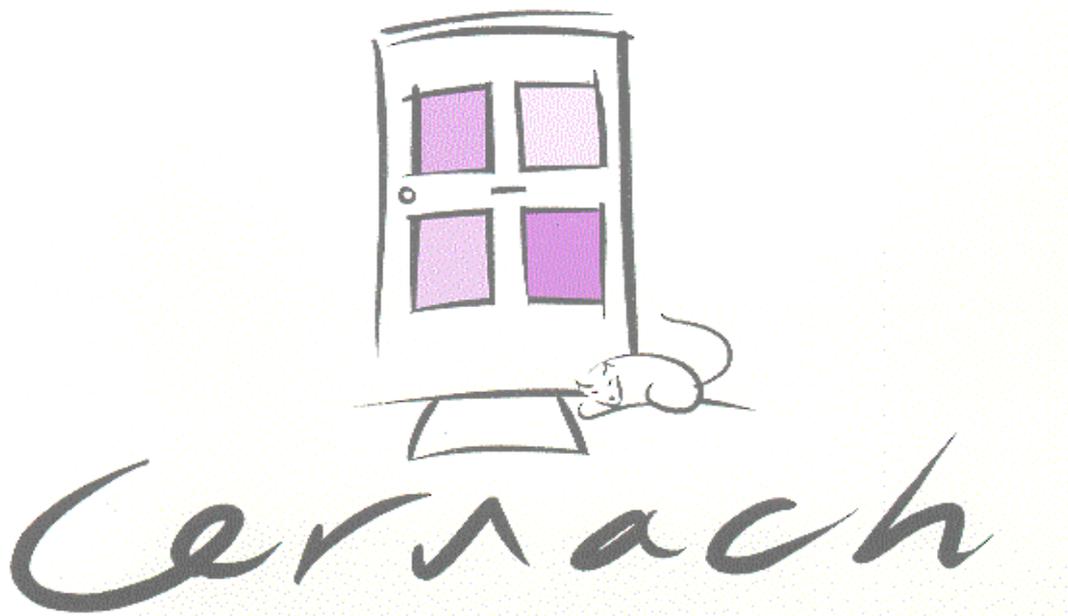


**CERNACH HOUSING ASSOCIATION**

**LIMITED**



**ALLOCATIONS POLICY**

**Date Approved by Management Committee:  
Due for Review:**

30<sup>th</sup> September 2015  
September 2018

<b>No.</b>	<b>Item</b>
1.	Introduction
2.	Risk Management
3.	Equal Opportunities
4.	Legal & Regulatory Framework
5.	Policy Objectives
6.	Access to the Housing List
7.	What Does Admission to the Housing List Mean?
8.	Annual Review of the List
9.	Audio & Translations
10.	Publicity
11.	Confidentiality and access to information
12.	The Tenancy Agreement
13.	Basis for Selection – the Points System
14.	Reasonable Preference
15.	Internal Transfers
16.	Equal Ratings of Applications
17.	Section 5 Referrals
18-24	Mutual Exchanges
25-33	Succession
34-46	Assignment
41-50	Lodgers
47-53	Sub-Letting
54-60	Leasing
61	Joint Tenancies
62	HOMES Mobility Scheme
63	Number of Offers
64	Timing of Offers
65	Changes in Circumstances
66	Applications from Staff or Committee, or Members of Their Families
67	Suspensions and Exclusions
68	Suspensions from the Transfer List
69	Exclusions from the List
70	Cancelling Applications
71	Review of Allocations/Applications/Discretion/Audit Trail
72	Policy Reporting
73	Sustainability
74	Appeals
75	Policy Review
	Appendix 1 – The Points System
	Appendix 2 – Equality Impact Assessment

## **1. Introduction**

1.1 Cernach Housing Association is a community based Registered Social Landlord (RSL), based in the Kingsridge Cleddans and Langfaulds areas in Drumchapel. It was set up in 1991 following a stock transfer from Glasgow City Council. The most recent stock transfer in March 2010 included the area of Langfaulds within Drumchapel.

1.2 The Association provides housing for rent and shared ownership and has a mixture of new build and modernised stock of houses and flats. The rented stock breakdown is as follows:

1 apartment properties	=	51
2 apartment properties	=	54
3 apartment properties	=	421
4 apartment properties	=	186
5 apartment properties	=	85
Total	=	797

1.3 Within this stock the Association has a few properties suitable for applicants with special needs i.e. ambulant disabled, amenity and care in the community properties.

1.4 Due to the relatively small housing stock and the fact that the area is stable the turnover in housing is not high.

1.5 Applicants to the housing list can therefore expect to be on the list for a significant period of time before an offer of housing may become available.

1.6 This document outlines the Association's Allocations Policy, which is one of the key documents we produce. In line with legal and good practice requirements, the unyielding principle is to allocate our housing stock to those households displaying the highest level of housing need.

1.7 In achieving this, we are committed to:

- a) Providing quality rented accommodation affordable to those in housing need.
- b) Contributing to the physical, social and economic regeneration of the area.
- c) Providing a safe environment in which all residents can live.

## **2. Risk management**

- 2.1 As a Registered Social Landlord, the Association has a duty to comply with Part 2: Social Housing Allocations and Tenancies of the Housing (Scotland) Act 2014, which outlines the legislative framework for admitting applicants to housing lists, and also allocating properties. The Association must comply with this legislation and be able to demonstrate compliance through our policy, procedure and practices.
- 2.2 Without a comprehensive and compliant Allocations Policy and Procedure, the Association are open to allegations of bias, unfairness and inequality. This, in turn, is unprofessional and would fall short of current legislation and best practice.

## **3. Equality and diversity**

- 3.1 The Association's Equality and Diversity policy, which was approved by the Committee in April 2015 following community consultation, outlines our commitment to promote a zero tolerance to unfair treatment or discrimination to any person or group of persons, particularly on the basis of any of the protected characteristics<sup>1</sup>. This includes ensuring that everyone has equal access to information and services and, to this end, the Association will make available a copy of this document in a range of alternative formats including large print, translated into another language or by data transferred to voice.
- 3.2 We are also aware of the potential for policies to inadvertently discriminate against an individual or group of individuals. To help tackle this and ensure that it does not occur, best practice suggests that organisations carry out Equality Impact Assessments to help identify any part of a policy that may be discriminatory so that this can be addressed (please see section 6 of the Equality and Diversity Policy

---

<sup>1</sup> The Equality Act 2010 identifies the "protected characteristics" as age, disability, marriage and civil partnership, race, religion or belief, gender, gender reassignment and sexual orientation.

for more information).

- 3.3 In line with section 6.3 of the Equality and Diversity Policy, the Association will apply a screening process based on that recommended by the Equality and Human Rights Commission to ascertain whether each policy requires an Impact Assessment to be carried out. The screening process was applied to this policy and it was decided that an impact assessment is required and attached as Appendix Two.
- 3.4 Statistical information will be totally confidential and have no bearing on an individual's access to the housing waiting list or any subsequent offer of housing.
- 3.5 The information gathered will be used to inform the review process to ensure the Association's Allocation Policy continues to meet its aims and objectives.
- 3.6 In order to promote equal access to housing for all, the Association commits itself to advertising its open housing list across a range of communities of varying cultural and ethnic backgrounds. In addition applications can be downloaded from our website, [www.cernachha.co.uk](http://www.cernachha.co.uk), with provision for translation service advertised on each page.

#### **4. Legislative and regulatory framework**

- 4.1 Cernach Housing Association will ensure that all allocations are carried out fairly and in accordance with this policy. This policy reflects good practice as per the Scottish Federation of Housing Associations Raising Standards in Housing revised guidance (2004).
- 4.2 The Scottish Housing Regulator : Social Housing Charter-Access to Housing and Support, Charter Outcomes 7,8 & 9 Housing Options:
- People looking for housing get information that helps them make informed choices and decisions about a 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

Charter Outcome 10 : 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.

4.3 In addition this policy complies with the relevant legislation affecting the allocation of houses by Scottish Housing Associations. In particular, the Housing (Scotland) Acts 1987, 2001, 2010 & 2014, the Homelessness etc (Scotland) Act 2003, the Management of Offenders Scotland Act 2005 and the raft of other UK equality legislation.

## **5. Policy objectives**

- 5.1 To assist in the creation and maintenance of a stable community.
- 5.2 To recognise and respond to the varying housing needs of applicants.
- 5.3 To make the most effective use of available housing stock in line with good housing management practice.
- 5.4 To maximise revenue by ensuring the efficient turnover of housing.
- 5.5 To operate a system which addresses housing need, is easily understood and can be administered effectively
- 5.6 To meet the aspirations of tenants and prospective tenants.
- 5.7 To comply with all legislation, Performance Standards as laid down by The Scottish Housing Regulator/SFHA and Good Practice Publications.

## **6. Access to the housing list**

- 6.1 The Association maintains open lists for housing so that anyone can apply at any time to be assessed for housing. All applicants will be asked to state whether or not, to their knowledge they are related to any current or former Committee or Staff Member. This will ensure that the Association complies with statutory requirements regarding the granting of benefits to current or former Committee Members or Staff of the Association, or their relatives. Our Policy and procedure on Payments and Benefits as set out by the Housing (Scotland) Act 2010 refers.

6.2 Applications will be considered from anyone over 16 years of age. The Association will encourage all applicants to seek an interview to ensure that the application has been completed correctly and will seek to ensure that all applicants who have never held a tenancy or had their own home, are interviewed when their application is received to identify any relevant support needs.

6.3 Ambulant disabled, adapted or amenity housing will be allocated, if possible, only to households with at least one member with specific needs who would benefit from the features of the property available.

#### **6.4 Re-housing Registered Sex Offenders**

6.4.1 The Cosgrove Report in 2001 highlighted serious failings in the management of Registered Sex Offenders both within prisons and within the community. One of the major issues identified was the poor communication between agencies. The report recommended that a national accommodation strategy should be established and that there should be an education and training programme for housing providers and their management bodies. Neither has yet been put in place.

6.4.2 Various publications, including by the Chartered Institute of Housing in Scotland and the University of Glasgow, have highlighted the role of frontline housing organisations in maximising community safety and minimising the risk from Registered Sex Offenders.

6.4.3 The Association does not have the capacity to perform that role. It cannot reasonably claim to be able to maximise community safety and minimise risk from Registered Sex Offenders.

6.4.4 It is a legal requirement that the application form requests information on whether the applicant or any other member of the applicant's household is subject to the notification requirements of the Sexual Offences Act 2003. The Association, in liaison with the National Accommodation Strategy for Sex Offenders (NASSO) Officer, will assess whether there is a threat to community safety. Where a threat exists the application will be suspended. The position will be reviewed if there is a material change in the circumstances. The applicant will have the right of appeal against the decision.

6.4.5 The situation with regard to housing Registered Sex Offenders generally will be kept under review and will be reconsidered when: -

- a) there is relevant statistical information provided;
  - b) a national accommodation strategy is in place;
  - c) a national education and training strategy is in place
- 6.5 All applications will be dealt with in accordance with this policy regardless of whether the applicant is a current tenant, former tenant or indeed has never held a tenancy or owned a property.
- 6.6 All applicants will be required to complete the Association's housing application form, which is readily available in the office, by post, by email or on the web [www.cernachha.co.uk](http://www.cernachha.co.uk) Staff can provide assistance in completing the form and are happy to provide any further information the applicant may require.
- 6.7 If the applicant's circumstances change, they should notify the Association as soon as possible, so that their application can be updated accordingly. The change in circumstances may result in a change in the points total.
- 6.8 Points will be awarded from the information supplied on the application form. Applicants will be notified in writing with details of points awarded, their current position on the list as at the date of the letter (explaining that this changes almost daily) and information as to how they can request a review of their points total and ultimately an appeal.
- 6.9 Applicants will be requested to provide confirmation of their circumstances. House visits will generally be carried out to verify circumstances, when an offer of housing is imminent.
- 6.10 Applicants will be advised of their housing prospects with the Association.
- 6.11 If the applicant lives outwith the Glasgow area, the Association may contact other local registered landlords to complete a house visit on the Association's behalf.
- 6.12 Applicants will be asked to sign a declaration on the housing application form, authorising the Association to request tenancy references from current and former tenancies. If the Association receives a poor tenancy reference the applicant may be contacted to discuss this issue, before the Association makes a decision on any suspension.

- 6.13 Rent Arrears – applicants with rent arrears will be considered on an individual basis. If the arrear/rechargeable repair is higher than one month's rent, the applicant should have made and kept to an agreed payment plan for a period of three months. Where a tenancy reference is received and the applicant has an arrear but is not maintaining a payment plan, they may be invited in for an interview to discuss the matter.
- 6.14 The Housing Staff will discuss this further with the Depute Director. If there are no extenuating circumstances, the applicant will be advised that their application will be suspended (see Section 26 below).
- 6.15 Anti-social behaviour – where an applicant or a person residing with the applicant who has a history of anti-social or has been the subject of an Anti-Social Behaviour Order and it has been established that has been a change of behaviour, is offered a tenancy, the Association may initially offer the tenancy on the basis, that a Short Scottish Secure Tenancy is signed. If the household commits no acts of anti-social behaviour for a twelve-month period, the tenancy will be converted to a full Scottish Secure Tenancy. Internal Transfer applicants should have no recent history of anti-social behaviour.
- 6.16 Support – sometimes applicants are identified who require support to help them sustain a tenancy which maybe offered to them, for example a person being allocated their first tenancy or someone who may have health problems, which may prevent them from sustaining a tenancy effectively. The Association tries to identify these issues by carrying out pre-tenancy interviews and/or home visits when verifying circumstances on the application. In these identified cases, the applicant will be asked if they would like the Association to make a referral to other agencies, for example, Money Advice for budgeting skills, or Social Work Department.
- 6.17 Applicants living c/o a Cernach tenant – tenants are required to get the Association's permission before taking lodgers. If the tenant is in receipt of housing benefit, the Council require to be advised of the change in circumstances, which could affect the tenant's entitlement, which may result in the tenant having a reduced Housing Benefit entitlement.
- 6.18 Permission will not be granted to take in a lodger if overcrowding would result. The applicant will be accepted onto the housing list and will be pointed in line with the policy.

- 6.19 Owner Occupiers – owners can apply for housing with the Association, however it will be made clear to the applicant that should they allocated a property, they must occupy this as their only principal home.

## **7. What does admission to the housing list mean?**

- 7.1 Applicants should understand the difference between the right to be admitted to the housing list and the right to be allocated a house. Section 9 of the Housing (Scotland) Act 2014 gives everyone over the age of 16 the right to be admitted to the Association's list. Given that our turnover is relatively low in relation to the number of applicants we have then it is likely that we will be unable to make offers for the majority of those interested in housing in our area. Consequently we provide no guarantees that any applicant will be successful in being made an offer of housing.
- 7.2 All applicants will be advised of the likelihood of being housed by the Association once their points total has been calculated. This may be of particular importance to households whose applications attract few or no points as, unless there is a change in circumstances, it may be extremely unlikely that the Association will be able to make an offer in the foreseeable future.

## **8. Annual review of the list**

- 8.1 In order to help ensure that the information held is up to date and that each applicant still wishes to be considered for housing by the Association, the lists will be subject to annual review.
- 8.2 The Association will issue a housing review letter and form, requesting general details and prompting applicants to notify the Association of any change in circumstances if applicable. Details are also sought regarding household ethnic origin, which shall remain confidential.
- 8.3 If there is no response to this letter within 14 days a further letter will be sent with a closing date of a further 7 days. It will be explained in the final letter that failure to respond will result in the removal of their housing application from the list. If the applicant fails to respond they will be removed from the list.

- 8.4 Applicants can re-apply for housing at any time, by completing a new application form.

## **9. Audio and translations**

- 9.1 The Association can provide an abridged version of the Allocation Policy and application form on tape or in Braille format should this be required.
- 9.2 Applicants who require a translation service may also have this provided.
- 9.3 These services will be provided free of charge.

## **10. Publicity**

- 10.1 The Association will publicise the availability of its housing to as wide an audience as is practicable. This will include via the distribution of posters and leaflets to Glasgow City Council, other Social Landlords, and the Social Work Departments and Community facilities.
- 10.2 Information and publicity materials will also be made available to Positive Action in Housing.
- 10.3 Information leaflets containing an abbreviated version of the Association's Allocation Policy and Procedures will be made available at the Association's office.

## **11. Confidentiality and access to information**

- 11.1 All information contained within applications will be treated in the strictest confidence and access will be restricted to staff only. No information about an applicant will be given to any other persons unless the applicant has signed a mandate that permits this or the Association is legally required to provide information to a third party, for example the Police.
- 11.2 Any information contained on computer will be treated in accordance with the requirements of the Data Protection Act 1998.

- 11.3 Applicants can request in writing that files and records covered by the Data Protection Act and relating to their applications are shown them. The files will be produced no later than 28 days from the date of request.

## **12. The Tenancy Agreement**

- 12.1 The Housing (Scotland) Act 2001 introduced the Scottish Secure Tenancy (SST), and the vast majority of lets after September 2002 will be made on this basis.
- 12.2 In certain very limited circumstances however, the Association may decide to let on the basis of Short Scottish Secure Tenancy. The circumstances are:
- a) Where the tenant/joint tenant has been evicted for anti-social behaviour in the past three years.
  - b) If the tenant or a member of the household is subject to an anti-social behaviour order.
  - c) Accommodation let on a temporary basis to someone in receipt of housing support services.
- 12.3 The short SST will initially be for a period of at least six months and will be reviewed after this time. We will aim to convert any short SST to full SST within 12 months.
- 12.4 The Association will not unreasonably reject a request for a joint tenancy with another household member.

## **13. Basis for selection – points system**

- 13.1 The Association operates a points system for assessing applications for housing as it is the most embracing, objective and accountable method and helps to exclude inconsistency and discrimination. The points system is used to compare the housing needs of all applicants so that accommodation is offered to those in the greatest need.
- 13.2 All applications are treated in exactly the same manner under the system: the same needs assessment being applied to all. The number of points awarded to an application is based on the points system, as outlined in Appendix 1.

## **14. Reasonable preference**

### **14.1 Statutory Requirements**

In line with the requirements of the Housing (Scotland) Act 2014, the Association seeks to give priority (the legal term being reasonable preference) to applicants in one or more of the following categories:

- People who are homeless or threatened with homelessness and who have unmet housing needs.
- People living in unsatisfactory housing conditions and who have unmet housing needs and
- Social housing tenants who are under-occupying.

14.2 The Association will use the points system to help ensure that reasonable preference is given to applicants in the above categories. In addition we will use compliance with Section 5 of the 2014 Act to help enhance degree of preference to homeless applicants.

### **14.3 Defining Unsatisfactory Housing Conditions**

There is no statutory definition of unsatisfactory housing conditions but the following are generally regarded as unsatisfactory.

- a) Applicants can be awarded points in more than one of the following categories:
- No cooking facilities; no inside wc; no bath or shower; no hot water supply; no central heating; dampness; rain penetration
  - If living 'care of' applicants can be awarded points for sharing either the kitchen facilities and/or bathroom facilities.
- b) Where a decision has been taken by a landlord to demolish an applicants property then points will be awarded. The onus is on the applicant to provide a letter of confirmation from their landlord.
- c) Where the house is unsuitable for the applicant's (or member of household) physical or medical disability, and a house move would significantly ease or improve their quality of life, points can be awarded. Supporting evidence will be required.
- d) Where the applicant or member of the household has a medical condition that is exacerbated by their housing conditions, points will be awarded, where a house move will ease or prevent deterioration of the medical condition. In such cases where an additional

bedroom is required for conditions that expressly require this, such as autism or kidney dialysis for example, this will be taken into account. Supporting evidence will be required.

#### 14.4 Residents in need

Points may be awarded where an applicant lives outwith Drumchapel and: -

- A move to the Association area is required to provide support and assistance to a resident within the Association area.

or

- Support and assistance is required from a resident in the area.

Evidence will be required to confirm the level and frequency of support from the applicant, the person providing/receiving support and GP/Social Work.

#### 14.5 Current Living Arrangements

- a) Applicants are requested to confirm their current living arrangements, which include living with parents/relatives; living in temporary accommodation; sub-tenant; lodger (living care of) or owner. Should none of these descriptions be accurate, applicants are requested to clarify their position. Points are awarded in accordance with the appropriate category within Appendix 1 of this policy.
- b) Points shall be awarded to those applicants who have stated they are trying to set up home for the first time. This is classed as a 'desire to live independently' and those applicants who have held one or more tenancies in the past will not qualify for these points.
- c) Generally a family will not be allocated accommodation which would cause the household to be overcrowded.

Overcrowding is calculated as follows: -

- One double bedroom is required for the applicant and, where applicable, their partner
- One double bedroom for two children of the same gender (where neither child is 16 years or over)
- One double bedroom for two children of opposite gender where both are under 10 years of age)

- One single bedroom for all other persons (or a double bedroom in the case of a couple)
- 14.6 Expectant mothers will be asked to provide proof of pregnancy before overcrowding points can be awarded. The type of property that the family will be matched to will take cognisance of the baby. Prior to any offer of housing being made the applicant must provide birth certificate.
- 14.7 Only those applicants who are the householder shall be considered for under occupancy points. These are calculated at 5 points per bed space that is not in use by the household. Where Cernach internal applicants and other social housing tenants are under-occupying, these will be calculated at 10 points per bed space that is not in use by the household. See section 15.1.
- 14.8 Points may be awarded to those applicants with children who live on the third floor or above and wish to move to a ground or first floor property.
- 14.9 Homelessness or threatened with homelessness

There are several reasons for applicants being considered as having the status of either homeless or threatened with homelessness and these are outlined below:

a) Homelessness

Applicants who state they are homeless must also make a presentation to Glasgow City Council who will then assess the applicant's case and make a decision on whether the applicant has a 'priority' or 'non-priority' decision. The decision will be given in writing to the applicant who is then required to provide the Association with a copy of the letter in order to award the points. Prior to the decision being made, the Association will assess the application based on the current information however at this stage 'homeless' points will NOT be awarded.

b) Threatened with Homelessness

Being threatened with homelessness could be because of one or more of the following: -

- i) A private let where the landlord has indicated that they wish to take repossession of the property (e.g. landlord wishes to sell property on) - A letter from the landlord would be required to verify this.
- ii) The relationship has broken down - A letter from a solicitor would be required to verify this and must relate to the address that the application is being made from.
- iii) Mortgage repossession - A letter from the mortgage provider would be required to verify this.

#### 14.10 Violence/Harassment/Abuse

Applicants who are fleeing violence, harassment and/or abuse as a result of their colour, race, nationality, ethnic origin, sex, age, disability, social background, marital status, religion, sexual orientation or domestic violence may be awarded points in this category. Verification of the allegations will be required and this can be in the form of police reports, landlord reports, reports from other relevant agencies or interdicts and in order to be valid, should relate to the property the application is being made from.

#### 14.11 In Employment

Applicants who live outwith Drumchapel who work or are due to take up permanent employment in the Drumchapel area will be awarded this category of points. The onus is on the applicant to provide verification from their employer of their employment and place of work before points are awarded.

### **15. Internal Transfers**

- 15.1 Internal transfers occur where a current tenant wishes to move to another one of the Association's properties. As with housing lists lets, allocations are made principally on the basis of housing need. All applicants for an internal transfer must therefore complete an application form, following which a number of points will be awarded. In recognition of the Welfare Reforms and in particular the reduction of benefit due to under-occupation, commonly known as the "Bedroom Tax" which came into force on April 2013, these points will be calculated as 10 points per bed space. The Association has set a quota of 50% of new lets per year to internal transfer applicants. Social

housing tenants from outwith Cernach will also be awarded 10 points per bed space.

- 15.2 All current tenants have the right to apply and be admitted to the internal transfer list. However, given the relatively low turnover of stock, it is not possible to guarantee that any offers will be made, and applicants will be made aware of this.
- 15.3 The applicant's rent account should be no more than one month's rent in arrears whereby there is a rent arrear agreement in place, which has been adhered to for three months. Tenants who have an outstanding rechargeable repair debt must clear this account prior to any offer being made.

## **16. Equal rating of applications**

- 16.1 In line with recommended practice, the allocation system prioritises housing need over time on the list. However, should two or more applicants have the same points total at the top of the list, the offer will be made to the application with the who has had the need for the longer period.

## **17. Section 5 Referrals**

- 17.1 It is the Association's duty, under Section 5 of the Housing (Scotland) Act 2014, to assist the local Council in housing homeless people. This is done via referrals from Glasgow City Council's Homeless Casework Team and the procedures to be followed are outlined in a protocol agreed with the Council and the RSLs operating in the area.
- 17.2 The Association will seek to hold meetings with the Council on a regular basis to discuss how the protocol is working in practice and to identify any areas where this could be improved.

## **18. Mutual Exchanges**

- 18.1 This section outlines the right of tenants to apply for and carry out a Mutual exchange under the provision of the Housing (Scotland) Act 2014. The main aim of this is to clarify to tenants how this legislation is carried out in practice.

18.2 A mutual exchange takes place when two tenants agree to exchange houses with each other. Those wishing to exchange must be tenants of a Registered Social Housing Landlord, i.e. a local authority, housing association or housing co-operative. Tenants do not need to have the same landlord, but the exchange requires the approval of both landlords involved. In order to further facilitate mutual exchanges, we have set up a mutual exchange folder which allows tenants to enter their current housing details and what size and location they would like to mutually exchange to. This list is also available on our website.

## **19. Eligibility**

19.1 In effect, any Scottish Secure Tenant has a right to mutually exchange their property with another property provided that property is governed by a Scottish Secure Tenancy. However to do so both tenants must have written consent from their landlords.

19.2 This section outlines reasonable grounds for the refusing a Mutual Exchange Application. These are contained in Section 20. These grounds will be considered prior to approving any application. Unless there is a recognised housing need, tenants will not be considered for a Mutual Exchange unless they have tenanted their property for at least 12 months.

### **19.3 Charter Outcomes**

In considering mutual exchanges the Association must comply with the Housing (Scotland) Act 2014. This is embodied in the Association's Scottish Secure Tenancy Agreement. In implementing this, the Association will be complying with the Scottish Housing Charter: Charter Outcomes listed below.

#### **a) Charter Outcome No. 10**

We ensure that people have fair and open access to our housing list and assessment process. We work with others to maximise and simplify access routes into our housing.

#### **b) Charter Outcome No.7, 8 & 9**

We let houses in a way that gives reasonable preference to those in greatest need: makes best use of available

stock: maximises choice: and helps to sustain communities.

## **20. Grounds for Refusal**

- 20.1 The Association is required to provide written consent or refusal on a Mutual Exchange Application. Permission will only be withheld where there are reasonable grounds for doing so. Grounds for refusing the exchange will include, but will not be restricted to, the following:
- a) Overcrowding or under-occupation of the property would occur as a result of the exchange.
  - b) Where a tenant is in clear breach of their tenancy e.g. both rent accounts should be clear.
  - c) A Notice of Proceedings for Possession has been served on the tenant.
  - d) An order for Recovery of Possession has been made against the tenant.
  - e) If either tenancy inspection is unsatisfactory and there would not be enough time for the tenant to carry out the necessary repairs a refusal should be issued to the tenant(s) detailing the outstanding repairs.
  - f) The proposed incoming tenant (if not currently a tenant of Cernach Housing Association) was previously evicted for anti social behaviour within the last 5 years.
  - g) One of the properties has been designed or adapted for occupation by a person whose special needs require accommodation of the kind provided by the house and, if the exchange took place, there would no longer be a person with such special needs occupying the house.
  - h) If the Association is not satisfied that a genuine exchange is taking place.

- 20.2 If the exchange is approved it will be expected that both tenants will reside in the properties for a minimum period of one year. If either tenant terminates their tenancy within one year the Association will consider the Recovery of Possession of the other tenancy. This would be in circumstances where we believed that we were induced to grant the tenancy by a false statement made knowingly or recklessly by the tenant.
- 20.3 It will be a condition of exchange that both tenants have held a tenancy of the property they are seeking to exchange out of, and lived in the property as their principle home, for at least 12 months.

## **21. Tenancy**

- 21.1 A Scottish Secure Tenancy will normally be granted to tenancies created as a result of a mutual exchange
- 21.2 In these circumstances the Association will fully explain the implications of signing such a tenancy e.g. the potential implications associated with the Right to Buy, i.e. if either party had the preserved right to buy this right will cease upon the granting of the new tenancy.

## **22. False Information**

Anyone applying for a Mutual Exchange will have to sign the application form thereby certifying that the information is correct and no false or misleading information has been given in order to get the tenancy, or relevant information withheld. Should the Association discover that an application has been falsified then the Association may commence legal action with a view to repossession of the tenancy.

## **23. Appeals**

Any applicant who feels their application for a Mutual Exchange has been unfairly dealt with has a right of Appeal. This is detailed in the Complaints Policy, which is available at the Association's office and the website [www.cernachha.co.uk](http://www.cernachha.co.uk).

## **24. Reporting**

A detailed report on the number of applications for Mutual Exchange received by the Association as well as the numbers granted and those

refused will be submitted on an annual basis to Property Management Sub-Committee in April of each year.

## **25. Succession to tenancy**

25.1 Succession is where on the death of the tenant, a partner, family member or as the law now states a carer, would have the right to inherit the tenancy if they were resident in the house and it was their only or principal home at that time.

25.2 This policy outlines the rights of succession granted to Scottish Secure Tenants under the provision of the Housing (Scotland) Act 2014. The Association will administer the process in a professional and timely manner.

## **26. Legal Framework**

In considering applications to succeed a tenancy the Association must comply with the Housing (Scotland) Act 2014 and in implementing this policy the Association is complying with the under noted relevant Charter Outcomes.

- a) Charter Outcome 10, we let houses in a way that gives reasonable preference to those in greatest housing needs; makes best use of available stock; maximises choice; and helps to sustain communities.
- b) Charter Outcome 12, we help to prevent homelessness arising in the first place, and its recurrence when it has occurred.

## **27. Qualifying Priorities**

The act provides for two rounds of succession and at three qualifying levels, these are contained within the Tenancy Agreement.

## **28. Qualifying Persons**

28.1 Level 1, the surviving spouse, co-habitee / partner of either sex, (providing it was their only or principal home, for a period of at least 6 months, prior to the death of the tenant or joint tenant).

**If no one qualifies at level 1**

- 28.2 Level 2, a member of the tenant's family providing they are over 16 years of age and the house was their only or principal home at the time of the tenant's death.

**If no one qualifies at level 2**

- 28.3 Level 3, a carer providing they are at least 16 years of age and they gave up their only or principal home to provide care to the tenant or a member of the tenant's family. The tenant's house must be their only or principal home, at the time of the tenant's death.

***If no one qualifies at level 3 the tenancy will be ended.***

## **29. Family Discretion**

In the event of there being more than one qualifying person at any level the family will be given the opportunity to decide amongst themselves who should succeed. If they are unable to decide the Association will determine who will succeed to the tenancy.

## **30. Houses designed or specifically adapted for tenants with special needs**

- 30.1 Under Section 17 of the Housing (Scotland) Act 2014, where the house has been designed or significantly adapted for someone with special needs, succession will only be granted to qualifying persons with a requirement for this type of accommodation. Only qualifying persons at level 1 and at first round, with a requirement for this type of accommodation, can qualify for succession to that specific property. Persons with a requirement for this type of accommodation, at levels 1, 2 or 3 can be considered for succession.
- 30.2 Where a qualifying person at any level of succession has been refused succession to the specific property as a result of not having a requirement for that type of accommodation, the Association will offer suitable alternative accommodation within a reasonable time period. The successor can remain in the property until such times as appropriate accommodation has been secured.

## **31. Appeals**

31.1 Any applicant who feels their application has been unfairly dealt with has a right of appeal. This is detailed in the Complaints policy, which is available in reception. In the first instance, the appeal will be considered by the Director.

31.2 An appeal should be received within 14 days from receipt of the written decision by the Association. And a response from the Association will be given within 28 days.

## **32. Qualifying persons not seeking to succeed tenancy**

If someone qualifies for the tenancy, but does not want it, the Association should be given written notice of refusal to succeed within four weeks of the death and the property vacated within three months. Rent will be due and payable for the actual period of occupation by the qualifying person.

## **33. Reporting**

A detailed report on the number of applications to succeed received by the Association as well as the numbers granted and those refused will be submitted on an annual basis to Management Committee. This will normally be considered with the year end matters in April.

## **34. Assignment**

34.1 This outlines the rights of assignment granted to Scottish Secure Tenants under the provision of the Housing (Scotland) Act 2014. The main aim of this Policy is to clarify to tenants and applicants how this legislation is carried out in practice.

34.2 The Assignment of a tenancy occurs when a tenant elects to transfer the rights of their tenancy to a third party. Section 38 highlights the eligibility criteria for assignment as not all rights transfer and not all applicants will be eligible.

34.3 An Assignment Application will be responded to within 28 days of the Association receiving the completed application.

## **35. Performance and Legal Framework**

- 35.1 Legislation governing Tenancy Assignations is covered by the Housing (Scotland) Act 2014.
- 35.2 The Association's general approach to dealing with assignations of tenancy is based on good practice, the Raising Standards Manual from SFHA (Scottish Federation of Housing Associations).

### **36. Eligibility**

- 36.1 In effect, any Scottish Secure Tenant has a right to assign their tenancy to an individual who has been resident in their home for more than six months. However to do so the tenant must have had written consent from the Association and the applicant ("assignee") must be able to prove that the property has been their only or principal home for a period of not less than six months prior to the date of application.
- 36.2 Section 40 of the policy outlines reasonable grounds for refusing an application to assign, and these will be considered prior to approving any application.
- 36.3 Should the tenant wishing to assign their tenancy have a **Preserved Right To Buy**, this will **NOT** be transferred to the assignee.

### **37. Grounds for refusal**

- 37.1 The Association is required to provide written consent or refusal on an Assignment Application. Permission will only be withheld where there are reasonable grounds for doing so, such as: -
- a) The application fails on grounds of residency qualification as outlined at section 5.1 of this Policy;
  - b) A Notice of Proceedings for Repossession has been served on the tenant specifying any of the "conduct" grounds set out in paragraphs 1 to 7 of Schedule 2 of the Act;
  - c) An order for Recovery of Possession of the house has been made against the tenant under Section 16(2) of the Act;
  - d) The tenant does not have a clear rent account (or has other debts with the Association) with no clear arrangement in place which has been adhered to for a minimum of 3 months;
  - e) If the Pre End of Tenancy Inspection is unsatisfactory and there would not be enough time for the tenant to carry out the necessary repairs a refusal should be issued to the tenant detailing the outstanding repairs;

- f) The proposed assignee owes the Association a debt and has not adhered to a reasonable arrangement for 3 months in respect of that debt;
- g) The Association has received complaints of anti social behaviour against the proposed assignee;
- h) The proposed assignee has exhibited Violent or threatening behaviour towards staff;
- i) The proposed assignee was previously evicted for anti-social behaviour within the last 5 years (this includes eviction by other social landlords);
- j) The proposed assignee abandoned a local authority or housing association tenancy within the last 3 years;
- k) The proposed assignation will lead to substantial overcrowding or under occupation;
- l) If it transpires that the tenant is receiving any payment for the assignation.

### **38. False Information**

Anyone applying for assignation will have to sign the application form thereby certifying that the information is correct and no false or misleading information has been given in order to get the tenancy, or relevant information withheld. Should the Association discover that an application has been falsified then the Association may commence legal action with a view to repossessing the tenancy.

### **39. Appeals**

- 39.1 Any applicant who feels their application for assignation has been unfairly dealt with has a right of Appeal. This is detailed in the Complaints Policy, which is available at the Association's office.
- 39.2 Initially the Director of the Association will deal with your appeal, and if you are still unhappy you can appeal further to the General Purposes Sub-Committee of the Association. Ultimately, you have a final right of appeal to the Public Services Ombudsman. The Complaints Policy details the way in which you can complain and the timescales for responding.

### **40. Reporting**

A detailed report on the number of applications for assignation received by the Association as well as the numbers granted and those refused

will be submitted on an annual basis to the Property Management Sub-Committee in April of each year.

## **41. Lodgers**

- 41.1 Lodging is where a tenant of the Association wishes to allow part of the property they rent from the Association to be used by a third party for a specified period. During this time the legal contract still exists between the Tenant and the Association and no contract is entered into between the Association and the lodger.
- 41.2 The Housing (Scotland) Act 2014 re-affirms the implied term of the Housing (Scotland) Act 1988, that the tenant with the written consent of the landlord, may sub-let the whole or part of the property. Where the tenant is proposing to let part of the property this will be treated as Lodger Application.
- 41.3 Every application will be logged and its progress recorded on the Association's computer system.
- 41.4 The appropriateness of a Landlord's decision on a Lodger application is found in statute and the Association will not withhold permission without good reason. A written decision will be issued to the tenant within 28 days of receipt of the application.
- 41.5 This policy outlines the right to take in a lodger in accordance with the provisions of the Housing (Scotland) Act 2014 and as detailed in the Tenancy Agreement.

## **42. LEGAL FRAMEWORK**

- 42.1 The current legal context for lodger applications is contained within the Housing (Scotland) Act 2014 and detailed within the Scottish Secure Tenancy Agreement.
- 42.2 In preparing this Policy, statutory requirements, and good practice outlined in 'Raising Standards' have been incorporated where required. In implementing this policy the Association will comply with AS1.3 Tenancies which states "We offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and landlord. We act to uphold these rights and duties in a fair and responsible manner".

### **43. Grounds for Refusal**

43.1 The Association is required to provide written consent or refusal on a lodger application. Permission will only be withheld where there are reasonable grounds for doing so, such as: -

- a) A Notice of Proceedings for Possession has been served on the tenant specifying any of the “conduct” grounds set out in paragraphs 1 to 7 of Schedule 2 of the Act;
- b) An order for Recovery of Possession of the house has been made against the tenant under Section 16 (2) of the Act;
- c) It appears to the landlord that the tenant is to receive a payment for the sublet or any other transaction which is other than a reasonable rent or reasonable and returnable deposit;
- d) The proposed lodger owes the Association a debt and has not adhered to a reasonable arrangement for 3 months;
- e) The proposed lodger was previously evicted for anti-social behaviour within the last 5 years (this includes eviction by other social landlords);
- f) The transaction would lead to overcrowding; and
- g) The landlord proposes to carry out work to the house or building which would affect the accommodation likely to be used by the subtenant or other person who would reside in the house as a result of the transaction.

### **44. False Information**

Anyone applying to provide accommodation to a lodger within their tenancy will have to sign the application form thereby certifying that the information is correct and no false or misleading information has been given in order to influence the decision to approve the application, or relevant information withheld which may affect the decision. Should the Association discover that an application has been falsified then the Association may either cancel the application or commence legal action with a view to recovering the tenancy if this is required.

### **45. Appeals**

Any applicant who feels their application for a lodger has been unfairly dealt with has a right of Appeal. This is detailed in the Complaints Policy, which is available at the Association’s office and on the website [www.cernachha.co.uk](http://www.cernachha.co.uk).

## **46. Reporting**

A detailed report on the number of lodger applications received by the Association as well as the numbers granted and those refused will be submitted on an annual basis to the Property Management Sub-Committee in April of each year.

## **47. Sub-Letting**

47.1 Sub-letting is where a tenant of the Association wishes to allow a part, or the whole of the property he/she rents from the Association to be used by a third party for a specified period, not usually longer than 6 months. During this time the legal contract still exists between the 'Tenant' and Cernach Housing Association.

47.2 The Housing (Scotland) Act 2014 re-affirms the implied term of the Housing (Scotland) Act 1988, that the tenant with the written consent of the landlord, may sub-let the whole or part of the property.

## **48. Aims**

48.1 This outlines the right to sublet in accordance with the provisions of the Housing (Scotland) Act 2014 and as detailed in the Association's Tenancy Agreement.

48.2 The Sub-let procedure, details how an application, for sub-let, will be dealt with internally, by officers of the Association. Every application will be logged and its progress recorded on the Association's computer system.

48.3 The appropriateness of a Landlord's decision on a Sub-let application is found in statute, and Cernach Housing Association will not withhold permission without good reason. A written decision will be issued to the tenant within one month of receipt of the application.

## **49. Legal Framework**

49.1 This policy framework is governed by and the Housing (Scotland) Act 2014.

49.2 The sublet shall not become a protected tenancy or a secure tenancy within the meaning of the Rent (Scotland) Act 1984. Neither does it become an assured tenancy.

## **50. Who has the right to sub-let**

Any Scottish Secure Tenant who can demonstrate good cause for having to be away from their home, such as work or family commitments, has the right to sub-let their tenancy in accordance with the legislation and this Policy. The tenant must provide satisfactory evidence that they intend to return and that the property will remain their principal home.

## **51. False Information**

Anyone applying to Sub-let their tenancy will have to sign the application form thereby certifying that the information is correct and no false or misleading information has been given in order to influence the decision to sub let the tenancy, or relevant information withheld which may affect the decision. Should the Association discover that an application has been falsified then the Association will cancel the application and/or commence legal action with a view to recovering the tenancy.

## **52. Appeals**

Any person who feels they have had their application unfairly dealt with, can submit an appeal within 14 days of the date of notification of refusal. The appeal will be reviewed by the Director. If the person remains unsatisfied by the response, they have the right to have their appeal referred to the Appeals Sub – Committee.

## **53. Reporting**

All details of approved sublets will be recorded within the tenant's house-file and monitored regularly to ensure adherence and frequency of requests. A fully detailed report of approved sublets will be submitted to Committee on an annual basis normally with the year-end information in April.

## **54. Leasing**

- 54.1 Section 66 of the Housing (Scotland) Act 2014 requires Registered Social Landlords to obtain formal written consent from The Scottish Housing Regulator, for the disposal of land or an interest in land in order to make that disposal valid. Some disposals however are covered by the General Consent and the prior written consent is not required. The rules and procedures surrounding all Disposals are outlined in the Association's Section 66 Policy.
- 54.2 All Leases are considered as disposals and are covered by the General Consent. The circumstances in which the Association will lease properties and the Organisations we will lease to is outlined below.

## **55. Objectives**

- 55.1 The objective of this is to clearly define the circumstances in which we will lease properties and the organisations we will lease to.
- 55.2 Staff have delegated authority to enter into leasing arrangements in line with this policy but any proposal to lease which falls outwith the terms of this policy must be referred to the governing body for a decision.
- 55.3 Our aim is to meet our obligations to promote equalities and contribute to meeting the needs of the wider community. To achieve this we will make a number of properties available to organisations working with people with support needs and to local authorities where appropriate.
- 55.4 Where leasing is found to be the most appropriate option the governing body delegates authority to the Director to sign agreements on its behalf.

## **56. Compliance with charter outcomes**

"We offer the most secure form of tenancy compatible with the purpose of the housing. The agreement makes clear the rights and duties of the tenant and landlord. We act to uphold these rights and duties in a fair and responsible manner", and good practice Cernach Housing Association Limited will only lease properties to a third party on an exceptional basis. Our policy is to provide the most secure form of tenancy compatible with the purpose of the housing. Therefore, wherever possible we will provide direct tenancies for individuals.

## **57. Leases- General Principles**

- 57.1 When we lease property we will ensure the lessee uses the appropriate model leases, tenancy and occupancy agreements currently available.
- 57.2 When we enter into a lease where we need to consider a variation on an existing model tenancy or occupancy agreement we will seek legal advice to ensure that we are maximising the security of tenure for the individual. This may arise because of the design of the accommodation or the nature of the client group.
- 57.3 To meet our policy objectives we will generally only lease property for use as temporary accommodation. There will be exceptions however where the accommodation is a person's permanent home. Accommodation registered with the Care Commission as a care home, for example, for people with dementia would fall into this category.

## **58. Approved Lessees**

- 58.1 We will lease properties to the following organisations where it is appropriate due to the client group being housed and the nature of the support being provided. The Management Committee will consider other organisations upon a recommendation from Glasgow City Council, Homelessness Partnership Team (Homelink).
- a) Glasgow City Council - Accommodation for use as temporary accommodation for homeless people.
  - b) Real Life Options - Office / sleepover accommodation for staff serving highly supported or multi property projects.
  - c) Turning Point – office/sleepover and accommodation for use as temporary 'thro put' accommodation, move on Project
- 58.2 We will make every effort to safeguard our properties and the people living in them. In determining an organisations suitability as a lessee we will consider its track record including its financial position (consideration of financial viability is relaxed in the case of local authorities).
- 58.3 If organisations not listed want to lease properties from us the Director will present a report to the governing body making recommendations as to their suitability.

## **59. Audit Trail**

We will maintain a clear audit trail showing that we have;

- a) Examined all other available options in deciding that leasing is the most appropriate arrangement;
- b) Ensured that the lessee has granted the most secure form of tenure compatible with the purpose of the housing;
- c) Demonstrated good reasons for departing from the terms of any model agreements. This should include where the;
  - I. Lease is for longer than three years;
  - II. Appropriate SFHA Model lease is not used;
  - III. Model is used but some clauses are omitted or amended;
  - IV. Appropriate model occupancy or tenancy agreement is not used.
- d) Managed risks, covered costs and taken steps to ensure Sustainability.

## **60. Review Meetings**

60.1 We will review the management of leased properties regularly by holding liaison meetings with the lessee at least every six months or as appropriate to the project.

60.2 We will report annually to the governing body setting out;

- a) the number of leases;
- b) the organisations we have leased property to;
- c) the expiry date for the lease;
- d) any management issues relating to the conduct of the lease (this should include estate management issues, complaints made and received, financial issues and repairs) and;
- e) whether we have renewed leases.

## **61. Joint Tenancies**

### **61.1 Introduction**

The aim of the joint tenancy policy and procedure is to clarify the position in relation to the granting of or refusal of joint tenancies.

The Housing (Scotland) Act 2014 provides tenants with a right to have a joint tenancy as well as a sole tenancy in accordance with Section 11(5) of the Act.

## **61.2 Performance & Legal Framework**

Legislation governing Joint Tenancies is covered by the Housing (Scotland) Act 2014.

The Association's general approach to dealing with joint tenancies is based on good practice, the Scottish Social Housing Charter and legislation.

In implementing this, the Association is complying with The Scottish Social Housing Charter Outcome 10. "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".

Outcome 11. Tenancy Sustainment : "tenants get the information they need on how to obtain support to remain in their home; and ensure suitable support is available, including services provided directly by the landlord and by other organisations".

## **61.3 Risk Management**

By having a written detailed Policy for dealing with joint tenancies the Association is able to ensure that a uniform and professional approach is adopted throughout the organisation and the service delivered is compliant with law, best practice and internal policy.

## **61.4 Requirements**

Any tenant is entitled to a joint tenancy with one or more individuals, so long as the house is, at the start of the Joint Tenancy, to be the only or principal home of all of the tenants.

The tenant must apply in writing and where an application for a joint tenancy is made, the landlord must grant the joint tenancy unless it has reasonable grounds for not doing so. The reasonable grounds for refusal are detailed below.

There is no limit to the number of occasions on which a joint tenancy can be created. Nor is there any limit to the number of joint tenants.

A decision will be made on the application and submitted to the applicants in writing, within 28 days from receipt of the written application.

#### **61.5 Reasonable grounds for refusal**

Should the current sole tenant or the persons(s) applying to become a joint tenant, owe the Association more than one months rent and have not kept to an agreement for at least three months to reduce the debt (for either current or former tenancies), then the application will be refused.

If the application includes an individual who has been evicted from their tenancy for anti-social behaviour they will incur the same penalty as they would under the Allocations Policy – Suspensions & Exclusions; that is, 3 – 5 years. Other incidences of anti-social behaviour would follow the Allocations Policy for either applicant for a Joint Tenancy – up to 2 years, subject to review.

#### **61.5 Termination of joint tenant's interest**

Section 13 of the 2014 Act provides that a joint tenant may terminate his or her interest in the tenancy by giving 4 weeks' notice in writing to the Association and the other joint tenant/s.

Under the Matrimonial Homes (Family Protection) (Scotland) Act 1981, the consent of the “non-entitled spouse” of any joint tenant relinquishing a tenancy would also be required. This would only apply where the non-entitled spouse was not a joint tenant, for example if 2 brothers were joint tenants but one brother had a partner who was not a joint tenant.

On receiving a termination from a joint tenant, the Association will seek verification that proper notice has been served on the other joint tenant(s).

Abandoning one part of a Joint Tenancy is explained in the Abandoned Tenancies Policy.

## **62. Homes Mobility Scheme**

62.1 The Association participates in the HOMES mobility scheme. Criteria for eligibility are as follows:

a) Employment

On the basis of a specific local job offer which cannot be accessed from current address.

b) Relative in Need

Giving or receiving support to/from a relative in need on the basis of medical supportive evidence and analysis of the need factor where support cannot be accessed from their current address.

c) Training/Education

On the basis of a specific local training/education offer within the area.

62.2 Criteria for Nomination under the HOMES Scheme

This will only be pursued where the proposed landlord has given an initial verbal agreement that they will accept a nomination at that time. Refusal from the proposed landlord will make it impossible for the Association to successfully progress the applicants request.

## **63. Number of Offers**

There is no limit to the number of offers that can be made to an applicant. However should an applicant refuse more than one offer then they will be interviewed to review their application in relation to where they wished to be rehoused.

## **64. Timing of Offers**

Where notice has been given of a termination of tenancy and the property is in a good condition a selection should be made on the property before the end of tenancy date. This should include the prospective tenant being able to view the property, accompanied

by a member of the Association's staff prior to the present tenant moving out (provided that this is suitable to the outgoing tenant). This should help reduce void periods and minimise lost rents.

## **65. Changes in Circumstances**

- 65.1 Applicants whose have a change in circumstances from their initial application must advise the Association of these changes.
- 65.2 All applications will be checked at the time of any offer and should there be any changes that result in the points level reducing the offer will not proceed unless the new total results in the case remaining at the top of the list.

## **66. Applications from staff or committee members or their families**

- 66.1 The Association may grant a tenancy to employees, Committee members, former employees, former Committee members and close relatives of those above. Guidelines are in place to deal with such allocations to ensure the allocation has been dealt with in accordance with policy, and that the person has had no involvement in or influence over the process by which the Association allocated the tenancy. A question is included in the housing application form to enable applicant declare if they have any relationship with the staff or Committee.
- 66.2 The Association has a Schedule 7 Register in which it details every allocation made in this way. This provides additional safeguards to our tenants and members as this Register is inspected by The Scottish Housing Regulator as part of its regulatory function and our internal auditor as part of any audit visit, with individual allocations being selected at random and checked for appropriateness by either of these bodies. Penalties for breaching this regulation are quite significant.

## **67. Suspensions & Exclusions**

- 67.1 The Chartered Institute of Housing with the Scottish Executive in their publication, "Suspending Applicants on Housing Registers – *A Guide for Housing Professionals*", provided the following definitions:
- a) An exclusion refers to when an applicant applies to go on to a housing register but is refused access to that register. However,

no one can be excluded from a housing register of a local authority or Registered Social Landlord provided they are over the age of sixteen;

- b) A suspension happens when someone has been assessed for and accepted onto a housing register but is told that he or she will not be eligible for an allocation to, or offer of housing, until either a certain period has elapsed, their conduct has changed or a change in circumstances has occurred.

#### 67.2 Reasons for suspensions

There are a number of scenarios where the issues of suspending applicants arise and the Act attempts to be clear about what is permitted and not within these parameters.

All suspensions from the list require to be authorised by a member of the Management Team. The following circumstances may be considered when considering a suspension.

##### a) Debt

Landlords can suspend applicants who have rent arrears or certain other debts. i.e. service charges/rechargeable repairs. However suspensions are not permitted in the following scenarios: -

- a. Where the applicant has paid the rent arrears, or former tenant arrears off;
- b. Where there was a debt but it is less than one months rent;
- c. Where there was a debt but an agreement has been made and the agreement has been adhered to for 3 months and is continuing to do so;
- d. Where the debt is not linked to the tenancy of the house, e.g. council tax arrears
- e. Where the debt was not the responsibility of the applicant, i.e. they were not the tenant.

The Association will therefore suspend applicants who have either current or former rent arrears or other associated tenancy debts, which are more than one months rent and where there is either no arrangement in place, or that arrangement has not been adhered to for 3 months. Debt Suspensions will be reviewed on an annual basis. The

onus is on the applicant to inform the Association if they clear the debt during this period.

*b) Anti-Social Behaviour*

The application will be suspended if an applicant or a member of the household has a history of serious anti social behaviour or an applicant or a person who it is proposed would reside with the applicant is the subject of an Anti Social Behaviour Order/Contract.

Before a suspension can be lifted there needs to be evidence of a change in behaviour. Where there is an ASBO or ABC the suspension will last until 12 months after the ASBO or ABC has been removed.

If the applicant has been evicted for anti-social behaviour, they will be suspended for 3 years and this will be dependent on evidence of a change in behaviour, such as a new tenancy report or no further anti social misdemeanours.

Other anti-social behaviour will result in a suspension for 6 months at a time but before a suspension is lifted there needs to be evidence of a change in behaviour which could be as with that detailed above, or simply the eradication of ongoing neighbour complaints.

*c) Violent or threatening behaviour*

This type of behaviour towards staff is a ground for suspending an applicant. These suspensions will be authorised by a member of the Management Team and will be reviewed every 12 months.

*d) Condition of Property/Breach of Tenancy*

Applicants may be suspended for the condition of their property, or indeed bypassed for an offer if the condition of their current tenancy is in breach of their conditions, e.g. hazardous, rubbish, vandalism, control over pet's etc. However this will relate to the tenancy and not the applicants personal housekeeping standards. Suspensions under this remit will be reviewed after 12 months.

The Association will not apply suspensions to applicants who turn down offers of accommodation. Instead they will be interviewed to

assess exactly what they are looking for and to avoid future abortive offers. They may be by-passed for future offers if we are still re-assessing their choices; i.e. they have not responded to our requests to discuss choices.

e) Abandonments

In most cases an abandonment will be accompanied by unpaid rent, rechargeable repairs etc and they will be suspended anyway as per the debt section. Notwithstanding this an application will be suspended for 12 months if the applicant has abandoned a tenancy in the last 2 years.

In line with the recommended practice the Association would expect the number of suspensions to be very low and, in all cases applicants will be advised in writing specifically why the application has been suspended and the period of suspension. The Applicant will be advised of how the suspension could be removed and their right to appeal and agencies who could assist with the appeal.

**68. Suspensions from the transfer list**

The same suspension criteria will apply to applicants for internal transfers.

**69. Exclusions from the list**

The Association will not exclude any applicant over the age of 16 from the housing or transfer lists.

**70. Cancelling applications and removals from the list**

It will not be the usual practice for the Association to remove applicants from the lists and where this does occur it will be confined to the following circumstances:

- a) The applicant has been offered a tenancy by us and this has been accepted;
- b) The applicant has requested to be removed from the list (preferably in writing);

- c) The applicant has died;
- d) The applicant has not responded to the review process;
- e) If mail sent to the applicant has been returned by the Post Office as 'gone away'
- f) The Association is advised by another landlord that an applicant has been allocated a tenancy elsewhere.

The Association will exercise caution before they remove people from the housing list. If there is no response to a letter then a follow up letter should be sent, making it clear to the applicant that should they fail to respond their application will be removed from the list. A final letter will be sent to advise the applicant that their application has been cancelled. An applicant can re-apply at anytime, however they must complete a new application form.

## **71. Review allocations/applications audit trail**

- 71.1 Generally allocations will be made to the applicant with the highest points total from a particular list. Where more than one application has the same points total the application with the earliest date will usually be allocated a vacant property. However discretion can be used by a member of the Management Team to allow individual circumstances and previous history of a property to be taken account of. Allocations of this nature will be well documented and a clear audit trail demonstrated.
- 71.2 The Association will formulate an audit trail to demonstrate how and why a particular let was allocated. This record will demonstrate that decision-making and practice is fair and consistent in line with the Allocations Policy, including any discretionary elements in the policy.
- 71.3 The pointing of applications and all allocations will always be signed by two officers of the Association.
- 71.4 The Association will carry out an annual review of the Housing list to purify the list. Applicants failing to respond will be removed from the list and application cancelled.

## **72. Policy reporting**

Each month the Property Management Sub Committee receives detailed reports on the following:

- a) Number of Applications for Housing received – by House size, ethnic origin and disability; age over 65, lone parent, in employment, and whether employed in the Drumchapel area;
- b) Time to taken to process applications – measured against target;
- c) Allocations illustrating the number of properties let to Section 5 referrals, and each Group showing a monthly and annual comparison trend, and highlighting average days taken to let properties;
- d) Tenancies Ended illustrating the reasons for tenancy termination;
- e) Number of applications cancelled/suspended.

## **73. Sustainability**

The Association seeks to ensure that that individual tenancies are sustainable and in order to achieve this we strive to: -

- a) Match people with appropriate properties, for example meeting physical mobility needs;
- b) Housing people in appropriate locations – close to support networks, schools etc;
- c) Promote stable, balanced communities – this is not straightforward but the ideal is avoiding over concentrations of one particular household or housing need in specific areas, while at the same time trying to avoid potential clashes of lifestyle.

## **74. Appeals**

74.1 Any applicant who feels their application for housing has been unfairly dealt with has a right of Appeal. This is detailed in the Complaints Policy, which is available at the Association's office.

74.2 Initially the Director of the Association will deal with the appeal. Ultimately, the applicant has a final right of appeal to the Public Services Ombudsman. The Complaints Policy details the way in which a customer can complain and the timescales for responding.

## **75. Policy Review**

This policy will be reviewed every three years or sooner where changes in legislation affect procedure. In order to do this effectively, the Management Committee must be able to assess how well the ways in which the policy has been operated meets with the agreed objectives. The success of this policy shall be measured against the following outputs and outcomes: -

<b>Outputs</b>	<b>Outcomes</b>
Monthly record of applications received and granted maintained and reported to Property Management Sub Committee.	Staff and Committee awareness of Housing List movements.
Record of time taken to process applications measured against target maintained and reported	Raised awareness of performance and incidences of poor performance quickly rectified
Annual review of housing list	Ensures up to date household information and applicants choices and needs is held on file and prevents aborted offers being made
Report on tenancies ended and allocations made	Staff and Committee awareness of tenancy movements and heightened awareness of reasons for tenancy termination

# Cernach Housing Association Allocations Policy – Appendix 1

---



## APPENDIX ONE

### THE POINTS SYSTEM

#### AWARD LEVELS

#### 1. UNSATISFACTORY HOUSING CONDITIONS

Points may be awarded for more than one of the following conditions that are deemed unsatisfactory. Verification of these circumstances will be confirmed at house visit.

No cooking facilities .....	5 points
No inside WC .....	5 points
No bath or shower .....	5 points
No hot water supply .....	5 points
No central heating .....	5 points
Dampness .....	5 points
Rain penetration .....	5 points
Sharing Kitchen and/or Bathroom facilities.....	5 points
Property being demolished (landlord to confirm) .....	10 points

Medical (Physical Disability) ..... 20 Points

This category of points is awarded where the applicant's condition or a member of the household is such that their present accommodation is unsuitable for their condition and rehousing is necessary to improve quality of life. GP evidence will be required to support this. The household member who has the most health related points would have the points allocated to the application. Points will NOT be allocated without sufficient supporting evidence.

Medical (Other) ..... 12 points

This category of points is awarded where the applicant or a member of the household is experiencing difficulty in their present accommodation and being re-housed would ease or prevent deterioration of the medical condition. GP evidence will be required to support this. The household member who has the most health related points would have the points allocated to the application. Points will NOT be allocated without sufficient supporting evidence.



**APPENDIX ONE (Cont'd)**

**2. RESIDENT IN NEED..... 12 points**

Points may be awarded where an applicant lives outwith Drumchapel and: -

- i) A move to the Association's area is required to provide support and assistance to a resident within the Association's area.  
OR
- ii) Support and assistance is required from a resident in the area.

Evidence will be required to confirm the level and frequency of support from the applicant, the person providing/receiving support AND GP/Social Work. Points will NOT be allocated without sufficient supporting evidence.

**3. CURRENT LIVING ARRANGEMENTS**

Applicants are requested to confirm their current living arrangements, which include the following: -

- living with parents ..... 0 points
- living with other relatives ..... 5 points\*
- lodger (living care of (not with parents)) ..... 5 points\*
- living in temporary accommodation (refer to section on homeless/threatened for points)
- sub-tenant (refer to section on homeless/threatened for points)
- owner (refer to section on homeless/threatened for points)

Desire to live independently ..... 5 points

Points shall be awarded to those applicants who have stated they are trying to set up home for the first time. Those applicants who have held one or more tenancies in the past will not qualify for these points.

\*Points can only be awarded once in these categories

**APPENDIX ONE (Cont'd)**

Overcrowding..... 5 points  
(per bed space or bedroom)

Generally a family will not be allocated accommodation, which would cause the household to be overcrowded. Overcrowding is calculated as follows: -

- i) One bedroom with either 1 or 2 bedspaces is required for a sole applicant
- ii) Two bedspaces is required for applicant and partner
- iii) One double bedroom (2 bedspaces) for two children of the same gender (where neither child is 16 years or over)(when this age limit is reached o/c points will be awarded)
- iv) One double bedroom (2 bedspaces) for two children of opposite gender where both are under 10 years of age (when this age limit is reached o/c points will be awarded)
- v) One single bedroom (1 bedspace) for all other persons

Where overcrowding is occurring then 5 points will be awarded for each bedspace or bedroom (dependant on age criteria as noted at iii and iv above) that is lacking in the present accommodation. Points WILL be awarded and reviewed once either the tenancy reference clarifies the position or at the time of the home visit being undertaken or the applicant notifies us that the age/sex criteria has now been reached.

Under-Occupation.....5 points  
(per bed space)

**Internal Transfers and Other RSL/LA tenants**

Under- Occupation.....10 points  
(per bed space)

Only those applicants who are the householder shall be considered for under occupancy points. These are calculated per bed space that is not in use by the household. Points WILL be awarded and reviewed once either the tenancy reference clarifies the position or at the time of the home visit being undertaken.

**APPENDIX ONE (Cont'd)**

Children/Elderly at Height

Applicants with children who live on the 3<sup>rd</sup> floor or above and wish to move to a ground or first floor property will be awarded the following points: -

- a) Children under 3 years of age ..... 5 points  
per child
- b) Children aged between 3 and 16..... 3 points per  
child
- c) Elderly is defined as those people  
who are 60 or over ..... 5 points

Points WILL be awarded and reviewed once either the tenancy reference clarifies the position or at the time of the home visit being undertaken.

**4. HOMELESSNESS/THREATENED WITH HOMELESSNESS**

Homelessness

Applicants who state they are homeless must also make a presentation to Glasgow City Council who will then assess the applicant's case and make a decision on whether the applicant has a 'priority' or 'non-priority' decision. The decision will be given in writing to the applicant who is then required to provide the Association with a copy of the letter in order to award the points. Prior to the decision being made, the Association will assess the application based on the current information however at this stage 'homeless' points will NOT be awarded.

Homelessness Priority Decision ..... 30 points  
("vulnerable in society" - e.g. elderly (over 60), young persons;  
families; people with addictions; leaving services; leaving prison;  
leaving care project/rehab; people with mental health issues)

Homelessness Non-Priority Decision ..... 20 points  
("not vulnerable in society" e.g. people in work; people in work  
who have no addictions; no children)

**APPENDIX ONE (Cont'd)**

Threatened with Homelessness

Being threatened with homelessness could be because of one or more of the following: -

- i) A private let where the landlord has indicated that they wish to take repossession of the property (e.g. landlord wishes to sell property on) - A letter from the landlord would be required to verify this..... 15 Points
- ii) The relationship has broken down - A letter from a solicitor would be required to verify this and must relate to the address the application is being made from..... 15 points
- iii) Mortgage repossession - A letter from the mortgage provider would be required to verify this. .... 15 points

Points will NOT be allocated without sufficient supporting evidence.

**5. VIOLENCE/HARASSMENT/ABUSE**

Applicants who are fleeing violence, harassment and/or abuse as a result of their colour, race, nationality, ethnic origin, sex, age, disability, social background, marital status, religion, sexual orientation or domestic violence may be awarded points in this category. Verification of the allegations will be required and this can be in the form of police reports, landlord reports, reports from other relevant agencies or interdicts and in order to be valid, should relate to the property the application is being made from.....25 points

Points will NOT be allocated without sufficient supporting evidence.

**6. IN EMPLOYMENT**

Applicants who live out with Drumchapel who work or are due to take up permanent employment in the Drumchapel area will be awarded this category of points. The onus is on the applicant to provide verification from their employer of their employment and place of work before points are awarded. 15 points

Points will NOT be allocated without sufficient supporting evidence.

**APPENDIX 2**

**EQUALITY IMPACT ASSESSMENT (Allocations Policy)**

<b>Is further action required?</b>	<b>Yes</b>
<b>Is the action achievable?</b>	<b>Yes</b>
<b>Timescale for action</b>	<b>Year End Report (see 4.1)</b>

---

**1. Aims of the policy**

a) What is the purpose of the policy?

- To outline the Association's commitment to equality and diversity
- To ensure that we never act in a discriminatory manner towards any individual or group
- To outline the guiding principles of our equality and diversity thinking and to re-affirm our zero tolerance approach
- To help ensure that we meet our obligations with regard to legal, regulatory and best practice requirements

b) Who is affected by the policy/who will benefit from the policy and how?

- Cernach tenants and others who live in our properties
- People who live in our area of operation and housing applicants
- Staff and Management Committee
- Other RSL's and other organisations who contact us

c) Who is be responsible for delivering the policy?

The Housing Services Manager on a day-to-day basis and ultimately the Management Committee

d) How does the policy fit into our wider or related policy initiatives?

The Allocation policy has been streamlined to include Mobility & Mutual Exchanges, Assignation, Succession, Lodger, Sub-Letting and Leasing.

**2. What do we already know about the diverse needs and/or experiences of our target audience?**

Do we currently have information on:

Age	Yes	✓	No	
Disability	Yes	✓	No	
Marriage and Civil Partnership	Yes	✓		
Pregnancy and Maternity	Yes	✓		
Race	Yes	✓	No	
Religion and Belief	Yes		No	✓
Gender	Yes	✓		
Gender Reassignment	Yes		No	✓
Sexual Orientation	Yes		No	✓

**Tenants and other residents**

- 2.1 Whilst we require to update and broaden the information we have on tenants and other residents, we would expect all of the protected characteristics to be represented within this target audience. One of the main barriers to equality in service provision is likely to be inaccessibility. The policy outlines our commitment to addressing this and, further, it requires us to be proactive in seeking out and responding to all the communications and access needs that may exist. In this respect, we have Aged Persons stock at Halbeath Ave and will target any relets to this protected characteristic. In relation to Disability, we have medically adapted houses throughout our stock. When void we will target disabled applicants who meet this need, again being proactive towards our disabled community.
- 2.2 The policy helps us ensure that we are providing service that are responsive to the requirements of all groups.

**People who live in the local area and housing applicants**

As at 2.1 and 2.2, above.

**Staff and Management Committee**

- 2.3 The policy ensures that we observe equality and diversity issues in employment and in the recruitment of Management Committee members. The office and Committee areas are accessible and the

policy allows information to be provided in any format that would make it possible for staff or Committee to better fulfill their roles.

- 2.4 All staff and Committee are made aware of theirs and the Association's rights and responsibilities in relation to equality and diversity and receive periodic training. They know about the Association's zero tolerance approach and are aware of how to raise any concerns.

**3. What does the information we have tell us about how this policy might impact positively or negatively on the different groups within the target audience?**

- 3.1 We have some information on age, disability, gender and race/ethnicity but this mainly relates to tenants and housing applicants and requires to be updated regularly in order to remain accurate. We have not yet collected information on sexuality and religion/belief, but this is being introduced and, over time, we will begin to build up a picture of sexuality and religion/belief of our tenants and other stakeholders. This will be done by amending the housing application form and census questionnaire. This information will be analysed and we will consider setting targets by June 2014.

- 3.2 The Equality and Diversity Action Plan, approved by the Management Committee in April 2012, will address in more detail what the impact may be on the different groups within our target audience.

**4. Do we need to carry out a further Impact Assessment?**

- 4.1 At each year end, when reporting to Committee, if we have any cases of racial harassment then a further Impact Assessment will be carried out.

**5. How will we monitor and evaluate this policy to measure progress?**

- 5.1 Ongoing monitoring by staff and an annual written report Management Committee and annual revision of the Equality and Diversity Action Plan (any issues or concerns highlighted by the ongoing staff monitoring will be reported to the Committee via an exceptions report). We will also produce an article in the Annual Report which is sent to tenants and members.