



## **ALLOCATION POLICY 2019**

### **1.0 INTRODUCTION**

**1.1** Ochil View Housing 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.

**1.2** Many of our properties are allocated through Homehunt, 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**

**2.1** 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

**2.2** 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 to 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.

**2.3** 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
- ✓ 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 overcrowded
- ✓ Are living in unsatisfactory housing conditions

#### **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 Homehunt, 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.

## **2.4 The Role of Governing Body Members**

Committee members will:

- ✓ initially agree and review the policy
- ✓ Consider appeals, exceptional allocations and 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**

- 3.1** Ochil View Housing 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) are occupying houses which do not meet the tolerable standard; or
- (ii) are occupying overcrowded houses; or
- (iii) have large families; or
- (iv) are living under unsatisfactory housing conditions;

And to homeless persons and persons threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended))

#### **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 has had no involvement in or influence over the process by which the we allocated 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**

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.

## **3.2 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.

## **3.3 The Social Housing Charter**

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

### **Equalities**

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

### **Communication**

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

### **Participation**

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

### **Housing options**

- ✓ 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.

### **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**

**4.1** Our housing register is open at all times

**4.2** Those who want to be housed must fill in our Housing Registration Form. Anyone can get a form by calling at the office, by phoning, by writing or sending an e-mail. Applicants can register on line. Applicants must also answer the questions we ask fully and honestly, and provide any supporting information that we ask for to confirm their housing circumstances.

**4.3** 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.

**4.4** Applicants who register with Ochil View will, subject to their agreement and consent, be notified to and registered with our Clackmannanshire 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.**

**5.1** 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 or the Homehunt website

**5.2** When we issue a Housing Registration Form, or where applicants apply online, we will supply a Guide to our Housing Service and our Allocations Policy and Procedures, including information about;

- ✓ How we will deal with applications, and 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.

**5.3** 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.

**5.4** We will publicise the results of our allocations on our website

## **6.0 PARTNERSHIPS WITH OTHER AGENCIES**

**6.1** 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 However the post- application management of information is handled separately by the participant landlords.

**6.2** Ochil View has an Access to Housing Agreement with Fife Council. Under the terms of this agreement we will let 40% of properties 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 and allocate all our available properties to housing applicants selected from the FHR and prioritised using the FHR Common Assessment of Need.

### **6.3 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 Section 6.5 will not be let through Homehunt.

## **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 12 below.

As for other applicants, we will admit all transfer applicants to our housing register. But we will suspend some transfer registrations so that they may not receive an offer of housing. This section and Section 8 give more information on why we may suspend some transfer applicants on our housing register, 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.

- 7.1** 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 AND SUSPENSIONS**

- 8.1** 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 applicant's 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.
- 8.2** To register with Homehunt, applicants must complete a registration form. Forms can be obtained in person at our office, by phone, on our website and the Homehunt website or from other organisations such as Clackmannanshire Council. An applicant can apply in person at our office, register, and apply for a property on the same day. Applicants can apply online. Our registration process is kept as simple as possible and collects only information essential to our allocation process and equalities monitoring.
- 8.3** At the point of registration, applicants are asked to tell us if they are homeless, overcrowded, have health problems or are living in accommodation suffering from disrepair. This information is recorded and followed up to encourage

applicants to apply for priority. Applications are placed on the housing register and issued with a unique registration number on the day we receive the registration form.

- 8.4** Applicants can begin applying for advertised properties immediately, except in the following circumstances;

**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

**Anti-Social Behaviour**

We believe that anti-social behaviour can be a serious problem and that it damages the stable and sustainable communities we want to help to create. 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
- ✓ Been responsible for causing noise, nuisance or harassment in the vicinity of the property or
- ✓ Been responsible for causing racial or other harassment or
- ✓ Allowed other household members or friends to cause nuisance and harassment in the vicinity of the property or
- ✓ Caused extensive damage to the property
- ✓ Behaved in a threatening or violent way towards the landlord's staff or tenants

**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 and that the suspension will be removed when there are valid reasons for supporting a view that their behaviour or actions have changed and the behaviour is unlikely to recur. All applicants can appeal decisions through the Appeals procedure.

If an applicant can show that there are valid reasons to believe that their behaviour and actions have changed and the anti-social behaviour is unlikely to recur, we will remove the suspension. However, if they are offered a tenancy within 3 years, we will offer a tenancy on Short Scottish Secure Tenancy Terms.

- 8.5** When we propose to offer a tenancy of Short Secure terms because of a history of anti-social behaviour, we will serve on the prospective tenants a notice in the required format at the time of offer.

### **8.6 Applicants with previous convictions**

Where an applicant has been, or has resided with a person who has been convicted of using a house 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 until there are valid reasons for supporting a view that their behaviour or actions have changed and the behaviour is unlikely to recur.

- 8.7** 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
- 8.8** 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.
- 8.9** We will make it clear to applicants who own their current home that it is a legal requirement that they must occupy a tenancy as their only or principal home.
- 8.10** 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 application. Their priority will be adjusted according to their change in circumstances

### **9.0 Applications from Home owners**

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

- 9.1** In accordance with Section 8 of the Housing (Scotland) Act 2014, the Association will, when offering a tenancy to a person who is a home owner, consider whether the housing needs of that applicant can be met through the temporary allocation of property on Short Secure Tenancy Terms.
- 9.2** 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.

- 9.3** The Association will not offer a short tenancy where the home owner cannot secure access to the property or when occupation of that property would present a risk to the owner's health.
- 9.4** A Short Secure Tenancy will be for an initial period of 6 months which may be extended
- 9.5** 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
- 9.6** 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.

## **10.0 MUTUAL EXCHANGES**

We recognise that mutual exchanges provide a means to meet tenant's 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 tenant's rights to exchange through our Tenant's Handbook, and other publicity material.
- ✓ We will promote means for tenants to access exchange partners.

**10.1** 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.

**10. .2** 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 if either exchange partner has current rent arrears, has been (or a member of their household has been) responsible for anti-social behaviour (as described above), or if they have not kept their home (and garden, if they have one) in good order.

We will not give our consent for the exchange to go ahead if:

- ✓ 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.

## **11.0 OUR HOUSING STOCK**

**11.1** Our housing stock includes property that is designed to meet a range of housing needs:

**11.2 General needs** - Suitable for applicants without any particular disability needs

**11.3 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.

**11.4 Housing for wheelchair users.** 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.

**11.5 Supported Housing**

Sometimes, 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.

**12.0 ASSESSMENT OF HOUSING NEED**

**12.1 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 apply for as many Priority Passes as they feel they may be entitled to. A Priority Pass will only be awarded once in each category and will be the highest level of pass that the applicants' circumstances indicate. 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:

**Less than three Bronze passes:** They will be awarded a Bronze Priority Pass

**Three or more Bronze passes:** They will be awarded a Silver Priority Pass

**Less than three Silver passes:** They will be awarded a Silver Priority Pass

**Three or more Silver Passes:** They will be awarded a Gold Priority Pass

Gold is the highest level of Pass that can be awarded

**12.2 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:

In recognition of the small stock numbers and low turnover in some localities, applicants will have the option of including the nearest adjacent locality.

- ✓ Applicants who have received a Priority Pass for reasons other than their need to live in a specified area are encouraged to limit their Priority Pass only to those areas in which they want to live.
- ✓ We may limit a Priority Pass to a particular type of property, e.g. to 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 aged over State Retirement Age can limit their Pass to amenity properties.

Unless we have set the limitations, applicants can change the limits on their Priority Pass at any time except where this would increase priority for a currently advertised vacancy.

Applicants who have had their pass limited, either by us or through choice, can still apply for properties that fall outside the pass limitations, but their Priority Pass will not be considered

### **12.3 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.

### **12.4 Withdrawal of Priority Passes**

We only award Priority Passes to those in greatest housing need and, once a Pass has been sent to an applicant, we expect that they will use it to 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. However 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.

### **12.5 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.
- ✓ The majority of our allocations to homeless households are made through Homehunt. Allocations made to Section 5 Referrals in Clackmannanshire are outside the terms of the Homehunt system.

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

## 12.6 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, and 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 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.

## 12.7 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 for example where an applicant is;

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

### We will award a Bronze priority pass

## 12.8 Overcrowding

We recognise housing need due to overcrowding by the award of Silver and Bronze 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          | Two Bedroom Spaces |

|   |                   |
|---|-------------------|
| aged under 10   |                   |
| 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 some children are unable to share a bedroom because of severe disabilities and will be able to claim Housing Benefit for an extra room. The Government has required local authorities to assess the individual circumstances of the claimant and their family and decide whether their disabilities are genuinely such that it is inappropriate for the children to be expected to share a room.

Where applicants require an extra room to meet the needs of a disabled child we will be guided by the decision of the local authority in this matter.

## 12.9 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

**one Bronze Pass** will be awarded for each amenity that is lacking, **one Bronze pass** for each building element that is in disrepair, and **one Bronze 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, whb, 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.



## 12.10 Medical Grounds

Applicants wishing to have medical grounds considered will be required to complete a medical priority application. This is a common form agreed and used by Ochil View, Paragon and Clackmannanshire Council. The details within the questionnaire will be assessed by the Housing Services Officers and checked by the Assistant Housing Services Manager or Head of Customer Services. In some cases if the medical questionnaire is complex then it may be referred to Forth Valley REACH team for assessment.

We recognise housing need due to health problems by the award of Gold and 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 Head of Customer Services or the Assistant Housing Services Manager who may refer the application to NHS Forth Valley Reach Team.

## 12.11 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 **Bronze Priority Passes**.

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.

## **12.12 Separated Households**

Where a household is separated due to a lack of suitable accommodation and who otherwise would normally live together points will be awarded a **Bronze priority pass**

## **12.13 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, in 2012/13 develop measures to 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.

## **12.14 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.

## **13.0 OPERATION OF THE HOUSING LIST**

When we have been notified of a tenancy termination 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

**13.1** Available properties will be advertised weekly in the local newspaper, local Council housing offices, our website, the Homehunt website, Citizen's Advice Bureau, as well as our office.

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

**13.3** 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.

**13.4** An advert for amenity accommodation will specify that applicants must be (or have a permanent household member who is) State Pension Age

**13.5** 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

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

**13.7** We will maintain a database of support providers and others such as Social Workers, Womens Aid, Citizens Advice Bureau and Occupational Therapists who may be helping clients to seek re-housing. We will send any available properties to them by email.

- 13.8** Registered applicants may apply for as many advertised properties as they wish at any one time. They will be able to note their interest by telephone, letter, on the Homehunt website, or in person at our office. When a registered applicant applies for more than one advertised property they will be asked to state which property they want to be considered for first, second etc.
- 13.9** Limitations to any pass will not be changed if this would increase the priority for a currently advertised property.
- 13.10** No applications will be accepted after the advertised closing date and time

**13.11 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:

| <b>Decision</b>                      | <b>Assessment by</b>  | <b>Authority</b>                    |
|--------------------------------------|---|-------------------------------------|
| Priority Pass assessment or revision | Housing Services Assistant (Housing Options)  | HSO/AHSO                            |
| Selection for offer                  | Assistant Housing Services Officer/Housing Services Officer                                     | HSM / Director of Customer Services |
| Suspension from register             | Housing Services Assistant (Housing Options)/Assistant Housing Officer/Housing Services Officer | HSM / Head of Customer Services     |

**13.12 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 we issued the registration form. 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,

### **13.13 Acceptances/Refusals**

Wherever possible we will contact the successful applicant by telephone on the closing date for applications.

**13.14** 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.

**13.15** We will enclose a summary of our Scottish Secure Tenancy Agreement with the conditional offer letter

**13.16** 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.

**13.17** If the applicant has a Priority Pass then, unless they are staying in temporary homeless accommodation, we will arrange a home visit. The home visit will be used to check the information provided with the Homehunt registration and Priority Pass application form(s). We will ask the applicant to provide proof of residency at this point and to provide details of their tenancy history so that we can take up references.

**13.18** We will not normally visit successful applicants who have not used a priority pass but will give them three working days from the date of the conditional offer to provide proof of residency and their housing history (so that we can take up references) or the offer will be withdrawn.

**13.19** If the applicant lives too far away for a home visit, we will telephone them 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.

**13.20** A confirmed offer is sent once required checks such as residency, provision of photographic identification provided 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 and 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.

**13.21** 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.

**13.22** 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.

#### **14.0 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

Any allocation that is to be made as an Exceptional Circumstance will be approved by the Head of Customer Services and then homologated by the Customer Services Committee thereafter.

#### **15.0 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 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.

## **16.0 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.

## **17.0 REVIEW OF POLICY**

**17.1** Each year, we will review the operation of the Allocations Policy and the achievement of its objectives, 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

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

- 18.1** 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.
- 18.2** We do not impose any residential requirements, or give additional priority for local connection.
- 18.3** We admit all registrants to our housing register at all times, although we may suspend some registrants temporarily from applying for specific properties and receiving offers of tenancy.
- 18.4** We accept a Certificate of Cessation of Entitlement to occupy Service Living Accommodation as a basis of entitlement to a Gold Priority Pass
- 18.5** We notify our partner local authorities of registrations made by service personnel
- 18.6** We will assess the priority for persons who are medically discharged in partnership with the Occupational therapy sections of our two partner local authorities.
- 18.7** We will consider the housing need of surviving family members of forces members who have been killed in action or dies before the date of discharge in accordance with the arrangements of notice to leave service accommodation and give a Gold Priority Pass.

## **19.0 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

## **20.0 GENERAL**

- 20.1** 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.

## **21.0 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 allocate a house.

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

## **22.0 REVIEW OF POLICY**

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

Graeme Wilson  
Head of Customer Services

**March 2019**

**03 April 2019**

### **Policy Review and Consultation Process**

|   |                      |
|---|----------------------|
| Considered by the Management Team   | Not applicable       |
| Discussion at Involved Resident's Group and Registered Tenant Organisations | Not applicable       |
| Recommended by Customer Services Committee                                  | 7 March 2019         |
| <b>APPROVED BY MANAGEMENT COMMITTEE</b>                                     | <b>28 March 2019</b> |
| <b>Date of Next Review</b>  | <b>March 2022</b>    |