

Allocations Policy

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| Purpose: | To establish DPHA's policy and set out our position on Allocations |
| Review Date: | 01.05.2019 |
| Guidance: | <ul style="list-style-type: none"> • Housing (Scotland) Act 1987/2001/2010/2014 • Human Rights Act 1998 • The Matrimonial Homes (Family Protection) (Scotland) Act 1981 • Data Protection Act 1998 and 2018 • General Data Protection Regulations 2016 (GDPR) • Civil Partnerships Act 2005 • Welfare Reform Act 2010 • Antisocial Behaviour Act 2004 • Equality Act 2010 • Crime and Disorder Act 1998 • Homelessness etc. (Scotland) Act 2003 • Family Law (Scotland) Act 2006 • The Scottish Social Housing Charter |
| Regulatory Standards: | <ol style="list-style-type: none"> 1. The governing body leads and directs the RSL to achieve good outcomes for its tenants and other service users. 2. The RSL is open about and accountable for what it does. It understands and takes account of the needs and priorities of its tenants, service users and stakeholders. And its primary focus is the sustainable achievement of these priorities. 3. The RSL manages its resources to ensure its financial well-being and economic effectiveness. 4. The governing body bases its decisions on good quality information and advice and identifies and mitigates risks to the organisation's purpose. |
| Date reviewed by Management Committee (draft): | 20 March 2019 |
| Date approved by Management Committee: | 30 April 2019 |

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1.0 INTRODUCTION

- 1.1 Dalmuir Park Housing Association (DPHA) is committed to providing quality, affordable rented accommodation to those in housing need. Contributing to the physical, social and economic regeneration of the area and providing a safe environment in which all residents can live.
- 1.2 We maintain an in-house housing list. Anyone from any area can apply to be re-housed within a DPHA property.
- 1.3 This policy review is required to incorporate the changes to our Allocations process in accordance with implementation of the Housing (Scotland) Act 2014 (the 2014 Act).

AIMS OF THE POLICY

- 2.1 The aims and objectives of this policy are to: -
- Ensure that people have fair and open access to our housing list and assessment process
 - Allocate properties in a way that gives reasonable preference to those in housing need, makes best use of the available stock and helps to sustain our community
 - Ensure that allocations comply with relevant legal and good practice guidelines
 - Collect and analyse housing needs information
 - Ensure that allocations procedures are carried out effectively and efficiently to minimise void loss
 - Develop close inter-agency links to meet housing need and tackle homelessness
 - Process housing applications to ensure confidentiality and access to information in line with legal requirements
 - Monitor allocations performance and report accordingly to Management Committee

3.0 LEGAL AND REGULATORY REQUIREMENTS

- 3.1 Legislation and Regulation
- Housing (Scotland) Act 1987/2001/2010/2014
 - Human Rights Act 1998
 - The Matrimonial Homes (Family Protection) (Scotland) Act 1981
 - Data Protection Act 1998 and 2018
 - General Data Protection Regulations 2016 (GDPR)
 - Civil Partnerships Act 2005
 - Welfare Reform Act 2010
 - Antisocial Behaviour Act 2004
 - Equality Act 2010
 - Crime and Disorder Act 1998

- Homelessness etc. (Scotland) Act 2003
- Family Law (Scotland) Act 2006

3.2 In addition, this policy is intended to reflect the revised Scottish Social Housing Charter (SSHC) issued by the Scottish Housing Regulator (SHR) in 2017.

The Outcomes and Standards outlined in the SSHC that are relevant to this policy are:

Outcome 1 - Equalities

Social Landlords perform all aspects of their housing services so that:

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

Outcome 2 – Communication

Social Landlords manage their businesses so that:

- 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 the decisions and services it provides.

Outcome 4 - Quality of Housing

Social Landlords manage their businesses so that:

- Tenants' homes, as a minimum, meet the Scottish Housing Quality Standard (SHQS) by April 2015 and continue to meet it thereafter, and when they are allocated, are always clean, tidy and in a good state of repair and also meet the Energy Efficiency Standard for Social Housing (ESSH) by December 2020.

Outcomes 7, 8 & 9 – Housing Options

Social landlords work together to ensure that:

- 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.

Outcome 10 - Access to Social Housing

Social Landlords ensure that:

- People looking for housing find it easy to apply for the widest choice of social housing available and get the information they need on how the landlord allocates homes and their prospects of being housed.

3.3 **The Housing (Scotland) Act 2014 (The 2014 Act)**

The 2014 Act requires us to give reasonable preference to certain groups when letting properties. The groups to which we must give reasonable preference when letting properties are:

- a) Homeless persons and people threatened with homelessness and have unmet housing needs;

b) People living in unsatisfactory housing conditions and have unmet housing needs, e.g.:

- Housing below the tolerable standard
- Overcrowded houses or large families
- Where the house is medically unsuitable

c) Tenants of houses which are held by a social landlord and we consider them to be under-occupied as defined in this policy

3.4 We would consider that a person has unmet housing needs if they have a need which is not capable of being met by their current housing circumstances.

3.5 In practice, we will explore housing options with all applicants so that they can make informed decisions regarding their housing preferences.

4.0 APPLYING FOR A HOUSE

4.1 Anyone who is 16 years or older has the right to apply for housing and to be admitted to our housing list. Applicants will be advised of the Association's stock type and level.

4.2 Applicants will be advised of the likelihood of being housed by the Association once their points total has been assessed. This may be of importance to households whose applications attract few points and, unless there is a change in circumstances, it is extremely unlikely that the Association is going to be able to make an offer in the foreseeable future.

4.3 All applicants will be encouraged to consider their housing options and staff will guide applicants in this regard.

4.4 All applicants will be given information and advice of their position on DPHA's list on request. Applicants will also be made aware that their position on the list may change as applicants in greater need apply.

5.0 DEALING WITH APPLICATIONS

5.1 In order to be admitted to the housing list, we ask applicants to complete an application form.

This can be obtained by contacting our housing office: -

- in person
- by phone
- by post
- by email
- via our website

- 5.2 Applicants wishing to be considered for our sheltered housing accommodation can also complete an application form from West Dunbartonshire Council as all DPHA sheltered housing is allocated by WDC through a nominations agreement in the first instance.
- 5.3 Applications with insufficient information may be subject to delay. This means that applications may not be fully processed until the relevant information is received; or applications may be processed but not given the full points entitlement until the information is received.
- 5.4 Applicants may contact housing staff during office hours to discuss application details. For example, applicants may want to discuss their re-housing prospects in particular areas.
- 5.5 We also provide support services if required including interpreters for hearing impaired applicants or people who do not speak English. This procedure accords with our policy commitment to make services accessible to service users.
- 5.6 We can also carry out home visits to assist applicants to complete their forms within a reasonable proximity, on request.
- 5.7 To ensure that we are correctly assessing the housing needs of applicants, we generally require applicants to provide information to verify their circumstances. We recognise that in some cases the information required may be sensitive and of a personal nature. All applications will be initially assessed, and further verification/corroboration will be sought thereafter. The table attached at **Appendix 1** outlines some of the proof we may ask for.
- 5.8 In cases where an applicant's health (physical or mental) is made worse by their current housing circumstances, they will be asked to complete a separate Medical Assessment Form. Applicants will receive information and advice regarding whether they should complete this form. This form will be assessed by Housing Officers and a decision made regarding whether the applicant should receive priority for rehousing due to their current housing making their health condition worse.
- 5.9 It is important to note that priority will not be given based on the medical condition of the applicant and their household but based on their current accommodation and whether a move could alleviate the health problems.
- 5.10 We will require contact details for current and previous social landlords (if appropriate) in the past five years. Landlords will be contacted and asked to complete a tenancy reference form. If this reference identifies rent arrears, rechargeable debts due to damage caused by the tenant, anti-social behaviour or breach of tenancy agreement, applicants may be suspended from offers according to this policy. Failure to disclose previous tenancies may result in suspension. Further information on suspensions can be found at section 8.12.

- 5.11 The provision of accurate, up to date information on the applicant's circumstances is vital to the assessment and allocation procedure. We will monitor any such applications to minimise the length of time any application is delayed. We will not ask an applicant to provide information to us, which has significant financial implications for the applicant.
- 5.12 Applicants must advise us in writing of any change in circumstances relating to a housing application, or if they wish to change their areas or house type previously selected. Changes in circumstances may have an impact on the number of points received, and any change in points awarded will take effect from the date that we are informed of these changes. This will ensure the applicants are appropriately placed on the housing list.
- 5.13 If we believe that an applicant has intentionally changed their circumstances in order to secure a higher position on the housing list, we may assess this application as if this change in circumstances had not occurred and if appropriate suspend the application from offers of housing. Further information on suspensions can be found at section 8.12.
- 5.14 Applications from owner occupiers will not be refused, however only those falling under the following criteria (subject to proof being received) will be deemed to have a housing need: -
- Where the property has not been let but the owner cannot access it
 - Where occupying the property will lead to abuse from some other person residing in that property or who previously resided with the applicant
 - Where occupying the property could affect the health of the applicant or other occupants within the property, and there are no reasonable steps that the applicant can take to prevent the danger.
- 5.15 The Association may also take into account property owned by the applicant and/or the value of heritable 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.
- 5.16 Applicants who wish their name on the housing list, but who do not wish to have their applications considered for housing for any reason can choose to have their application deferred. Their application will be assessed on their housing need with points awarded. Applicants will remain deferred until they contact the Association and confirm that they wish to be considered for offers of housing again. This will be particularly relevant for those living in tied accommodation and/or in the Armed Forces or young people who are facing homelessness and are making their first transition to their own home following being looked after under The Children (Scotland) Act 1995. Supporting evidence will be required.

- 5.17 We may require specific strategies to address areas of low demand. Such strategies must take account of the legislation and good practice.
- 5.18 Applications from gypsy travellers or other applicants living in a caravan are placed in the appropriate group based on their present housing conditions and are awarded points based on these conditions. Applications from gypsy travellers who have nowhere to pitch their caravan would be referred to the West Dunbartonshire Council's (WDC) Homeless Service.
- 5.19 On receiving applications from High Risk Offenders, these will be referred to WDC in accordance with WDC's High Risk Offenders procedure.
- 5.20 We believe that all individuals have a right to a life free from violence and abuse and are committed to enabling those experiencing this type of difficulty to address this through suitable housing. Abuse can take many forms and we aim to deal with each case sensitively and on an individual basis, as follows: -
- all applicants experiencing violence or abuse, including domestic abuse, are made aware of their right to either stay in their own home safely or to seek alternative accommodation. Where applicants elect to stay in their own homes, they will be referred (with consent) to the relevant organisation for assistance and support.
 - The safety of applicants affected by domestic abuse will be the first priority, and all information provided will be treated confidentially.
 - If a relationship breakdown has occurred in a tenancy, we would firstly advise both parties to seek legal advice on the entitlement to the tenancy. We recognise that a relationship is wider than that between married/civil/joint partners and this could also mean a relationship between parent and child or siblings.
 - Either person in the relationship breakdown would be advised to approach WDC's Homeless Service who will be able to assist with rehousing if assessed as homeless. We recognise however that not every situation will result in a homeless referral and that following the normal allocation route may be preferable.
- 5.21 Applications received and assessed to have no housing need will also be placed in the appropriate group. It is unlikely that these applicants will ever be made an offer of housing. These applicants will be advised of this as part of their application process and offered appropriate housing advice

6.0 REVIEW OF THE LIST

- 6.1 We will carry out regular reviews of our housing waiting list by contacting all customers once a year (on anniversary of application) to confirm that the customer information and assessed housing need is current with no change to circumstance and/or requirement.

6.2 Applicants will be advised that failure to contact the Association in response to the review can lead to their application being cancelled from the Association’s Housing List.

7.0 POINTS CATEGORY AND POINTS STRUCTURE

7.1 This section explains the type of allocation system that we have adopted to ensure that we meet our policy aims. This section covers the following issues:

- Reasonable preference
- groups plus points system

7.2 The 2014 Act defines reasonable preference as follows:

A social landlord must, in relation to all houses held by it for housing purposes, secure that in the selection of its tenants a reasonable preference is given to the persons mentioned.

(a) persons who—

- (i) are homeless persons and persons threatened with homelessness and*
- (ii) have unmet housing needs,*

(b) persons who—

- (i) are living under unsatisfactory housing conditions, and*
- (ii) have unmet housing needs, and*

(c) tenants of houses which—

- (i) are held by a social landlord, and*
- (ii) the social landlord selecting its tenants considers to be under-occupied.*

Persons have unmet housing needs where the social landlord considers the persons to have housing needs which are not capable of being met by housing options which are available

Group Plus Points System

7.3 Individual applications are placed into the appropriate group. Applicants in the group are then awarded points for any related housing needs that they have. Points are weighted towards the reasonable preference priority housing needs as outlined in the 2014 Act. A summary of our points structure is available as part of the application pack and published on the Association’s website. This ensures that those with the most housing need obtain the most points and therefore receive an offer of housing to match their housing need. If applicants share the same points within the same group, applications will be prioritised based on their date of application. If two applicants have the same points, the applicant who registers first will be given greater priority. Details of the points structure for each group are attached at **Appendix 2**.

7.4 We have established a total of 3 groups:

| Group | Annual Allocation Quotas |
|--|--------------------------|
| Group 1: Homeless Referrals & sheltered housing nominations | 50% of lets |
| Group 2: General List - Underoccupancy, Unsuitable Housing, General Needs and other WDC nominations not in Group 1 | 40% of lets |
| Group 3: Transfers – Underoccupancy, Unsuitable Housing, General Needs | 10% of lets |

7.5 **Group 1:** Section 5 Homeless Referrals & sheltered housing nominations This group allows us to meet our requirements in assisting WDC to discharge its statutory homeless obligations. The 50% maximum letting target reflects Council wide agreement between WDC and local RSL's and is reviewed annually. Applicants wishing to be considered for our sheltered housing accommodation are advised that most allocations are made by West Dunbartonshire Council through a nominations agreement. Applicants can also complete a housing application form for WDC and state they wish to be considered for DPHA sheltered housing.

7.6 **Group 2:** General list and other WDC Nominations not in Group 1. In this group we will give reasonable preference when letting properties to households that are overcrowded, under occupied, persons living in unsatisfactory housing conditions accommodation and applicants with medical needs. Points are awarded based on housing need.

7.7 **Group 3:** Transfers are current tenants who want to move to another DPHA property. Points are awarded based on housing need. A separate transfer list is important to meet policy objectives for the following reasons:

- It addresses under occupation and helps alleviate the often-associated financial implications on tenants with properties which are too big for their families, for example the under-occupancy charge.
- Meeting the changing needs of tenants is important to establish communities that are popular and therefore sustainable.

Exceptional Circumstances/Management Transfers

7.8 Points will be awarded where extreme circumstances apply to a particular case which is not covered by the Allocations Policy. The Director must agree all exceptional circumstances and management transfers before points can be awarded.

7.9 The Housing Manager will submit these to the Director for consideration. As these circumstances will require urgent housing, all applicants will also be referred to WDC as they have a nomination agreement with all local RSL's. This should maximise the likelihood of the applicant being housed.

- 7.10 It is not possible to predict all the extreme circumstances that may arise, but these could include circumstances such as:
- Police Scotland recommends someone moves home because they are being harassed and asks us to help rehouse the person immediately
 - Where we make a management transfer outside this policy – for example to a current tenant who is experiencing serious housing management issues
 - Where we make an exceptional allocation to someone who does not qualify to succeed a tenancy – for example a carer who has given up their previous home

8.0 HOW WE ALLOCATE OUR HOMES

8.1 Following the submission of an application and the gathering of all relevant supporting documentation and information, each application is assessed according to this allocations policy. We operate a system whereby each application is assessed and allocated a number of points according to our Points Structure at **Appendix 2** and placed into the most appropriate Group. The aim of this is to give highest priority to those applicants in the greatest housing need.

8.2 The following factors will not be taken into account in the allocation of housing:

- Whether the applicant resides in the area or the length of time which the applicant has resided in the area
- Any non-tenancy related debts
- Tenancy related debts – rent or service arrears, rechargeable repairs – which are less than one month's rent, or which are no longer outstanding, or where a reasonable repayment plan has been arranged and kept by the applicant for at least the last three months continuously
- The income of the applicant and their family (including benefits)
- The value of any property or properties owned by the applicant or applicant's family
- The age of the applicant, provided the applicant is aged 16 or over, except in the allocation of our sheltered properties
- Our sheltered housing is generally allocated to people aged 60 or over but applications will be considered from people with a disability approaching retirement age who would benefit from this type of housing

8.3 When letting houses, the Association must also take no account of whether or not an applicant lives in our area if they:

- Are employed, or have been offered employment in our area
- Want to move into our area to look for employment and we are satisfied that this is their purpose
- Want to move into our area to be close to a relative or carer
- Have special social or medical reasons for being re-housed in our area
- Want to live in our area to avoid harassment or runs the risk of domestic abuse and wishes to move into the area

- 8.4 In law, there are specific conditions that the Association cannot impose, namely:
- Applications must be active for a minimum period before considering applicants for housing (please note that a minimum period suspension from offers may be applied in certain circumstances including anti-social behaviour; abandonment of previous tenancy)
 - A judicial separation or divorce should be obtained, or dissolution of a civil partnership or a decree of separation of civil partners be obtained
 - That applicants should no longer be living with, or in the same house, as someone else before they can be considered for housing
- 8.5 We make offers based on the applicant’s housing needs and preferences after confirming details on their application form. This is good practice as it aims to reduce inappropriate offers and unnecessary refusals.
- 8.6 Reasonable offers are those that reflect, as far as possible, an applicant’s stated choice. For example, we will not offer an applicant house types that she/he expressly states that she/he will not consider.
- 8.7 We offer applicants, who qualify for housing, Scottish Secure Tenancies (SST) in line with our legal obligations. In a limited number of situations, we may offer applicants a Short Scottish Secure Tenancy (SSST). This has limited security of tenure.

Examples of when a SSST might be granted are where:

- an applicant has been evicted for antisocial behaviour within the last three years; or
 - a tenant, or someone residing with the tenant, is subject to an antisocial behaviour order or has behaved antisocially in the last 3 years.
 - The accommodation is let on a temporary basis for certain reasons
- 8.8 Applicants can only apply/qualify for a property of an appropriate size for their family composition. Details of how this is calculated are shown below.

| Household Size | Accommodation Size |
|---|--|
| Single person | Bedsit or 1 bedroom property |
| Couple | 1 bedroom property |
| Single parent or couple with one child | 2 bedroom property |
| Expectant Mother | 2 bedroom property |
| Single parent or couple with two or more children | The following age/sharing criteria dictates the number of bedrooms awarded for children: All aged 16 and over = own room Two under 16 (same sex) = share a room Two under 10 = share a room |

| Household Size | Accommodation Size |
|--|--|
| | Two 10 – 16 (different sex) = own room each No more than two children can share a room irrespective of age. |
| Access Arrangements | In accordance with Household Size above (proof of at least 50% access/custody required for extra rooms) |
| Two adults who wish to be joint tenants but are not partners | 2 bedroom property |

8.9 The size of the house that we let to parents with shared access is based on the specific access arrangement. All access must be confirmed in writing from the main parent (in receipt of child benefit) and/or a solicitor.

8.10 Adapted or ground floor properties suitable for mobility needs will, in the first instance, be allocated to applicants with medical points and a demonstrated medical condition which could be significantly alleviated by a move to such a property or where a requirement for specific adaptation exists.

Refusal of three reasonable offers of housing within a 12 month period

8.11 The number of reasonable offers of housing an applicant can receive before their application is suspended from offers has been limited to three. If an applicant refuses three reasonable offers within a 12 month period, which have been made in accordance with their application choices, their application will be suspended from offers for a period of 6 months. On the refusal of one or more offers of housing the applicant will be contacted to review their preferences in terms of area choice and house type, to ensure they are up to date.

Suspensions

8.12 A suspension is where a new or transfer applicant will not be eligible to be offered accommodation for a defined period of time. The Association cannot suspend people from applying for a house and joining the housing list but can from receiving offers of accommodation. This section highlights specific circumstances where it is legitimate to suspend offers. Suspensions should only occur in instances relating to conduct or eligibility of applicants and are only used as a temporary measure.

8.13 Reasons for a suspension are as follows:

- Anti-social behaviour - we may seek to suspend an applicant on the basis of anti-social behaviour if the applicant or a member of their household has engaged in anti-social behaviour, including in the vicinity of the house; harassment of others or anti-social behaviour towards an employee when applying for housing;
- The applicant has a conviction for using their home for immoral or illegal activity or any other offence punishable by imprisonment committed in the

locality of their home, this can also apply to someone who has resided with the applicant;

- The applicant has had a court grant an eviction notice against them;
- If an applicant has previously abandoned a tenancy or neglected a let property. A suspension can be put in place where an applicant's house was previously repossessed due to abandonment or where a house was repossessed due to abandonment of a joint tenant or where a property was repossessed due to neglect and ill treatment. The Scottish Secure Tenancy requires tenants to leave a tenancy in a clean and tidy condition and make sure it is in good decorative order at the end of a tenancy. However, this does not have to occur throughout the tenancy and is not a breach of tenancy condition unless there is a nuisance or hazard caused. Suspensions due to tenancy condition should therefore only be used for a serious breach of tenancy and the tenant's ability to maintain the property should also be taken into consideration with this;
- Where there have been rent arrears or other tenancy related debt. Unless the debt is not more than one month's rent, the and the applicant has made an arrangement to repay the debt and has maintained this arrangement for more than 3 months. Historic debt that had previously been written off by the Association can be taken into consideration also; and:
Where there has been a false statement made on an application for housing. This will be looked at on a case by case basis according to whether this information was intended to be misleading for fraudulent purposes or was a simple omission on the applicant's part.

8.14 We will not unreasonably suspend any applicant from offers, nor will we keep an applicant suspended from offers for any longer than is appropriate. All suspensions will be monitored and applicants will be given information on the timeframe of the suspension and any conditions that could be met to lift the suspension.

8.15 Any application suspended from offers will remain on the waiting list and the applicant does not need to re-apply to be considered for housing again in the future.

Removal of applications

8.16 There are only three ways in which an application can be removed from the Association's housing list:

- where the applicant has died
- where the applicant has requested removal from the list – if this request is made verbally and not in writing, the organisation will then confirm the request by letter
- where the applicant fails to respond to a periodic review of the housing list - if applicants fail to respond to a request for information or contact as part of the annual review of the housing list, they will be removed from the housing list

Mutual Exchanges

- 8.17 A tenant wanting to swap their Scottish Secure Tenancy with another tenant within the Housing Association, or with any other Social landlord within the United Kingdom can register with Homeswapper to exchange their property. Homeswapper is an online service that holds details of mutual exchange, this is a service that we provide free to our tenants. We will consider all requests for a mutual exchange between any two social landlord tenants. This can be between two DPHA tenants or one of our tenants wishing to swap with any another social landlord tenant.
- 8.18 Each application must be considered on its own merits to determine whether it is reasonable to grant the request. Some specific reasons where it may be reasonable to refuse consent are listed below:
- A Notice of Proceedings has been served on either tenant
 - An order for recovery of possession has been made against either tenant
 - The exchange would mean that a property designed or adapted for occupation by someone with special needs was no longer occupied by a person with these needs
 - The mutual exchange would lead to overcrowding, under occupation or one household living in a property that is not suitable to their needs
 - Failure by the tenant to adhere to existing tenancy terms such as anti-social behaviour
 - Having rent arrears or any other housing related debt where there is no arrangement in place to repay the debt
 - The condition of the property is unacceptable
 - Failure by all joint tenants to apply for an exchange
 - The property is a tied house that has been provided by the landlord for employment purposes
 - Where required repairs have been identified, but the tenant has failed to make good the repairs within an agreed timescale
 - The received application is incomplete or contains any false or misleading information
- 8.19 The above list is not a definitive list, each case will be considered on merit and other reasons may exist for refusing exchange applications. The tenant will have to have been in the tenancy they wish to consider swapping, for a minimum of one year before they will be granted a mutual exchange. We will give a response on a decision no longer than one month after the application from both parties is received. References from other landlords will be requested in all cases.

Subletting

- 8.20 Existing tenants may apply to sublet their property. However, before a tenant can sublet their home they must apply in writing to the Association and get written consent. Tenants must also notify the Association of any proposed rent charge. The

rent cannot be increased if the Association does not consent to the increase. References from other landlords will be requested in all cases where applicable.

8.21 The Housing (Scotland) Act 2014 (The 2014 Act) makes the following changes from 1 November 2019:

- The tenant must have been the tenant of the property for the past 12 months immediately before they apply for permission to sublet
- If they were not the tenant throughout that period or it was their only or principal home during those 12 months, the Association must have been informed by the tenant at the time that the person who is now the tenant was living there, e.g. the tenant has succeeded to the tenancy and now wishes to sublet

8.22 A request to sublet can be for a variety of reasons and each application will be considered on merit. Examples include, but are not limited to:

- Moving away temporarily away for work purposes
- Moving away temporarily away to care for a sick relative
- Moving away temporarily to alleviate financial issues

Any sub-let granted will be for an initial period of 6 months only, with an extension to no more than 12 months in exceptional circumstances.

8.23 The Association will only refuse an application to sublet a tenancy if it has reasonable grounds for doing so.

8.24 Each application must be considered on its own merits to determine whether it is reasonable to grant the request. Some reasons where it may be reasonable to refuse consent are listed below:

- A Notice of Proceedings has been served on the tenant
- An order for recovery of possession has been made against the tenant
- The rent proposed is not deemed to be reasonable by DPHA
- The subletting would cause statutory overcrowding
- Where the tenant is leaving for an indefinite period and unable to specify when he/she will return. In this case, each application should be considered on an individual, circumstantial basis
- Where another person's occupancy rights are likely to be adversely affected if permission is granted
- Where the sublet would lead to substantial under occupation
- Where the subtenant is unable to understand the terms of the sublet
- The sub tenancy is likely to be problematic, due to previous anti-social behaviour of the proposed subtenant that is likely to continue if the sublet is granted

- Where the proposed subtenant has an unsatisfactory reference for former tenancies, both DPHA & Non DPHA
- Where the property would not be deemed suitable for the subtenant for medical reasons
- Where any application contains false or misleading information

Assignment of Tenancy

- 8.25 Before a tenant can assign their home to someone else, they must apply in writing to the Association and obtain written consent. Once a tenant assigns their interest in the tenancy they no longer have a contractual relationship with the Association. The tenancy is transferred to the assignee and they take on all the responsibilities and liabilities of the tenancy, including any debt related to the tenancy.
- 8.26 The 2014 Act makes the following changes from 1 November 2019:
- The house must have been the tenant's only or principal home during the 12 months immediately prior to the tenant applying for written permission to pass their tenancy on to someone else
 - The person the tenant wishes to pass their tenancy on to (assignee) must have lived at the property as their only or principal home for the 12 months prior to the application
 - The tenant, joint tenant or person the tenant wished to assign the tenancy to must have notified the Association that they are living in the house that they wish to take the tenancy over for. The 12 month period does not start unless the landlord has been told that the person is living in the property as their only or principal home
- 8.27 Each application must be considered on its own merits to determine whether it is reasonable to grant the request. Some specific reasons where it may be reasonable to refuse consent are listed below.
- Where the house has been adapted and the person wishing to take over the tenancy does not require these adaptations
 - A notice of proceedings has been served on the tenant
 - An order for recovery of possession has been made against the tenant
 - The assignation would lead to statutory overcrowding
 - Where the assignation would result in the property being under occupied
 - Where the proposed assignee(s) have arrears / former tenancy arrears or other housing related debt and an arrangement to pay has not been kept to in accordance with this Policy
 - Where the proposed assignee(s) have an unsatisfactory tenancy reference, both DPHA & Non DPHA
 - Non consent of a spouse with occupancy rights
 - Other legal orders in force, for example an anti-social behaviour order which does not permit the proposed new tenant to be in the area

Joint tenancies

- 8.28 All tenants may apply to have a joint tenancy with someone who is staying with them or intending to stay with them. Applications must be made in writing to the Association and written consent must be obtained. From 1st November 2019 the person the tenant wishes to add as joint tenant must have lived at the property as their only or principal home for the 12 months prior to the tenant applying for them to become a joint tenant. The Association must also have been notified that the person wishing to apply for a joint tenancy has been living in the house. The 12 month period does not start unless the Association has been told that the person has been living there as their only or principal home. An existing joint tenant can terminate their interest in the tenancy by providing the Association and the other joint tenants with 4 weeks written notice.
- 8.29 The Association must consent to an application for a joint tenancy unless there are reasonable grounds for refusing. Possible grounds for refusal would be:
- Where agreeing to the joint tenancy would lead to the household being overcrowded
 - Where the proposed joint tenant would not be granted a tenancy under the Allocations Policy for reasons such as anti-social behaviour or housing related debt
 - Where the existing tenant had rent arrears and no suitable arrangement was in place for repayment

Succession of Tenancy

- 8.30 The 2014 Act introduces a 12 month qualifying period from 1 November 2019 and notification requirement before qualifying persons have the right to succeed to a Scottish Secure Tenancy on the death of the tenant. A succession can only take place where a tenant dies and there is a relevant qualifying person who wishes to succeed to the tenancy. Two rounds of succession can take place, on the death of a Scottish Secure Tenant, the tenancy passes to the qualifying person. On the death of a qualifying person who succeeded to the tenancy after the first death, the tenancy then passes to another qualifying person; this would be the second succession.
- 8.31 The new rules apply to the following 'qualifying persons' where the house has been their only or principal home throughout the 12 months prior to the tenant's death:
- Partners (cohabitants of either sex, including same sex cohabitants);
 - Members of the tenant's family aged 16 and over; and
 - Carers aged 16 or over who have given up a previous or principal home.
- 8.32 Under the 2014 Act the 'qualifying person' must also have notified the Association that they are living in the property as their only or principal home 12 months prior to the succession. The qualifying period does not start until the Association has received this notification. If the property has been adapted for the needs of the tenant who has deceased, and these adaptations are not required by the person wishing to succeed

to the tenancy, a like for like property will be sought for this person to ensure that adaptations are available for those tenants who have a medical need for them.

9.0 PERFORMANCE MONITORING

9.1 The Association will monitor performance on allocations using both statutory and local performance indicators as follows:

9.2 Statutory Performance Indicators – Social Housing Charter

Number of lets during the reporting year, split between 'general needs' and 'supported housing' indicator C3

- The number of 'general needs' lets during the reporting year
- The number of 'supported housing' lets during the reporting year

The number of lets during the reporting year by source of let indicator C2

- The number of lets to existing tenants
- The number of lets to housing list applicants
- The number of mutual exchanges
- The number of lets from other sources

The number of applicants who have been assessed as statutorily homeless by the WDC Homeless Service as:

- Section 5 referrals

Types of tenancies granted for lets during the reporting year:

- The number of occupancy agreements granted in the reporting year
- The number of short SSTs granted in the reporting year
- The number of SSTs granted in the reporting year

Housing lists:

- The number of new applicants added to the housing list(s)
- The number of applicants on the housing list(s) at end of reporting year
- The number of suspensions from the housing list at end of reporting year
- The number of applications cancelled from the housing list during the reporting year
- The number of Section 5 referrals received during the last reporting year

9.3 The Management Committee annually agree targets for allocations. Target setting takes account of the lettings targets for RSL's outlined in WDC's Rapid Rehousing Transition Plan, as appropriate. The key performance indicators, approved by Committee, will be reported quarterly to the Management Committee. Performance will be monitored monthly by the Housing Manager and reported quarterly to the Management Committee as part of the performance monitoring report.

10.0 STAFF TRAINING AND AWARENESS

10.1 We will ensure that all staff and our Management Committee are aware of this policy and receive appropriate training. We have detailed procedures, guidelines and staff training to underpin this policy.

11.0 ROLE OF THE COMMITTEE

11.1 On a day to day basis, the application, assessment and allocation process will be managed by customer services staff. Committees will therefore only be involved in the process in the following situations:

- As part of the complaints and appeals process
- Where an allocation is being made to a current or former employee of DPHA, Committee Member, or close family member, which requires the Committee's approval in all cases and this allocation is made in accordance with this Policy and our Entitlements, Payments and Benefits Policy

12.0 EQUALITY AND HUMAN RIGHTS

12.1 An Equality and Human Rights Impact Assessment has been carried out as required in the 2014 Act and a summary of the findings are set out below:

12.1.1 The assessment has identified that this policy will have a **positive Impact** for applicants approaching older age and it will also have a **positive impact** to those with mental health issues and disabilities. There will be a **neutral impact** for all other protected characteristics.

12.1.2 We are committed to promoting an environment of respect, understanding, encouraging diversity and eliminating discrimination by providing equality of opportunity for all. This is reflected in our Equality and Diversity Policy.

12.2 We have considered our obligations with the Human Rights Act 1998 and identified that this policy has no negative impact on Human Rights.

13.0 APPEALS AND COMPLAINTS

13.1 An applicant can appeal any decision made during the processing of the housing application in writing by telephone and/or in person.

In addition, although the Association is committed to providing high levels of service, it accepts that there may be occasions where you may not be not satisfied with the service you have received. The Association values all complaints and uses this information to help improve our services. The Association's Complaints Policy describes the complaints procedure and how to make a complaint and can be found on the DPHA website or can be sent to you on request.

14.0 GDPR

14.1 The Association will treat all personal data in line with our obligations under the current data protection regulations and our Privacy Policy. Information regarding how all data will be used and the basis for processing all data is provided in the Association's Customer Fair Processing Notice.

15.0 LINKS TO OTHER POLICIES

- Repairs and Maintenance Policy
- Void Management Policy
- Income Arrears and Debt Management Policy and Procedures
- Estate Management Policy and Procedures
- Tenant Sustainment Policy
- Tenant Participation Policy
- Entitlements, Payments and Benefits Policy
- Code of conduct Policy

| Appendix 1: Proof required to verify applicants circumstances. | | | |
|--|--|--|--|
| Circumstance | Proof Required | When Required | Points Affected |
| Proof of Identity | Photographic ID | At point of Allocation | Cannot proceed with offer if not provided |
| Current Address | Bank/Building Society statement Utility Bill Missive of let DWP benefit confirmation letter | At point of Allocation | Cannot proceed with offer if not provided |
| Homeless or threatened with homelessness | Assessment undertaken by West Dunbartonshire Council Homeless Section | At point of Application / as and when circumstances change | No points awarded without this |
| Asked to leave secure accommodation | Copy of valid notice to quit/letter from landlord; certificate of discharge; employers notice letter | At point of Application / as and when circumstances change | No points awarded without this |
| In need of rehousing as health affected by current housing circumstances | Medical Assessment Form | At point of Application / as and when circumstances change | No medical assessment if not completed |
| Access arrangements | Letter from child's other parent and/or lawyer confirming access | At point of Application / as and when circumstances change | No extra bedroom or points can be awarded |
| Household member temporarily living away from home | Letter from individual confirming position | At point of Application / as and when circumstances change | Circumstances will not be taken into account |
| Experiencing violence/domestic abuse | Refer to West Dunbartonshire Council | At Point of Application / as and when circumstances change | N/A |
| Pregnancy | Mat B1 Form / Pregnancy confirmation document | At Point of Application/ as and when circumstances change | Circumstances will not be taken into account |
| Foster Carers | Letter from Social Work | At Point of Application / as and when circumstances change | Circumstances will not be taken into account |
| Property Below Tolerable Standard | Certificate from Environmental Health / Confirmation from Rented Social landlord/Council | At Point of Application / as and when circumstances change | Circumstances will not be taken into account |
| Care provision to/from a friend or relative | Care provision to/from a friend or relative | At Point of Application / as and when circumstances change | Circumstances will not be taken into account |

Appendix 2: Group and Points structure

As Group 1 is a priority need group it is always visited first. If there are no applicants in Group 1 or the quota is full, Groups 2 and 3 are then visited in line with quotas. Each group has an annual lettings target as agreed by our Management Committee. We aim to match the lettings targets as closely as possible by the year end.

Group 1: WDC Section 5 Homeless Referrals & Sheltered Housing Nominations (annual target of 50% of lets)

| |
|----------------------------|
| Points Awarded: 100 |
|----------------------------|

Group 2: General list and WDC Nominations not in Group 1 (annual target of 40% of lets)

A household is defined in this policy as any person(s) wanting to live separately, for example, a family member no longer wanting to reside with her/his parents.

We also award points for defined general housing needs in this group such as sharing amenities, care and support of/from relatives, insecure tenancies and exceptional circumstances.

Points are weighted and combined to ensure those in the most overall housing need are given a preference.

The sections below details in full the different points awarded to the general list and how applicants can qualify for these points.

Overcrowding Points

When awarding points to applicants who are overcrowded, we use our occupancy standard as outlined in **section 8.8** of this policy. This standard is used to calculate if overcrowding exists based on how many bedrooms the household applying require. This is then compared with the number of bedrooms available in the applicant's current accommodation. If the applicant has less bedrooms than required they are classed as being overcrowded. Overcrowding points are awarded for each bedroom they are short. An example on bedroom qualification is shown below.

Bedroom Qualification Example:

| |
|---|
| <p>A family comprising of a couple, a girl aged 6, a boy aged 8 and a boy aged 16 would qualify for a 3 bedroom property</p> <ul style="list-style-type: none">1 bedroom for the couple1 bedroom for the boy aged 161 bedroom for the girl aged 6 and the boy aged 8 (they must share) <p>The boy aged 8 would only qualify for his own room when he turns 10 as two children of different sexes cannot share if one of them is aged 10 or older.</p> |
|---|

Our allocation policy standard excludes the living room, kitchen and bathrooms when measuring overcrowding.

Bed-sit accommodation is considered only suitable for single people. Couples living in bed-sit accommodation would be regarded as being overcrowded by one bedroom.

In the case of medical needs, an extra room may be required for a medical condition or equipment. This would qualify as overcrowding.

Overcrowding assessments include people who normally live in the house but who are temporarily absent. This could include family members working away from home for a short period, members of the Armed Forces and students. Written confirmation of missing residents is required from an appropriate source e.g. College or University, the Army or similar.

In the case of households that are living apart in separate houses but want to live together, overcrowding points will not be awarded where sufficient room exists in one of the homes whereby the two applicants moving in together would alleviate any overcrowding in the other home.

Points Awarded: 50 (for each extra room needed based on the above)

Under-occupancy Points

Under-occupation occurs when a household lives in a home which has one or more bedrooms than they would be entitled to under their landlord's current allocation policy. Reducing under-occupation helps social landlords make the best use of housing stock. Applicants may wish to move to smaller houses as their present home is too large.

As changes to Welfare Benefits are implemented, tenants may find themselves in financial hardship and wish to move to a smaller property.

Applicants will only be awarded under-occupation points if under-occupation is reduced. Under-occupation points, in keeping with the 2014 Housing (Scotland) Act, are only available to RSL tenants and not owner occupiers or private rented tenants.

Points awarded: 50 (for each room under-occupied based on our occupancy standard)

Unsatisfactory Housing Points

We must give reasonable preference, when letting houses, to applicants living in unsatisfactory housing conditions.

Housing falls below the Tolerable Standard if it does not meet one of the criteria legally defined by the Scottish Government. For example, a house must be substantially free from rising or penetrating damp and must have a sink that has a supply of both hot and cold water. This applies to houses of all tenures.

Points will be awarded when the applicant presents a statutory notice from their Council’s Environmental Health Section, or in the case of a tenant of an RSL or Council a letter from their landlord confirming the issues and that these will not be remedied by repairs or other initiatives would also be acceptable. Private tenants unable to obtain an Environmental Health notice must obtain from their landlord a confirmation letter from an approved contractor or similar.

Please note that these points are only awarded to applicants who are confirmed tenants of Councils or RSL’s. Points do not apply to owner occupiers as they are themselves responsible for the maintenance and improvement of their homes.

| Lack of Amenities/House Condition | Points Awarded |
|--|-----------------------|
| Rising or penetrating damp | 25 |
| No inside WC | 25 |
| No piped supply of hot or cold water | 25 |
| No bath or shower | 25 |
| No kitchen facilities | 25 |
| Structurally unstable | 25 |

Where the applicant or a member of their household suffers from any medical condition where rehousing would alleviate the medical problem, points may be awarded in recognition of this situation. The applicant will be required to complete a Medical Assessment Form which will enable a decision to be made on the suitability for rehousing. Medical assessments are carried out by housing staff whose remit is to look solely at how the applicant’s current accommodation affects their medical condition and whether a move to another home would significantly alleviate the condition. It is essential that applicants provide all information at their disposal to support their medical application.

It is important to note that only one person will be awarded medical points, this will be the person with the most severe medical need in the household, who is part of the application form. Priority will be based on whether a move could alleviate the health problems experienced.

There are 3 possible medical grading’s, these are some examples:

Medical Grade A

- An applicant is unable to access their current accommodation
- An applicant is unable to return home or continue living in their current home as they are at risk when trying to access essential facilities.
- Not practical to adapt current home
- Ambulant disabled cases in unsuitable housing
- Kidney Patients on Home Dialysis

Medical Grade B

- An applicant unable to access their current accommodation without considerable difficulty or assistance
- An applicant is less able to get out of the house unaided
- An applicant with a condition that restricts ability to live in the property and/or environment

Medical Grade C

- Mobility problems due to the location of an applicant's home
- Where an applicant is becoming less able to gain access to essential facilities unaided
- Current home adversely impacts against applicant's mental health issues

The above is not a complete list of examples. Points will be awarded as follows:

| Medical Grade | Points Awarded |
|----------------------|-----------------------|
| A | 100 |
| B | 50 |
| C | 10 |

Sharing amenities points

These points are awarded to applicants who are not currently a tenant of an RSL, Private Rented or Council, but who stay with family, friends or relatives and share facilities such as kitchen or bathroom.

Points awarded: 15 for each amenity shared

Family Support

Points will be awarded to applicants who can provide documentary evidence which shows that they need to give or receive support to/from a family member within the Dalmeir area. Discretion by the Housing Manager will be used in relation to the location of applicants and support providers and to the reasons for the move.

Support needs will take account of physical or mental health problems or age of the person requiring support.

Points awarded: 10

Insecure Tenancies

Points will be awarded to those with insecure tenancies. This category covers the following:

- Living in tied accommodation & the employment will end within 6 months*
- Armed Forces personnel with a confirmed discharge date within 6 months*
- Short assured tenant who has been issued with a Notice to Quit (NTQ)*

- Young persons leaving care with support in place*

* Documents confirming end of tied accommodation, discharge from Armed Forces and support in place or NTQ are required

| |
|---------------------------|
| Points Awarded: 80 |
|---------------------------|

Exceptional Circumstances

Exceptional circumstances and management transfer points, which are one off points awards agreed by the Director as outlined at **sections 7.8 and 7.9** of this policy.

| |
|---------------------------|
| Points Awarded: 50 |
|---------------------------|

Group 3: Transfers

Transfers are current tenants who want to move to another DPHA property. A separate transfer list is important to meet policy objectives for the following reasons:

- It promotes households to move to other accommodation, in turn releasing stock for other applicants.
- It addresses under occupation and helps alleviate the often associated financial implications on tenants with properties which are too big for their families, for example the under-occupancy charge.
- Meeting the needs and changing needs of tenants is important to establish communities that are popular and therefore sustainable.

Points will be awarded based on housing needs as detailed in Group 2 and the summary table below.

Care Facilities

We own 6 non-self-contained care facilities which are managed by individual care providers. All allocation of residents in these properties are carried out by the individual care provider and/or West Dunbartonshire Health and Social Care partnership. This allocation policy does not apply to these properties.

Summary Points Table

| Criteria | Group | Points |
|---|--------------|-----------------------------|
| WDC Section 5 Homeless Referral/Sheltered Housing Nominations | 1 | 100 |
| Overcrowding | 2 & 3 | 50 per bedroom required |
| Unsatisfactory Housing | 2 | 25 per lack of amenity |
| Medical | 2 & 3 | 100,50,10 per grade |
| Sharing Amenities | 2 | 15 per shared amenity |
| Family Support | 2 & 3 | 10 |
| Insecure Tenancies | 2 | 80 |
| Underoccupancy | 2 & 3 | 50 per bedroom not required |