sources of obtaining accommodation and advice e.g. the Council, other Associations, Occupational Therapy and home adaptation options,

Citizens Advice Bureau, Shelter etc., with brief details of what services these agencies offer

- ✓ General information about our housing stock so applicants can choose the areas where they would prefer to live
- ✓ Information about our housing management service

We want the information we provide to be clear and simple to understand and so:

- ✓ We will always try to use plain language
- ✓ If an applicant needs information to be translated into another language, we will provide translated, written material and we will arrange for an interpreter to be present when necessary, for example at interviews. This includes sign language interpreters
- ✓ We will provide material in alternative formats on request
- ✓ We will provide these additional services at no cost to the applicant

We will publicise the results of our allocations on our website.

6.0 PARTNERSHIPS WITH OTHER AGENCIES

Ochil View is a member of the Clackmannanshire Common Housing register. This enables a single point of access to the housing stock of all three main social landlords in Clackmannanshire.

It means that any applicant who registers with either Ochil View Housing Association, Paragon Housing Association or Clackmannanshire Council need only to complete the one registration and with their permission all details will be shared with each landlord. However, the post-application management of information is handled separately by the participant landlords.

Ochil View have an agreement with Fife Council where we will aim to let 40% of our properties in Fife to homeless applicants. This shall be subject to annual review with the aim of achieving an annual increase in the percentage of homeless applicants housed. We do not hold a housing register for Fife. We are members of the Fife Housing Register (FHR) and allocate all our available properties to housing applicants selected from the FHR and prioritised using the FHR Common Assessment of Need.

6.1 Housing with Support

The Association will work with both voluntary organisations and local authorities to provide supported accommodation. These arrangements can take the form of:

- ✓ Management Agreements
- ✓ Lease Agreements
- ✓ Nomination Agreements

Properties included within this Section will not be let through These Homes.

7.0 TRANSFERS

If an Ochil View tenant wants to move to another Ochil View property the same methods of housing registration are open to them as to other applicants. We will

provide transfer applicants with the same information, and we will use the same priority system to assess a need to move home, as described in Section 13 below.

We will suspend some transfer registrations so that they may not receive an offer of housing. This section gives more information on why we may suspend some transfer applicants on our housing register. Section 9 gives information on why we may suspend applications regardless if they are a transfer applicant or not, for how long, and how applicants may have the suspension removed.

Ochil View Housing Association tenants who wish to transfer to a property in Fife must apply through the Fife Housing Register.

When an Ochil View tenant is being considered for an offer, we will inspect the condition of their home, including the private garden area, (if there is one) and tell them in writing about any repairs that are their responsibility, as described in the Scottish Secure Tenancy Agreement and Tenant's Handbook. The applicant must complete these repairs before they will be offered another tenancy. If the applicant has an outstanding rechargeable repair account, we will suspend the registration until the tenant has made continuous payments under an agreement with us for at least 3 months and is continuing to make payments as agreed at the time of offer.

8.0 ADMISSION TO OUR HOUSING REGISTER

We will admit everyone aged over 16 years who applies for housing to our housing register. But that does not mean that everyone who is admitted to the register will be able to receive an offer of housing. Sometimes, we may suspend a registration. If we do, we will tell the applicant why and what they can do about it. We will tell applicants about their rights to appeal the decision we have made. We will review suspensions at least once every three months and advise the suspended applicant what they may do to enable Ochil View to remove the suspension.

To register with These Homes, applicants must complete a registration form. We will encourage all applicants to complete the registration form online. If they are unable to complete the form online, we will where possible provide assistance to the applicant to make an online registration. However, a paper form can also be obtained on request from our office or by posting a form out on request by phone, on our website, on social media or from other organisations such as Clackmannanshire Council. Our registration process is kept as simple as possible and collects only information essential to our allocation process and equalities monitoring.

At the point of registration, applicants are asked to complete various questions regarding their housing need including if they are homeless, overcrowded, have health problems or are living in accommodation suffering from disrepair. This information is recorded at the point of registration and will be fully assessed when the application is processed.

All applicants who apply online will be given a unique registration number at the point of applying. If a paper application form is completed this will be sent to the applicant once their registration has been processed.

We may ask for supporting documentation of relevant personal circumstances at any time during the registration/allocation process. We may also make relevant enquires to confirm information given by the applicant.

We will make it clear to applicants who own their current home that it is a legal requirement that if they are offered a tenancy and accept, they must occupy it as their only or principal home.

Applicants' will be asked to tell us about any change in their circumstances. In some instances (e.g. if they move to a secure tenancy or buy a property) they will be asked to submit a new registration form. Their priority will be adjusted according to their change in circumstances.

9.0 SUSPENSIONS

When an application is registered applicants can begin applying for advertised properties immediately however, there are exceptions to this and this section will detail those circumstances where an application will be suspended from receiving offers of housing.

9.1 Current or former Rent arrears and no arrangement in place

Having rent arrears, or other tenancy related debt such as rechargeable repair costs will **not** cause applicants (including transfer applicants) to be suspended from receiving offers on our list if:

- ✓ The applicant was not the tenant of the house or
- ✓ They had rent arrears on a current or former tenancy, but they have now paid these in full or
- ✓ The amount of arrears owed on a current or former tenancy is less than one month's rent charge or
- ✓ The applicant has made an agreement to pay the arrears with their landlord, and have kept it for at least 3 months, and are still making payments

9.2 Antisocial Behaviour

We believe that antisocial behaviour can be a serious problem and that it damages the stable and sustainable communities we want to help to create. Antisocial behaviour is defined as an action or course of conduct causing or likely to cause alarm, distress, nuisance or annoyance with 'conduct' including things which a person has said as well as physical actions. A course of conduct must involve antisocial behaviour on at least two occasions.

Therefore, if an applicant or anyone who would be a member of the applicant's household in an Ochil View Tenancy has:

- ✓ Been responsible for using a former home for illegal purposes which are, or were, likely to endanger or cause nuisance or harassment to neighbours (e.g. fire raising, drug dealing, prostitution,) or
- ✓ Acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the locality of a house occupied by the person
- ✓ Pursued a course of conduct amounting to harassment of such other person, or a course of conduct which is otherwise antisocial conduct in relation to such other person
- ✓ Allowed other household members or friends to act in an antisocial manner by causing a nuisance or harassment in the locality of the property or
- ✓ Caused extensive damage to the property

- ✓ Acted in an antisocial manner or manner or pursued a course of conduct which is antisocial conduct, in relation to an employee of the landlord in the course of making the application

and there is documentary evidence to confirm this from a reliable and official source, such as a Police or Landlord report, a history of criminal conviction, relating to a current or previous tenancy or eviction from a former home, or an ASBO, or that the applicant currently has a Short Secure Tenancy (ASB) the applicant will be advised that their registration has been suspended.

The application will be suspended for three years after the last incident of antisocial behaviour. If the applicant provides information and can show that there are valid reasons to believe that their behaviour or actions have changed and that the antisocial behaviour is unlikely to recur, before the end of the three years suspension then we will remove the suspension. The exception to this is if there has been an on-going course of behaviour then it may be reasonable to look back further than the three years however, this will be the exception.

If an application has been suspended for any of the above reasons and they are offered a tenancy within three years of the last recorded incident of antisocial behaviour they will be offered a Short Scottish Secure Tenancy.

9.3 Applicants with Previous Convictions

Where an applicant has been, or has resided with a person who has been convicted of using a house or allowing it to be used for illegal or immoral purposes or an offence punishable by imprisonment which was committed in or in the locality of the house occupied by the person, the application will be suspended. The period of suspension will be for three years after the conviction or until there are valid reasons for supporting a view that their behaviour or actions have changed, and the behaviour is unlikely to recur.

9.4 Abandoning or Neglecting a Property

Abandonment

If an applicant has had a previous tenancy which has been terminated by the landlord using the Section 18 (2) of the Housing (Scotland) Act 2001 abandonment notice procedure or if the applicant's interest in a previous tenancy was terminated by the landlord using the Section 20 abandonment by a joint tenant notice procedure.

Neglect

If an applicant had a previous tenancy which was terminated by the landlord on the basis of ground 3 (condition of property) or 4 (condition of furniture) of the Housing (Scotland) Act 2001 where there has been a deterioration of the condition of the property or, more unusually, deterioration of furniture provided in the property due to, for example, vandalism.

We will keep clear records in accordance with our Abandoned Property Policy of when the abandonment procedure is followed in respect of our tenancies and ensure that other landlords can provide evidence/information if requested.

We will suspend applications for Abandonment and Neglect if this has occurred within the previous 3 years at the point of registration. The suspension will remain

for no longer than 3 years or until there are valid reasons for supporting a view that their behaviour or actions have changed, and this is unlikely to recur.

9.5 Period of Suspension

In all cases where a registration is suspended, the suspension will remain only for as long as it takes to address the reason for the suspension. The Housing (Scotland) Act 2014 recommends that landlords should look no further back than 3 years when requesting a tenancy reference from another landlord. However, landlords can use discretion as there is no statutory time limit. In the cases of antisocial behaviour, previous convictions, abandonment and neglect Ochil View will not look further than 3 years.

The exception to this will be in the case of anti-social behaviour when there has been an on-going course of behaviour then it may be reasonable to look back further than the three years however, this will be the exception.

9.6 Right of Appeal

Applicants have the right to appeal any decision made to suspend their application from offers of housing. We will firstly ask applicants to appeal internally however, they do have a statutory right of appeal to the Sherriff Court.

Ochil View's internal review process is that all appeals should be made in the first instance to the Housing Services Manager as soon as possible after the appropriate decision was made. Applicants who are dissatisfied with the decision of the Housing Services Manager may seek redress through the Association's Complaints Procedure.

10.0 APPLICATIONS FROM HOMEOWNERS

In the section below, "Homeowner" refers to any applicant or any person who normally lives with the applicant, or who it is proposed will live with the applicant who is the owner of heritable property.

In accordance with Section 8 of the Housing (Scotland) Act 2014, the Association will, when offering a tenancy to a person who is a homeowner, consider whether the housing needs of that applicant can be met through the temporary allocation of a property on a Short Secure Tenancy Agreement.

Examples of where a Short Secure Tenancy will be appropriate to meet temporary housing needs include where a homeowner has property that they cannot immediately access, or the property is not suitable for their immediate needs. However, the person should have a level of housing need that means they are eligible to be allocated a property.

The Association will not offer a Short Secure Tenancy where the homeowner cannot secure access to the property or when occupation of that property would present a risk to the owner's health.

A Short Secure Tenancy will be for an initial period of 6 months which may be extended.

If we propose to offer a Short Tenancy, we will advise the applicant of this, and the reasons for our decision at the time of offer.

The applicant may appeal against our decision to offer a Short Secure Tenancy. An appeal will be addressed in terms of Stage 2 of our Complaints Procedure.

11.0 MUTUAL EXCHANGES

We recognise that mutual exchanges provide a means to meet tenants' housing aspirations and choices, particularly in an environment of excessive demand for affordable rented housing and where high levels of homelessness result in few vacant homes being available for aspirational moves.

- ✓ We will promote awareness of tenants' rights to exchange through our Tenant's Handbook, and other publicity material
- ✓ We will promote means for tenants to access exchange partners

Ochil View tenants may exchange tenancies with another tenant of Ochil View, or of another RSL, for example, a Council or Housing Association tenant. If a tenant wants to move by exchanging homes, they should write to us, telling us who they want to swap homes with. We also have a form for this purpose. The applicant should also contact their exchange partners' landlord and let them know about their plans.

We will write to an exchange partner's landlord and ask for a reference on the exchange partner's tenancy. We will not give our consent for the exchange to go ahead if:

- ✓ Either of the tenants have rent arrears (excluding technical arrears due to the late payment of housing benefit or universal credit housing costs) or recharge arrears
- ✓ A history of antisocial behaviour
- ✓ If a Notice of Proceedings has been served, the commencement of ASBO proceedings or the commencement of proceedings to end the tenancy
- ✓ A Decree has been obtained to end the tenancy
- ✓ The house would be overcrowded or under occupied
- ✓ The house has been designed or designated by us to be occupied by people of a particular age range, and there is no-one of that age range in the household
- ✓ If any financial incentive has been offered to complete the exchange
- ✓ The house was provided by the landlord in connection with the tenant's employment with the landlord e.g. is a tied house

In certain circumstances consideration may be given to applicants for a mutual exchange who do not satisfy all the requirements. These may include neighbour disputes/antisocial behaviour or reducing under occupancy. In these circumstances the Housing Services Manager will review these applications and make the decision on whether to permit the exchange to proceed or not.

12.0 OUR HOUSING STOCK

Our housing stock includes property types that are designed to meet a range of housing needs. A description of these types is detailed below.

12.1 General needs

Suitable for applicants without any particular disability need.

12.2 Amenity Housing

This housing is particularly designed to meet the needs of older people. When we consider which applicant would make best use of such accommodation, we will firstly consider applicants who are, or who have a permanent household member who is over State Pension Age. If we have available amenity housing and we don't have an applicant who is (or has a permanent household member who is) over State Pension Age, we may let it to an applicant who is under State Pension Age. The second priority for such properties will be people under State Pension Age who have a medical priority pass and recommendation for that property type. The third priority for such properties will be to an applicant who is or has a member of their household closest to the state pensionable age.

12.3 Wheelchair Adapted

This type of housing is designed to meet the needs of people who use wheelchairs in their home. We will only consider households who have a permanent member who is, or who has a medical condition such they may become a wheelchair user to occupy accommodation designed to this standard.

12.4 Supported Housing

Occasionally, we may make agreements with housing support agencies that specific houses should only be let to people with support needs that the agency will meet. We will only consider applicants with the type of needs the support agency can meet for these houses.

13.0 ASSESSMENT OF HOUSING NEED

13.1 Priority Passes

Priority is awarded through a system of Priority Passes. All applicants will be encouraged to apply for priority to reflect their housing need. There are three levels of Priority Pass: Gold, Silver and Bronze.

Applicants can be awarded more than one Priority Pass if they are entitled to it. A Priority Pass will only be awarded once in each category and will be the highest level of pass that the applicants' circumstances indicate.

If an applicant is awarded two or more of the same level of pass, they will be awarded a Plus Pass. An example of this would be if an applicant had two Bronze Priority Passes, they will be awarded a Bronze Priority Plus Pass. If an applicant has a Plus Priority Pass, they will have priority over an applicant who has only one Priority Pass at the same level.

Once the applicant has been assessed for all categories of pass, they have applied for, their final priority will be determined as follows. If the applicant qualifies for:

One Bronze Pass: They will be awarded a Bronze Priority Pass

Two or more Bronze Passes: They will be awarded a Bronze Priority Plus Pass

One Silver Pass: They will be awarded a Silver Priority Pass

Two or more Silver Passes: They will be awarded a Silver Priority Plus Pass

One Gold Pass: They will be awarded a Gold Priority Pass

Two or more Gold Passes: They will be awarded a Gold Priority Plus Pass

Gold Priority Plus is the highest level of Pass that can be awarded.

13.2 Limitation of Passes

We are committed to offering applicants as much choice as possible, however, in some circumstances awarding priority will result in restrictions on the type of property or area for which the applicant will receive priority. We may limit Priority Passes to a specific area or type of property in the following circumstances:

- ✓ Applicants who have received a Priority Pass for reasons to live in a specified area for example employment or to be near family to give/receive support may have their Priority Pass limited to those areas in which they need to live
- ✓ We may limit a Priority Pass to a particular type of property for example ground floor accommodation where a pass has been awarded for health-related mobility problems, or to wheelchair accommodation where this is required by the applicant

Applicants who have had their pass limited can still apply for properties that fall outside the pass limitations, but their Priority Pass will not be considered.

13.3 Suspension of Priority Passes

Where we consider that an applicant has deliberately worsened their housing circumstances, their entitlement to a Priority Pass will be removed and the registration revised accordingly.

13.4 Withdrawal of Priority Passes

We only award Priority Passes to those in greatest housing need and once a Pass has been awarded we expect that the applicant will apply for all suitable properties. However, as we recognise that choice is a key element of this Allocation Policy, we will not withdraw the passes of applicants who do not apply for property that may meet their needs.

Applicants with Gold homelessness passes may find that their passes are withdrawn if the Local Authority that has awarded homeless status considers that their duty to accommodate has been discharged.

13.5 Statutory Homelessness – including priority and non-priority homelessness

We recognise housing need due to homelessness by the award of a **Gold Priority Pass**.

- ✓ Applicants assessed by a Council as being statutorily homeless are awarded a Gold Priority Pass
- ✓ Most of our allocations to homeless households are made through These Homes
- ✓ The Local Authority may refer a statutory homeless applicant directly to us, this is called a Section 5 Referral. Allocations made to Section 5 Referrals in Clackmannanshire are outside the terms of the These Homes system and in Fife they are outside the terms of the Fife Housing Register.

We will advise applicants who apply to the Association and who may be homeless to seek advice and information from their Local Authority.

13.6 Applicants with insecure accommodation

Where applicants may become homeless within 2- 6 months we will award a **Bronze Priority Pass**. Examples of this include applicants who:

- ✓ Are living with friends or relatives (not a parental home)
- ✓ Are living in a mobile home or caravan
- ✓ Have a short-term tenancy like a Short Assured Tenancy, Short SST or an Occupancy Agreement
- ✓ Have received a Notice to Quit, a lodger who has been asked to leave, an owner who has agreed to sell their home
- ✓ Has had a relationship that has broken down with another occupant of their home
- ✓ Has financial difficulties with their rent or mortgage payments
- ✓ Is living in a refuge
- ✓ Is currently in prison
- ✓ Is in tied accommodation and expects to leave within 2-6 months
- ✓ Is in hospital, a residential or nursing home and does not have their own home
- ✓ Is in care or an institution

13.7 Applicants who are seeking permanent, independent accommodation

Where a member of a household wishes to be re-housed and shares one of the basic amenities of the home with another person not being re-housed **or**

Where a person wishes to establish permanent and independent accommodation we will award a **Bronze Priority Pass**. Examples of this includes applicants who:

- ✓ Are living in tied or forces accommodation, but has no date by which they must leave
- ✓ Is an adult within their parental home, but wishing to leave
- ✓ Is sharing their accommodation with other persons who are not members of their household
- ✓ Is a student living as a lodger or in a Hall of Residence

13.8 Overcrowding

We recognise housing need due to overcrowding by the award of **Bronze or Silver Priority Passes**. Applicants lacking one bedroom space will be awarded a Bronze Priority Pass. Applicants lacking two or more bedroom spaces will be awarded a Silver Priority Pass.

In assessing the appropriate size of property that an applicant may be offered, the Association has adopted the standards of occupancy set out in the Welfare Reform Act 2012 as the occupancy levels for allocation of our housing stock.

We will therefore allocate one bedroom for each of the following:

Couple	Two Bedroom Spaces
A person who is not a child (aged 16 and over)	One Bedroom Space
Two children of the same sex (aged under 16)	Two Bedroom Spaces
Two children of different sex who are aged under 10	Two Bedroom Spaces
Any other child (other than a foster child or child whose main home is elsewhere)	One Bedroom space
A carer (or group of carers) providing overnight care	One Bedroom Space

The Association recognises that there are occasions where couples or children are unable to share a bedroom because of health reasons. Where applicants require an extra room to meet the medical needs of a person within their household this will form part of their health questionnaire and assessment. We may ask for supporting evidence of this from a healthcare professional.

If an applicant has access to a child or children then we will assess their bedroom requirement as follows: -

- ✓ If the applicant has residential access for at least 3 nights per week the applicant will be allocated one extra bedroom, if required, to accommodate the child or children. We will normally ask for proof of this requirement.
- ✓ If the applicant has residential access for 4 nights a week or more, the child/children will be treated as permanent members of the household and we will allocate a property of the appropriate size to accommodate them.

In recognition of the fact that overcrowding resulting from access to children is only for part of the week and is therefore not as bad as overcrowding due to children who reside in the property full time, access overcrowding will attract lesser priority and will only be awarded at a **Bronze Priority Pass**.

13.9 Property in poor condition or lacking amenities

Applicants who live in accommodation:

- ✓ where one or more Basic Amenity is lacking
- ✓ that is below the Tolerable Standard
- ✓ that is below the Tolerable Standard and is in serious disrepair, or has penetrative or rising dampness

We will award **one Bronze Priority Pass** for each amenity that is lacking, **one Bronze Priority Pass** for each building element that is in disrepair, and **one Bronze Priority Pass** for the presence of dampness.

Basic Amenities are:

- ✓ Fixed bath or shower
- ✓ A wash-hand basin
- ✓ A kitchen sink
- ✓ An internal WC
- ✓ A hot and cold water supply at 3 points (bath/shower, wash hand basin and WC (cold only))

Where the lack of amenities may be seen, for example at a home visit, this will be confirmed by a member of Association staff. A failure to meet the Tolerable Standard, the presence of rising or penetrating dampness or incidences of building elements in serious disrepair must be confirmed by report from a qualified person such as a Surveyor, Architect or Environmental Health Officer.

Where applicants are living in property that may be below the Tolerable Standard or in serious disrepair, we will advise them to contact the Environmental Health department of their local council to receive advice and assistance. Applicants who live in accommodation that is below the Tolerable Standard may be homeless and will be advised to contact the Local Authority to discuss this further

13.10 Medical grounds

Applicants wishing to have medical grounds considered and make an application for medical priority will be required to answer a number of healthcare questions within the registration form. These questions have been agreed and are also used by Paragon and Clackmannanshire Council.

The details of the questionnaire will be assessed by the Housing Services Officers and checked by the Housing Services Manager. In some cases, if the medical questionnaire is complex then it may be referred to Forth Valley Rehabilitation and Assessment in the Community and Home (REACH) team for assessment.

We recognise housing need due to health problems by the award of **Gold or Silver Priority Passes**.

- ✓ We will consider awarding priority for re-housing on health grounds only where a move will result in a significant improvement in the applicants' health or make their health problem much easier to cope with. In assessing applications on health grounds we will always consider whether or not the applicant's current accommodation could be adapted to meet their housing needs.
- ✓ We will not normally award priority on health grounds which are considered to be inappropriate as advised in the Forth Valley REACH Protocol.

We may place restrictions on the type of property to be offered to an applicant who has been awarded priority on health grounds. For example, someone awarded priority due to difficulties managing stairs in their current accommodation will normally only be able to apply for properties on the ground floor.

If an applicant appeals against a medical award then it would first be reviewed by the Housing Services Manager who may refer the application to NHS Forth Valley REACH Team for review.

13.11 Need to live in a particular community

We recognise housing need due to the need to be in a particular community by the award of a **Bronze Priority Pass**.

Priority may be awarded where an applicant needs to move to:

- ✓ Take up or keep a job. Priority will normally only be awarded where the applicant is the main earner and the job is more than one hour's travel from their current home
- ✓ Be nearer amenities or services. We will consider the reasons why the applicant finds it difficult to access amenities or services, including availability of public transport
- ✓ Maintain contact with children
- ✓ Give or receive support. We will consider the nature and frequency of the support provided or received. This includes informal support from family, friends and relatives

13.12 Separated households

Where a household is separated due to a lack of suitable accommodation and who otherwise would normally live together will be awarded a **Bronze Priority Pass**.

13.13 Under occupancy

We will assess under occupancy using the same means of assessment as Overcrowding. Tenants of any social landlord who are under occupying their homes will be awarded a **Silver Priority Pass**.

The Association recognises the key role that tackling under occupation plays in making best use of the housing stock and we will therefore, we will encourage and assist under occupiers to move to more suitably sized accommodation, thereby freeing larger homes for occupancy by applicants who do need such accommodation.

13.14 Transfer from a flat to a house

A **Bronze Priority Pass** will be awarded to all applicants who have been tenants of a flatted property for a continuous 5-year period wishing to move to a main door house.

13.15 Applicants experiencing domestic abuse

A **Gold Priority Pass** will be awarded to any applicant who is experiencing domestic abuse and wishing to leave their current accommodation. This reflects the critical housing need, for a person who is experiencing domestic abuse and any children potentially being at severe risk. The housing need is also likely to continue to be significant when someone has left their home because of domestic abuse. This level of priority reflects what an applicant would be awarded if they approached the Local Authority to make a statutory homeless application. This award will enable the applicant to avoid having to make a homeless application if they choose not to.

We may ask for supporting evidence from a support service i.e. Women's Aid or another voluntary sector agency who is working with the applicant. We will work in partnership with Women's Aid, Voluntary Sector Organisations and/or the Local Authority who are working with people experiencing domestic abuse to ensure that our practice is appropriate to the local context and supports an appropriate safe, and consistent response.

14.0 OPERATION OF THE HOUSING LIST

When we have been notified of a tenancy terminating we will decide whether the property is to be allocated in line with this policy or if it is to be removed from the normal allocation process in exceptional circumstances as described in Section 15.0.

Available properties will be advertised weekly on the These Homes website as well as in the office. A copy of the advert will also be sent to other partner organisations including the Local Authority, Citizen's Advice Bureau, Scottish Autism and Women's Aid. We will also notify applicants in the local newspaper if we have available properties.

We will assess properties individually and decide what constitutes "Best Use".

Adverts will include the number of bedrooms. A household makes "Best Use" of a property if it requires all of the bedrooms. We will also advertise any essential or desirable criteria that applicants must meet, for example age criteria.

An advert for amenity accommodation will specify that preference will be given to applicants (or who have a permanent household member who is) State Pension Age.

An advert for a property with significant adaptations will specify that we will give priority to applicants whose medical needs mean that they need adapted accommodation.

We will specify the best use criteria and a closing date for applications in the advert.

We will maintain a database of support providers that will be available on our website and to applicants on request. This will include Voluntary Sector Organisations, Social Workers, Women's Aid and Citizens Advice Bureau.

Registered applicants may apply for as many advertised properties as they wish at any one time. They will be able to note their interest online at These Homes website, by telephone, letter, email or in person at our office. When a registered applicant applies for more than one advertised property, they will be contacted and asked to state which property they want to be considered for first, second etc.

Limitations to any pass will not be changed if this would increase the priority for a currently advertised property.

No applications will be accepted after the advertised closing date and time.

14.1 Allocating a Property

For each housing offer we make, we will keep an audit trail that shows why the decision was made to offer the property to the specific applicant. If the selected applicant does not have the highest priority for housing, the audit trail will record the reason why any higher priority applicant was bypassed. This may include, for example, any decisions made in order to help develop or maintain a stable or sustainable community, or to match an adapted property with an applicant or household that requires that adaptation.

Each member of staff within Housing Services will have a degree of delegated authority, as follows: -

Decision	Assessment by	Authority
Priority Pass assessment or revision	Housing Services Assistant (Housing Options)	HSM/AHSO
Selection for offer	Assistant Housing Services Officer/Housing Services Officer	HSM/Chief Executive
Suspension from register	Housing Services Assistant (Housing Options)/Assistant Housing Officer/Housing Services Officer	HSM/Chief Executive

14.2 How Properties are Allocated

We will allocate advertised properties after the closing date for applications using our selection criteria as follows.

Best use: The applicants who will make best use of the property by using all of the bedrooms or features of the property (such as adaptations) and who meet any age limitations.

Priority Pass Level Where there is more than one applicant who would make best use of an advertised property, applicants are then placed in order according to the level of Priority Pass that they hold.

Date of Registration The date of registration is the date the applicant completed the registration form online or the date we received the paper copy. We consider the date of registration only if there are two or more applicants with the same level of Priority Pass or there are no applicants with a Priority Pass. The property is allocated to the applicant with the earliest date of registration.

Same Date of Registration If two or more applicants with equal priority applied on the same day, we will allocate the property to the applicant with the lower registration number.

14.3 Acceptances/Refusals

Wherever possible we will contact the successful applicant by telephone as close to the closing date for applications.

Any offer we make will be conditional upon the applicants housing circumstances being confirmed, the applicant providing proof of residency and, if appropriate, previous tenancy references being received. The Association recognises that references may not be obtainable from private landlords or that they may not be provided to the same standard as from a Registered Social Landlord.

Where references cannot be obtained from a private landlord, the Association will not withdraw any offer as a result. Where references received indicate that the tenancy was not satisfactorily conducted, the applicants' views on the content of the reference will be obtained prior to any decision to suspend the applicant from receiving offers.

If the applicant does not contact us within three working days, and they have not previously indicated that they would not be available e.g. on holiday or in hospital, then the offer will be withdrawn.

If the applicant has a Priority Pass then, unless they are staying in temporary homeless accommodation or we are unable to travel to their home due to distance, we will arrange a home visit prior to making an offer of tenancy. The home visit will be used to check the information provided on the These Homes Registration Form and the Priority Pass information. We will ask the applicant if necessary, to provide proof of residency at this point and to provide details of their tenancy history so that we can take up references.

If the applicant lives too far away for a home visit or we are unable to visit them, we will telephone to check the details provided in their application or we may ask a housing provider in their area to carry out the home visit on our behalf.

A confirmed offer is sent once required checks such as residency, provision of photographic identification and, if appropriate, tenancy references are completed. The confirmed offer will suggest dates for the applicant to view the property and to

sign their tenancy agreement. The letter will also provide information and advice about rent and Housing Benefit/Universal Credit Housing costs. The offer will also inform the applicant what will happen if they refuse the offer. Again the applicant must respond within three days or the offer will normally be withdrawn. If we withdraw an offer or if the successful applicant refuses the offer, then we will contact the second qualifying applicant and follow the steps outlined above until the property is successfully allocated.

When we make an offer of housing, we want to relet the vacant property as soon as possible. But we understand that applicants may need some time to make their mind up about accepting our offer. We will give applicants 2 working days after viewing the property to reach a decision. We will help, by providing information about agencies that may help, for example with Benefits or advice. After 2 working days, the applicant must let us know their decision. Any further delay will be considered as a refusal of an offer.

Where a successful applicant has used a Gold Priority Pass awarded for homelessness and refuses an offer, we will notify the local Council's Homeless Department. This may result in an alteration to the applicant's homelessness status, with a resulting amendment in the Priority Pass.

15.0 EXCEPTIONAL CIRCUMSTANCES

There may be Exceptional Circumstances where we will offer a tenancy to someone out with the Allocation Policy. It is not possible to predict all the exceptional circumstances that may arise but examples of these are:

- ✓ Where we wish to carry out a management transfer or special let outside the normal allocations policy
- ✓ Where we make an exceptional allocation to someone who does not qualify to succeed to a tenancy for example a carer who has given up their previous home who would otherwise be homeless
- ✓ Where we make an allocation out with the normal allocation system to a household being resettled in the UK, for example through an official resettlement programme

We will take into account the needs of the applicant to what type, size of property and area they wish to move to. We will offer the applicant one reasonable offer as an Exceptional Circumstance. However, the applicant can appeal if they felt that this offer did not meet their requirements. Any appeal will be in the first instance to the Housing Services Manager as soon as possible after the offer was made. Applicants who are dissatisfied with the decision of the Housing Services Manager may seek redress through the Association's Complaints Procedure.

Any allocation that is to be made as an Exceptional Circumstance will be recommended by the Housing Services Manager to the Chief Executive for approval and then homologated by the Customer Services Committee thereafter.

16.0 LETTING OF HOMES BUILT TO THE STANDARDS REQUIRED BY WHEELCHAIR USERS

In order to ensure that the property is allocated to the wheelchair user who would make best use of the property, Ochil View Housing Association will liaise with the Occupational Therapists from the relevant Local Authority.

The Occupational Therapists concerned will provide a report on the individual needs of all applicants. When all reports are received by the Housing Services Manager a further meeting will be convened to decide the applicant who will receive an offer.

An offer of accommodation will then be made. If accepted by the applicant they will meet with the Housing Services Officer and/or Housing Services Manager, Project Architect and the Occupational Therapist to identify any specific needs relating to their disability.

If we are unable to identify a household who will require the adapted property that is available, we may let the property on a Secure tenancy terms to a household with general housing need. When a household that does require the adapted property is identified at a later date, we will offer suitable alternative accommodation to the occupying household and if necessary, take legal action to recover possession of the property.

17.0 MONITORING AND REVIEW

Because applicants actively participate in the allocation process by applying for properties and our software records activity, only those applicants who have not applied for a property for a year will receive a review form. The review form will be short and only ask the applicant if they want to remain on the register and to report any changes in their circumstances. If a review form is not returned we will send a reminder letter. If the applicant does not respond to the reminder letter, we will withdraw their registration.

18.0 REVIEW OF POLICY

We will review the operation of the Allocations Policy and the achievement of its objectives every three years and report this to our Management Committee. We will ask applicants for their views on the Allocations Policy and how it operates, and takes their views into account when we report on the Policy. This may take the form of self-reporting by applicants, or more detailed questionnaires.

Each year, we will publish outcomes information, showing the profile of applicants we have housed and the needs we have met. This information will be anonymous and will not allow individual applicants to be identified.

We will provide, on request to applicants, feedback on the specific outcomes of their specific applications and the profile of successful applications that have been prioritised over their application, within the limits of our Data Protection requirements and confidentiality obligations. We regret that it would be too demanding in terms of resources to give feedback to every applicant on the outcome of every application that they make.

When we review this Policy, we will consult with housing applicants, Ochil View tenants, Registered Tenant Organisations, local authorities and registered Housing Associations within our area of operations. We will publish a report on the outcome of consultation when it is completed.

19.0 HOUSING REGISTRATIONS FROM PERSONS SERVING IN, LEAVING OR PLANNING TO LEAVE OR WHO HAVE RECENTLY LEFT THE ARMED FORCES, OR THEIR RELATIVES.

The Association recognises its obligation to give housing registrations from forces and recent ex-forces personnel fair and sympathetic consideration, without affording priority over other applicants in similar housing need.

We do not impose any residential requirements or give additional priority for local connection.

We accept a Certificate of Cessation of Entitlement to occupy service living accommodation as a basis of entitlement to a **Gold Priority Pass**.

We notify our partner local authorities of registrations made by service personnel.

We will assess the priority for persons who are medically discharged in partnership with the Occupational therapy sections of our two partner local authorities.

We will consider the housing need of surviving family members of forces members who have been killed in action or who dies before the date of discharge in accordance with the arrangements of notice to leave service accommodation and give a **Gold Priority Pass**.

20.0 APPEALS AND COMPLAINTS

All applicants have the right to appeal against any decision made concerning their registration, the assessment of their housing need, the decision to place an application or Priority Pass on hold, the withdrawal of a Priority Pass or the cancellation of their registration.

Appeals should be made in the first instance to the Housing Services Manager as soon as possible after the appropriate decision was made. Applicants who are dissatisfied with the decision of the Housing Services Manager may seek redress through the Association's Complaints Procedure.

21.0 GENERAL

All Association staff are required, through their Conditions of Employment, to treat personal information that they have access to in the course of their duties as confidential. In addition to this, the Association has in place a general policy on Data protection and confidentiality. We will not pass on information to others without the applicant's written consent.

22.0 ABUSE OF THE ALLOCATION POLICY

We believe that our Allocation Policy is a fair way of allocating housing. If an applicant gives incorrect or misleading information on a housing application form or

in any document or interview, we will correct our records as soon as we have the correct information, and review the application in the light of the correct information.

If we have been deliberately given incorrect or misleading information, and we have allocated a house as a result, we will begin legal action to end the tenancy if the false or misleading information was material in our decision to allocating a house.

Applicants must inform the Association of any changes in their circumstances in relation to their application for housing.

23.0 REVIEW OF POLICY

This policy will be subject to review at least every 3 years.

Linda McLaren
Housing Services Manager

11 February 2021

Policy Review and Consultation Process

Considered by the Senior Management Team	Not applicable
Recommended by Customer Services Committee	10 th December 2020
APPROVED BY MANAGEMENT COMMITTEE	January 2021
Date of Next Review	April 2024