



## **Langstane Housing Association**

### **Allocations Policy**

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Board/Committee	Board of Management
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Version	V4

<b>Policy Version</b>	<b>Date of Approval</b>	<b>Changes made to Policy</b>
V1	11 November 2010	
V2	26 June 2017	Full re-write
V3	(SMT) February 2019	Revision
V4	15 February 2021	Minor amendments to wording and the removal of reference to Apply4Homes.

## 1. Introduction

Langstane Housing Association is a Co-operative and Community Benefit Society, and a registered social landlord with charitable status.

The Langstane Group (Langstane / the Group) consists of Langstane Housing Association Limited and its wholly owned subsidiaries.

This policy applies to all members of Langstane Housing Association.

Langstane Housing Association is committed to ensuring the process of allocating empty properties is fair, transparent and non-discriminatory.

By setting down clearly how the Association allocates vacant properties, the following values of the Business Plan are met:

- We are open and accountable; and
- We provide homes not houses and support our tenants to live independently and be active members of our communities.

The Association's mission which is to 'provide homes and services that make a positive difference to people's lives', is also reflected.

## 2. Aims and objectives of the policy

The aims and objectives of this policy are:

- to allocate properties to those in greatest housing need
- to make the best use of available stock
- to create and maintain balanced and stable communities
- to work with the local authorities and other partners towards reducing homelessness
- to ensure tenants have access to support that will help sustain their tenancy.

## 3. Links to other strategic documents and policies

The Group's Allocations Policy is linked to a number of strategic documents and policies in particular but not solely:

- Lettable Standard
- Rent Management Policy
- Anti Social Behaviour Policy
- Privacy Policy
- Former Tenant Debt Recovery Policy
- Unacceptable Actions Policy
- Harassment Policy
- Void Management Policy
- Entitlements Payments and Benefits Policy
- Equality and Diversity Strategy

The Association also has regard to Aberdeen city, Aberdeenshire and Moray Council's Local Housing Strategies (LHS), Housing Needs Assessments and any guidance published by Scottish Ministers.

#### **4. Policy Statement**

This policy is designed to support an open and transparent allocation process that ensures empty properties are allocated to those in greatest housing need.

#### **5. Legislative Framework**

The Association will comply with Sections 19 to 21 of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001 and the Housing (Scotland) Act 2014 when managing housing lists and allocations.

The Association will comply with homelessness legislation set out in Part II of the Housing (Scotland) Act 1987 as amended by the 2001 Act and the Homelessness (Scotland) Act 2003 and give consideration to the Code of Guidance on Homelessness 2005.

The Association will clearly set out, consult and publish the rules covering priority for the allocation of properties and reflect the requirements of the Scottish Social Housing Charter in the Allocation Policy.

This policy also reflects requirements of the Equality Act 2010 and the Association's Equality and Diversity Strategy to protect the rights of individuals from unfair treatment and promote a fair and equal society. To help achieve this the Association works closely with a number of organisations and agencies to share good practice to advance equality and diversity and all documents are written in plain English.

#### **6. Policy**

##### **6.1. Access to the Housing List**

Any person aged 16 years or over can apply to the Association at any time, regardless of their current housing circumstances or location. Applications are submitted via Langstane Housing Association's website. The Association aims to acknowledge applications within 7 working days from receipt onto the housing management system.

The Association will ensure that in addition to applying online there are other methods of applying for housing so no applicant is disadvantaged.

The Association will make the housing list accessible to all people regardless of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership, and pregnancy and maternity.

Translation and interpretation services will be considered on request. Key information may be made available in other formats including audio, braille and large print.

Once a person has been admitted to the housing list, priority for that applicant is determined by an award of points (Appendix 1) to reflect the need for housing. In prioritising prospective tenants the Association must give reasonable preference to:

- those who are homeless or at risk of homelessness and who have unmet housing needs (but not if they only become such as a result of a local authority landlord having regard to a 'restricted person')
- tenants under occupying a social housing tenancy (see below)
- those living in unsatisfactory housing conditions with unmet housing needs (see below).

Under-occupation occurs when the tenant of a social housing tenancy has a bedroom or bedrooms which they do not occupy because of the size of their household. The household size, in relation to rooms occupied, is determined in paragraph 6.9 below. Where an applicant is seeking to transfer from another social landlord it is for the landlord the tenant is applying to, to decide whether the tenant is under-occupying a property.

Unsatisfactory housing conditions include a range of circumstances such as the physical condition of the property (tolerable standard), its unsuitability as a result of a medical condition or disability or other unsatisfactory living arrangements including harassment, domestic abuse or overcrowding. (Additional guidance is provided to staff on these categories.)

In considering unmet housing needs the Association will consider for example whether or not the applicant's current home could be adapted to meet their needs, by installing a ramp or wet shower room.

Where applicants do not wish to consider adaptations or where these are not practical, applicants will receive an appropriate weighting of points to increase their priority for housing. These are noted in Appendix 1.

When determining housing needs the Association reserves the right to take property owned by the person applying for housing, by a person who normally lives with the applicant, or by a person who it is proposed will live with the applicant, into account. This will be determined on a case by case basis.

## 6.2. Allocating from the Housing List

The Association has two housing lists: General Needs and the Transfer List. A target percentage of the total number of re-lets or new lets in any year is set. The quotas or targets are:

- Target: 25% Transfer lists
- Target: 25% General Needs.

In addition to the two housing lists, 50% of re-lets are made available to the local authorities for nominations from their own lists. This is subject to annual discussion and revision and forms part of a nomination agreement.

## 6.3. Local Authority Nominations

The Association has nomination agreements in place with Aberdeen City Council, Aberdeenshire Council and Moray Council.

This is a process whereby an agreed proportion of vacancies are offered to the relevant local authority to assist them reduce homelessness and to provide nominations to those on their general waiting list. This is usually 50% of the vacancies, but this can be higher in certain circumstances such as in some new developments where the Local Authority has contributed grant funding.

Service Level Agreements are in place with each local authority to allow both sides to monitor the nominations process, and to ensure that neither the Association nor the local authority is disadvantaged in trying to achieve policy objectives.

The Association has a duty under section 5 of the Housing (Scotland) Act 2001 to house statutory homeless applicants. The Association will comply with a request to house an applicant through a section 5 referral unless there is no suitable housing available within six weeks of the request being made or the type of housing is unsuited to the applicant (for example where a vacancy arises in supported accommodation).

#### 6.4. General Needs Allocations

The Association will let properties on the basis of housing need, which is determined using a points system (Appendix 1). When a vacancy arises for a General Needs List applicant, a shortlist is produced for those applicants with the highest points for that property type and location.

Where two or more applicants have the same number of points, the applicant who has been registered on the housing list for the longest time will be given priority.

The Association reserves the right to make exceptions to this rule in certain prescribed situations:

- where there is a specific community sustainability issue which has been raised, and the person at the top of the list is unsuitable, for example where anti social behaviour has been identified in a block of flats and the allocation may make the issue worse
- where there is low demand, a property is hard to let or there have been a number of previous refusals within the same block or scheme (see below)
- where the Association has sought approval from the Board of Management to allocate a tenancy through the Rapid Rehousing (Housing First) model to an applicant who has complex needs or is rough sleeping and requires specialist support
- where there is an allocation to a third party agency, (a separate report will be submitted to the Board of Management for approval), either directly to the agency or via a Short Scottish Secure Tenancy directly to the applicant on the provision that housing support will be provided
- where a management transfer has been approved
- where an adapted or wheelchair accessible property is let to ensure best use of the property
- a Local Lettings Initiative may also be considered to widen the scope of the allocations policy to encourage demand (see section 6.10).

Where a property falls within the low demand or hard to let category the Association will consider a Choice Based Lettings approach to allocations. This is where it is known from the analysis of previous lets that there will be a difficulty in letting the property. The property will be advertised with a closing date set. At the closing date applicants will be prioritised using the points based system in place to ensure those in the greatest housing need are offered the property.

In cases where an applicant has been overlooked or bypassed for a vacancy, this is recorded with the reasons for the decision. For example, where the Association is aware that the property will not meet the applicant's needs, or is aware the applicant will refuse the offer having recently refused an offer of a similar property.

Regular reports of overlooked applicants are considered to ensure no applicants are being unfairly disadvantaged and applicants continue to be considered for future vacancies.

### 6.5. Transfer Allocations

The Association supports current tenants who require or aspire to move home. The same points based system is used to prioritise applications in housing need with the following checks completed prior to any offer:

- home visit – to ensure that the property meets the 'Lettable Standard'
- tenancy check – for debt due to the Association and tenancy conduct. No offer will be made to any transfer applicant if the Association is in the process of taking legal action against them
- outstanding debt – where there is outstanding debt relating to a tenancy no offer of alternative housing will be made if the housing related debt is more than one month's rent (1/12 of the annual rent) and there is no agreed arrangement in place to clear the balance. Any agreed arrangement must be kept for three consecutive months and be continuing, before an allocation will be considered. Any debt will be discussed with the tenant in relation to an offer and the tenant encouraged to clear any outstanding sums due.

### 6.6. Offers

In order to maximise choice, the Association makes unlimited offers to applicants, however should an applicant refuse a property on multiple occasions because of the location the Association will ask the applicant to refine their choice of area for re-housing to minimise refusals.

Any offer of housing will be conditional on the following:

- suitable tenancy checks for all previous and current tenancies
- confirmation of housing need
- home visits as instructed by senior staff
- presentation of valid identification

### 6.7. Mutual Exchange

The Association will consider a request for a mutual exchange with a tenant of either a local authority or housing association property. Permission to exchange will only be withheld where it is reasonable to do so. The reasons include:

- where the exchange creates either overcrowding or under occupation
- where a property has been adapted and the incoming tenant has no requirement for the adaptation(s)
- where there is on-going legal action against either party
- where satisfactory tenancy reports have not been received for either party to the exchange
- where there are arrears of rent or any outstanding sums due to the Association or any other party

Consent or refusal for the application to exchange will be made within one month of the application being made.

#### 6.8. Management Transfers

In certain circumstances it may be that a current tenant requires to be moved to a different property, and this would take place outside the normal allocations process. This will be authorised only in exceptional circumstances, such as the tenant being a victim of violence or harassment and must be moved from the tenancy for their own safety.

In all cases, a report is made to the Housing Services Manager who will review the case and has the final decision on whether or not to approve a management transfer. Any deviation from policy will require approval from the Board of Management in advance.

#### 6.9. Property Size - Number of Bedrooms Required

Given the shortage of social housing, the Association aims to maximise occupation where it is reasonable to do so. The following standards will apply:

- one or two bedrooms per couple
- one bedroom for two children of different sexes where both are under 8 years old
- one bedroom for two children of the same sex up to the age of 10 years old, unless there is agreement for them to share after that age
- not more than two people sharing any bedroom
- bedroom provision will be made for an unborn child on the provision of confirmation of pregnancy (Mat B1 form)
- one additional bedroom where there is access to a child which can be evidenced
- one additional bedroom on medical grounds where evidence is provided of this requirement
- rooms under 6.55 m<sup>2</sup> (50 square feet) are to be discounted.

#### 6.10. Access to Children

Where applicants have access to children an additional bedroom will be considered where access amounts to approximately 50% or more of the time in any one year and this can be evidenced.



## 6.11. Local Lettings Initiatives (LLIs)

The Association may use Local Lettings Initiatives to manage allocations in order to support sustainable communities. Where this is the case the Association will consider the Local Housing Strategy (LHS) and Housing Needs Assessment for that local authority area. A lettings initiative may be used to widen the scope of the allocation policy in specific circumstances to increase demand.

It will operate alongside the main policy, and act as an additional set of circumstances which will be considered or rules which will be applied.

All proposed Local Lettings Initiatives must be approved by the Board of Management at the next available meeting. Local Letting Initiatives may be used where:

- there is increasing incidences of anti-social behaviour - in order to try to reverse the trend
- a lack of essential workers or where skills are in short supply
- there is low demand (in conjunction with a Choice Based Lettings approach).

## 6.12. Suspensions

The Housing (Scotland) Act 2001 prevents exclusion from the waiting list except where:

- the applicant has died
- the applicant has requested removal from the list
- the applicant has failed to respond to a review (following the appropriate reminder).

Following an application being accepted onto the waiting list it may subsequently be suspended.

Any exclusion via a suspension has regard to the Housing (Scotland) Act 2001 as amended by the Housing (Scotland) Act 2014 and Article 8 of the Human Rights Act 1998. In certain circumstances it will be necessary to suspend applicants from being considered for vacant properties until the reason for the suspension has been resolved, or until a specified period of time has lapsed.

The Association will not operate a blanket approach to suspensions but will consider each case and the length of the suspension individually based on the applicant's circumstances. The length of the suspension is likely to be between 3-12 months. The Association will review suspended applications on a regular basis. Reasons for suspension are listed below:

- where an applicant has acted in an antisocial manner in relation to another person residing in, visiting or otherwise engaged in lawful activity in the area of a house occupied by that person or has pursued a course of conduct amounting to harassment of such other person
- where an applicant has been convicted of certain offences punishable by imprisonment and those offences are associated with a residential property or the surrounding area
- debt relating to a tenancy – this debt will be equivalent to more than one month's rent. The application will be suspended if there is no agreement in

- place to repay the debt, or if an agreement has not been adhered to for three consecutive months
- an unsatisfactory tenancy report where it includes a confirmed case of the applicant(s) being responsible for unreasonable damage to property, misuse of the property for illegal purposes, anti-social behaviour, harassment or racial abuse
- provision of false information – if the applicant has knowingly supplied false information on their application. Following the suspension, the applicant must provide accurate information in relation to their housing circumstances in order to satisfy the Association that all information on the application is correct
- the applicant behaves in a violent or threatening manner towards Association staff

In suspending an applicant from receiving an offer of housing consideration will be given to:

- any unsatisfactory tenancy report and when this occurred
- the nature, frequency, and length of any conduct
- any health or disability issue that could be reasonably seen to have a bearing on conduct
- an applicant who was under 18 years of age and unsupported at the time of the tenancy breakdown
- if it is found that an applicant has purposely changed address or acted to deliberately worsen their housing circumstances in an attempt to increase the award of points

Applicants who have been suspended from receiving offers will be notified in writing which will clearly set out the reasons for their suspension, the duration of the suspension and any conditions they are required to meet in order to be made an offer in the future. Information will be provided on how to appeal a suspension.

It is the applicant's responsibility to inform the Association once they have met these conditions and are once again eligible to be made an offer. Any application will remain suspended until such time as the applicant has informed the Association that their circumstances have changed.

This will not be applied where the only condition applied is a time bar (i.e. not to be considered for 6 months). In those circumstances the Association will contact the applicant to let them know their suspension has expired and they are once again eligible for allocation to a property.

### 6.13. Ownership

If an applicant owns a property the Association will not take housing need into consideration unless:

- the owner cannot secure entry
- where occupying the property will lead to abuse from someone living in the property
- where it is probable that occupying the property will lead to abuse from someone who previously resided with the applicant whether in that property or elsewhere

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

Where the applicant cannot secure entry to a property the Association will consider offering a SSST on a temporary basis until the housing need can be met by re-occupation.

#### 6.14. Review and Cancellations

Applications will be reviewed annually by the Association. Where an applicant does not respond to correspondence from the Association the application will be cancelled.

#### 6.15. Multi Agency Public Protection Arrangements

The Association will have due regard to MAPPAs (Multi Agency Public Protection Arrangements) where these are in place to ensure community safety.

Anyone seeking to be housed, who is subject to the notification requirements of the Sexual Offences Act 2003, is required to contact the local authority Serious Offender Liaison Officer (SOLO) and make a separate application. An applicant applying for housing by this means will be subject to the same conditions as any other applicant in terms of assessment and pointing. Any allocation made will be subject to the MAPPAs environmental risk assessment and approval procedures.

#### 6.16. Tenancies

In the majority of cases the Association will provide a Scottish Secure Tenancy (SST) to tenants, however in a limited range of circumstances a Short Scottish Secure Tenancy (SSST) may be offered. These are strictly controlled to ensure applicants are offered the most secure accommodation possible. The provisions for the use of SSSTs are detailed in Schedule 6 of the Housing (Scotland) Act 2001, as amended by the Housing (Scotland) Act 2014 (to include home ownership and anti social behaviour).

#### 6.17. Appeals

Applicants have the right to appeal decisions at any point in the allocations process. The appeal will be responded to within 28 days. Matters which may be appealed include:

- unfair suspension from the list
- unreasonable cancellation of an application
- the applicant believes that the priority awarded does not reflect their housing needs.

All appeals will be dealt with by the Housing Services Manager in the first instance. If an applicant is not satisfied with the outcome of the appeal, then the matter will be referred to the Director of Housing and Social Justice for review.

## 6.18. Confidentiality

The information given by an applicant and sought by the Association is used to determine housing need. This information will be treated in the strictest confidence and in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). An applicant has a right to see any information held about them in any format. If an applicant wishes to see information held about them, they can contact the Association in writing to make their request (assistance can be provided). The Association will respond to subject access requests within 30 days. Where information is supplied by a third party, written consent of that party will be required before it is provided to the applicant. Where the Association is required by law to share information it will do so.

Governing Body members of the Association, everyone who works for / on behalf of Langstane Housing Association and its subsidiaries either as a direct employee, a contractor, a consultant or a volunteer and those who have held the above position within the last 12 months will have any allocation of housing processed in accordance with the Entitlements, Payments and Benefits Policy.

## 6.19. Information and Advice

Demand for the Association's housing stock is considerably greater than the available supply, particularly in popular areas. Therefore a number of the applications made will be unsuccessful. The Association will provide applicants with a realistic assessment of their prospects of being housed, and provide information about available alternatives. This will ensure that people who apply for housing are in a position to make an informed choice about their housing options.

Key information provided by the Association will be in plain language, and accessible in a variety of languages and formats on request.

## 7. Monitoring and Review

A summary of this policy is available on the Association's website or can be made available (free of charge) at our offices.

Legislation states that the Association has a duty to consult on and set out how the allocation of houses, transfers and exchanges will be prioritised. The Association will consult with applicants on the waiting list, tenants and other stakeholders when determining how its homes will be allocated.

The Association is also required to prepare and publish a report on the consultation.

Audit checks are in place to ensure properties are allocated in accordance with the Allocations Policy. This includes allocations being approved by the Team Leader and a regular audit of allocations by the Housing Services Manager.

Monthly and quarterly reports are received by senior staff and Board of Management respectively in order to review and monitor performance.

Performance information includes:

- the percentage of allocations to each group (general, transfers, nominations (including Section 5s)
- refusals
- the number of SSTs and SSSTs awarded
- the number of applicants on the housing waiting list.

The Allocation Policy will be reviewed every three years unless legislative changes prompt an earlier review.

## **8. Equality and Diversity**

The Association is committed to promoting equality and diversity across all areas of its work, and discrimination or harassment of any kind is not tolerated.

### **Right to Complain**

In the event you are not satisfied with the service you have received, please contact the Association for a copy of our Complaints Policy, which can also be viewed on our website – [www.langstane-ha.co.uk](http://www.langstane-ha.co.uk)

If you would like this document sent to you in large print, please contact Support Services on 01224 423000