

# Allocations Policy

## 2023

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## **1. Policy statement**

- 1.1 This policy sets out the standards and general guidance which West of Scotland Housing Association will follow to ensure that properties are allocated to those most in need of them.
- 1.2 This policy aims to provide affordable and well managed rented accommodation to those in housing need, and at the same time contribute to providing balanced and sustainable communities.
- 1.3 Below is a summary of WSHA's policy commitments:
- to ensure that a balance of applicants from a range of circumstances are given the opportunity to be housed;
  - to assist Local Authorities and other housing providers to relieve homelessness, poor housing conditions and meet other housing needs;
  - to provide a source of housing to other organisations assisting those in housing need, who have additional support needs, through nomination agreements;
  - to maximise opportunities for applicants to make informed choices by providing good information and realistic advice about their housing options;
  - to ensure that successful applicants are offered accommodation suitable for their needs;
  - to operate a system of allocating houses that is consistent, fair, easily understood and simple to administer;
  - to ensure we comply with legislation, guidance and best practice;
  - to maintain our housing lists and allocate properties as efficiently as possible;
  - to make the best use of our housing stock, make sure our properties are of an appropriate lettable standard and minimise the time that properties are vacant.
- 1.4 This policy and associated procedure are applicable to the housing management services delivered by WSHA to general needs, sheltered, supported and amenity customers.

## **2. Roles and responsibilities**

- 2.1 The Director of Housing & Community Services is responsible for ensuring adoption of, and adherence to, this policy and its associated procedures relevant to their operation.
- 2.2 The Director of Housing & Community Services has responsibility for ensuring that WSHA is compliant with legislative/regulatory requirements and good practice.

2.3 The Housing Manager has day-to-day responsibility for the implementation of this policy in practice. They are responsible for:

- ensuring this policy is communicated with all staff;
- ensuring suitable and sufficient training and instruction is provided;
- ensuring this policy is followed by all staff; and
- ensuring the necessary equipment and resources are available to make sure compliance can be achieved.

2.4 To assist WSHA in carrying out its obligations, employees must:

- be aware of, understand and comply with this policy and any related operational guidance
- participate in any training which WSHA makes available; and
- communicate any issues with implementing this policy to their line manager and identify opportunities for continuous improvement.

### 3. References and sources

3.1 The following legislation, references and sources are relevant to the development and delivery of this policy and associated procedure:

- [A Housing Practitioner's Guide to Integrating Asylum Seekers and Refugees, Second Editions, Scottish Refugee Council](#)
- Complaints Handling Procedure
- [Data Protection Act 2018](#)
- Data Protection Handbook
- [General Data Protection Regulation](#)
- [Equality Act 2010 and the Equality Act 2010 \(specific duties\) \(Scotland\) Regulations 2012](#)
- [Homelessness etc. \(Scotland\) Act 2003](#)
- [Housing \(Scotland\) Act 1987](#)
- [Housing \(Scotland\) Act 2001](#)
- [Housing \(Scotland\) Act 2001 'Homelessness Section 5: Guidance on Good Reason'](#)
- [Housing \(Scotland\) Act 2006](#)
- [Housing \(Scotland\) Act 2010](#)
- [Housing \(Scotland\) Act 2014](#)
- [Human Rights Act 1998](#)
- [The Legal Framework for Social Housing Allocations, Statutory Guidance for Social Landlords. Housing \(Scotland\) Act 2014 \(Scottish Government 2018\)](#)
- [Looked After Children \(Scotland\) Regulations 2009](#)
- [Management of Offenders etc. \(Scotland\) Act 2005](#)
- [Minimum period for applications to remain in force - suspensions under section 20B of the Housing \(Scotland\) Act 1987: statutory guidance](#)
- [Scottish Government's Code of Guidance on Homelessness 2005](#)

- [The Scottish Social Housing Charter \(2017\)](#)
- [Scottish Government Social Housing Allocations in Scotland: A practice guide February 2019](#)
- Suspending Housing Applicants: A Practical Guide (CIH)

3.2.1 In implementing this policy WSHA complies with The Scottish Social Housing Charter outcome 7, 8, 9 and 10, all related to 'Access to housing and support'.

#### **4. Equalities**

4.1 We will not unlawfully discriminate against any person within the protected characteristic groups as contained within the Equality Act 2010. To ensure equal access to the information contained in this policy for all, we are happy to provide copies in Braille, in larger print, translated into other languages or on tape to you or anybody that you know upon request and where practicable.

4.2 WSHA will seek to ensure that allocations are managed in a manner that is fair to all sections of the community regardless of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

4.3 As with all Association policies and practices, the Association will adhere to Outcome 1 of the Scottish Social Housing Charter (Equalities):

'Social Landlords perform in all aspects of their housing services so that every tenant and other customer has their individual needs recognised, is treated fairly and with respect, and receives fair access to housing and housing services'.

#### **5. Consultation**

5.1 This policy has been circulated to staff for consideration, and both tenants and applicants have been surveyed on it. Our tenants' group, TAG, have been passed the policy for consideration and the Policy Working Group have also considered it. Other stakeholders, including the relevant local authorities, have also been consulted.

#### **6. Monitoring and compliance**

6.1 This policy will be monitored to ensure that the operational arrangements are compliant with legislation and reflect best practice. The Director of Housing & Community Services will commission cases to be audited on a regular basis. Records of waiting list applications will be stored on the appropriate systems and will be reviewed to ensure they are processed in a timely, fair and transparent manner.

6.2 Period of review

- 6.2.1 Until a new policy is formally adopted this document will remain in force and operational.
- 6.2.2 This policy will be reviewed in accordance with the policy review programme agreed by the Corporate Management Team (CMT).
- 6.2.3 If there are significant changes to legislation or regulation or there are found to be deficiencies or failures in this policy, as a result of complaints or findings from any independent organisations, the Director of Housing & Community Services will initiate an immediate review.
- 6.2.4 Where appropriate, key stakeholders and interested parties will be consulted as part of any review of this policy.

## **7. Approval**

- 7.1 This policy is approved by WSHA's Board of Management.

## **8. Operational arrangements**

### **8.1 Access to housing**

- 8.1.1 There are a number of ways of gaining access to West of Scotland's properties depending on local circumstances. Applicants may gain access to general rented, sheltered, amenity and supported properties through one or more of these routes:

- West of Scotland's housing list;
- Common Housing Registers (CHR), (for example North and South Lanarkshire);
- local authority nominations and section 5 referrals;
- nominations from referral agencies;
- existing tenants wishing to transfer;
- mutual exchanges;
- reciprocal arrangements with other organisations, and
- non-standard selections.

- 8.1.2 West of Scotland will accept applications for housing from any applicant over 16 years of age or older regardless of any protected characteristic they may have, home ownership, income or financial circumstances. There may be certain circumstances where it would be helpful to accept an application from someone six months prior to their 16th birthday; for example, to help the transition of a young person leaving care. However, an applicant will not be allocated a property until they have turned 16.

- 8.1.3 West of Scotland has only a small number of properties available for allocation each year, so cannot guarantee being able to offer a house to all applicants accepted onto the housing list. Applicants will be actively encouraged to apply for housing with other Housing Associations and local

authorities, for example through CHRs. Even if the circumstances of an applicant merit a high priority, it cannot be guaranteed that a house will become available within a reasonable timescale.

8.1.4 Applicants come from a variety of different housing circumstances. This policy seeks to ensure that a balance of applicants from a range of circumstances are given the opportunity to be housed. Eligibility for different property types are noted below:

8.1.5 **General needs housing** - general needs housing is accommodation that is suitable for anyone regardless of age, mobility or other impairment and makes up the majority of West of Scotland's housing stock.

8.1.6 **Amenity & sheltered housing** - the Association has a number of properties which have been built to amenity standard. We also manage a variety of sheltered accommodation where there are additional support services provided through our Retirement Assistants and/or community alarms. Amenity and sheltered properties will normally be allocated, in the first instance, to applicants that have at least one person aged over 60, without young children in the household. However, the age limit may be lowered where the applicant has a specific medical or social need that can be met within sheltered or amenity housing.

8.1.7 **Supported housing** - supported housing provides housing for individuals with specific housing support needs who require up to 24 hour per day support from a local authority appointed contractor to live independently. Tenants in supported housing receive specialist support via tailored packages. Eligibility for supported housing is based on an assessment of need by the local authority. West of Scotland will allocate supported housing by inviting nominations.

## 8.2 Local Lettings Plans/Strategies

8.2.1 To ensure the best use of stock, and in meeting the needs of applicants and the local communities, West of Scotland operates Local Lettings Plans/Strategies, which are reviewed at least on an annual basis by the Board of Management.

8.2.2 Each Local Lettings Plan/Strategy will set out the expected number of properties for letting during the coming year and set targets based on local population and mix. Additionally, annual Lettings Targets are set for each Housing List Band and local authority nominations. Local authority partners may be consulted with regard to Local Lettings Plans particularly in relation to nominations targets.

8.2.3 The performance in meeting the targets set will be reported at least annually to the Board of Management.



### 8.3 Lettings areas

8.3.1 Housing stock will be divided into logical lettings areas. There will be no limit to the number of lettings areas within which direct applicants can request to be rehoused.

### 8.4 Banding

8.4.1 Where West of Scotland accepts direct applications, a banding system is operated to assess whether applicants have a sufficient housing need to be considered for rehousing or a transfer. Applicants will be placed on the housing list in the appropriate band in accordance with housing need and date of registration. Details of the banding system use to award priority for different needs are shown in section 8.10 below.

8.4.2 The percentage of lettings to be made to applicants from each band will be determined by Local Letting Plans/Strategies to ensure reasonable preference is given to those in greatest housing need and in accordance with the categories outlined in the Housing (Scotland) Act 2014 (as amended):

- social housing tenants who are under occupying their home;
- homeless persons with unmet housing needs; and
- persons who are living in unsatisfactory housing conditions with unmet housing needs.

8.4.3 Applicants referred to West of Scotland through, for example, local authority nominations or via CHRs will be allocated housing in accordance with the rules related to the CHRs or nominations arrangements.

### 8.5 Non standard selections

8.5.1 West of Scotland may from time to time depart from the standard selection process to assist in the maintenance or development of balanced communities or to make best use of its stock. Any applicant bypassed would normally be offered housing in the near future. The decision to bypass applicants must be sanctioned by the Team Leader and a clear audit trail provided.

8.5.2 Existing tenants may be transferred due to exceptional circumstances using a management transfer, even though they do not have high enough priority to be considered for the house they are allocated. Such transfers will be kept to a minimum, authorised by the Housing Manager, or a manager of at least equivalent seniority, and a clear audit trail will be kept which will be reported to the Corporate Management Team periodically. Use of management transfers will be monitored through Local Lettings Plans/Strategies. West of Scotland may make a decision that an applicant would be unable to sustain a tenancy, and offer to consider them for supported accommodation, rather than rehousing through general needs housing.

8.5.3 Strategic Consolidation Priority - if the Association makes a decision to dispose of its homes, such as a transfer to another landlord or demolition, WSHA tenants occupying properties directly affected by this decision will be given a Management Priority move. This must be authorised by the Corporate Management Team.

## 8.6 Information for applicants

8.6.1 Where there is information available, West of Scotland will try to provide applicants with an estimate of the likely waiting time for their choice of property. This will be based on recent turnover of property and demand in their area(s) of choice.

## 8.7 Suspensions

8.7.1 Where West of Scotland accepts direct applications, the applicant(s) will be suspended from the waiting list for the following reasons outlined below:

- Where the applicant has rent arrears, or any other debts attributed to a current or previous tenancy and has not entered into a repayment scheme which has been maintained for 3 months or more.
- Where the applicant has tenancy related convictions and West of Scotland is not satisfied that such behaviour has ceased and is unlikely to re-occur;
- On grounds of conduct where the applicant has certain previous convictions; the applicant has had an order for recovery of possession on certain grounds made against them; and/or a previous tenancy has been terminated on the grounds of abandonment or neglect of the property.
- Where an applicant has acted in an antisocial manner, or pursued a course of conduct, meeting the definition specified in section 20B(6) of the Housing (Scotland) Act 1987
- Where the applicant has provided false or misleading information or withheld relevant information.
- Where the applicant has intentionally worsened their own circumstances to promote their application for housing (use of this reason requires approval from the Housing Manager or person of at least equivalent seniority).
- Where the applicant is not eligible for assistance (for example an asylum seeker).
- Where a direct applicant has refused three reasonable offers of housing. A reasonable offer is defined as an offer for a property which is based on application information and preferences and will meet the applicant's housing need.
- The applicant wishes to be voluntarily suspended (for example due to ill health or change in employment reasons).
- Where an applicant has been violent or aggressive towards staff.

- 8.7.2 The length of time that West of Scotland will consider when looking at an applicant's history and whether any of the suspension reasons in 8.7.1 apply will be up to three years. This would start from the time the act was perpetrated and will apply on a rolling basis. For example, if three years was applied, and the tenancy breach was carried out one year before an application was made, then the applicant would be suspended for a further two years.
- 8.7.3 Suspensions will be the subject of a regular review process. However, applicants may appeal in writing against a decision to refuse access or suspend them to the Housing Manager or person with at least equivalent seniority within 15 working days. If the applicant is not satisfied with the outcome of the appeal, the next stage to follow is West of Scotland's Complaints Handling Procedure. Any suspended applicant will be informed in writing with full reasons for the decision, outlining the steps they need to take to remove the suspension.
- 8.7.4 Suspensions cannot be applied to a homeless household which the local authority has a duty to rehouse (section 5 referrals) or applicants with a homeless priority unless the applicant has requested a voluntarily suspension.
- 8.7.5 Arrears and other tenancy related debts - where a tenant or applicant owes more than one twelfth of the annual amount payable in relation to a current or former tenancy, their application will be suspended from the active housing list unless there is an appropriate arrangement to pay outstanding debts and this arrangement has been maintained for the previous three months. The Housing Manager has the discretion to approve an offer of housing to an applicant who does not meet these conditions where there are extenuating circumstances.
- 8.7.6 If the applicant was the member of a household but not the tenant, West of Scotland will not take into account tenancy related debt for the purposes of assessing their application. Any arrears which are equal to or less than one twelfth of the annual amount payable for any tenancy the applicant held will not be taken into account.
- 8.7.7 Where tenancy debts are over five years old, applicants will not be suspended. The Housing Manager may remove the suspension in exceptional circumstances, taking into consideration the personal circumstances of the applicant, the level of debt and the reasons for the debt arising. Any tenant who is allowed to start a tenancy with arrears owing to us must sign an undertaking to pay off the arrears within a reasonable time period which will be determined by West of Scotland.
- 8.7.8 Antisocial behaviour (ASB) - applicants will only be suspended for ASB which is serious, and which is tenancy related, for example a breach of tenancy agreement. When deciding if any ASB is serious enough to merit suspension,

the criteria for eviction set out in section 16(3) of the Housing (Scotland) 2001 Act will be taken into account.

8.7.9 Where applicants have caused serious ASB problems within the previous three years, or terminated or abandoned a West of Scotland tenancy, or other Landlord's tenancy where they were responsible for wilful damage, other options such as granting a Short Scottish Secure Tenancy will be considered.

8.7.10 Threatening or abusive behaviour - when an applicant behaves in a threatening or abusive way towards a member of staff, West of Scotland will consider a suspension based on the seriousness of the behaviour. Careful judgement must be used as the behaviour may be a symptom of mental ill health or a momentary expression of frustration. When deciding if the behaviour is serious enough to merit suspension, West of Scotland will consider:

- the level of the seriousness of the behaviour, with some consideration as to whether the level could or should have led to the applicant being charged;
- the frequency of any behaviour; and
- any mitigating circumstances such as mental ill health.

## 8.8 Nominations and referrals

8.8.1 West of Scotland will seek to enter into formal partnership arrangements with the local authorities within its geographical area of operation.

8.8.2 The partnership arrangements will set out nomination agreements between the two bodies and the basis on which West of Scotland will assist the local authority in meeting housing needs and its statutory homelessness duties.

8.8.3 Partnership arrangements will normally allow the Council to either nominate, or accept through section 5 referrals, a percentage of local lets. Nomination agreements may in exceptional circumstances be up to 100 per cent in some areas where this is a contractual requirement e.g. first let of new build housing.

8.8.4 West of Scotland will aim to work with local partners in the development of CHRs where practical.

8.8.5 West of Scotland will provide both temporary and permanent accommodation for homeless people upon the request of the local authority as part of its duty to secure permanent accommodation under the homelessness legislation.

8.8.6 Where this is not possible, there must be a good reason as per the ['Housing \(Scotland\) Act 2001 'Homelessness Section 5: Guidance on Good Reason'](#), for example:

- West of Scotland is unable to make suitable housing available within six weeks of the request and the local authority is satisfied that it can source appropriate accommodation from another provider in a reasonable period;
- the only housing available is a type which is not appropriate for the applicant, for example sheltered housing, specialist accommodation, or significantly adapted properties for occupation by people with a disability.
- where the local authority withdraws the referral (this could be related to the first bullet point as an example); or
- where the applicant has voluntarily suspended their application.

8.8.7 Any dispute arising from the operation of these arrangements will be resolved either through the dispute process agreed with each of the local authorities or through the use of an Arbiter.

8.8.8 Referral arrangements with voluntary or other agencies that specialise in providing support to particular groups of people may also be agreed. Such arrangements may be identified within Local Lettings Plans/Strategies.

8.9 House types and sizes to be allocated

8.9.1 West of Scotland will generally attempt to allocate houses of the type expressed as a preference given on the application form. Where a medical priority recommends that a ground floor house all on one level is required, properties with some stairs may be allocated if this would alleviate the applicant's situation and is in line with any guidance from the applicants GP or Occupational Therapist.

8.9.2 West of Scotland will not normally allow an applicant to move into a property which is too small for their needs. Direct applicants will normally only be considered for a property that has the correct number of bedrooms needed.

8.9.3 General guide to house size - the following table is a general guide to the minimum size of houses which may be offered to applicants.

Household	Minimum Size
Single person	1 bedroom
Couple	1 bedroom
Single parent or couple + 1 child	2 bedrooms
Single parent or couple + 2 children	2 or 3 bedrooms*
Single parent or couple + 3 children	3 or 4 bedrooms*
Single parent or couple + 4 children	3 ,4 or 5 bedrooms*
Single parent or couple + 5 or more children	4, 5 or 6 bedrooms*

\* Depending on ages and sexes of children

8.9.4 Sharing bedrooms - the minimum number of bedrooms that are required by a household with children will be based on the following:

- Children of the same/opposite sex under age ten will normally be allocated one bedroom to share.
- Children of opposite sexes age ten or over will normally be allocated one bedroom each.
- Children of same sex age ten or over and under the age of 16 will normally be allocated one bedroom to share.
- Children of the same sex, with a minimum of eight years age gap between them will normally be allocated one bedroom each.
- Once a child reaches the age of 16, he or she will be classed as an adult and will be allocated a separate bedroom.

8.9.5 All the above are restricted to a maximum of two persons sharing a bedroom, with parent(s) having a separate bedroom from their children.

8.9.6 Where a member of the applicant's household is pregnant, the unborn child will be counted in household size calculations from three months before the birth of the child. For the purposes of assessment, if a child reaches either 10 years or 16 years within 6 months of the date of application, they are considered to have reached 10 years or 16 years respectively.

8.9.7 Bedroom sizes will comply with the minimum standards set out in the Housing (Scotland) Act 1987.

8.9.8 Overcrowding priority - any household currently living in conditions where they do not meet the minimum standards set out above will be given overcrowding priority (see section 8.10 - the Banding System).

8.9.9 Overcrowding priority will not be awarded to single people occupying bedsit or studio type accommodation.

8.9.10 Additional bedrooms - the following households will be offered properties with one extra bedroom (in addition to the minimum requirements at sections 8.9.3 and 8.9.4):

- households with a medical need (for example for equipment) for an extra bedroom.
- households with access to children (shared parental responsibility).
- couples and single applicants will be eligible for both one bedroom and two bedroom properties where it promotes the best use of our stock; and
- households with a need for an extra bedroom for a permanent carer or for fostering (if a fostering application is pending West of Scotland will consider granting an extra bedroom before a child becomes a member of the household. This may depend on how far advanced the application is and the views of any relevant organisation such as the

local authority handling the application. Any decision to award an extra bedroom in this circumstance should be approved by a Housing Manager or person of at least equivalent seniority).

- On occasion, the size of property offered to an applicant may be different from the bedroom requirement standard outlined above. This will normally occur to alleviate a housing or specific health need, for example an additional room or bedroom for a person with special educational needs.

8.9.11 West of Scotland may also set out more flexibility for specific developments in Local Lettings Plans/Strategies, which would be presented to the Board.

8.9.12 Access - where separated parents have joint custody, the children are counted as part of each household where children are resident with one parent for three or more nights, unless specific exceptions preclude this e.g. CHRs.

8.9.13 Separated parents with access only will be entitled to a property with only one bedroom extra, over and above the minimum bedroom requirement the household would have without the children they have access to. The same arrangements will apply to any adult who has kinship care responsibilities as defined by the Looked After Children (Scotland) Regulations 2009.

8.9.14 Evidence is required from the applicant that they do have access, such as confirmation from the partner with full access or confirmation from a solicitor.

## 8.10 The Banding System

8.10.1 Applications made direct to West of Scotland will be placed in one of the following five bands following an assessment of the applicant's circumstances and housing needs. Within bands, applicants will be prioritised based on their dates of application or on their dates of being placed in a new band following a change of circumstances.

### 8.10.2 **Band 1: Urgent Priority**

8.10.3 The following criteria are awarded Urgent Priority banding:

<b>Domestic abuse</b>	Where the applicant needs accommodation due to domestic abuse. <i>Confirmation may be requested with the applicants' consent from relevant agencies such as the Police, Health Professional, Social Work, Women's Aid, etc. However, verification of domestic abuse from other agencies is not a condition required for an applicant to be given priority.</i>
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<b>Harassment</b>	<p>Where the applicant is suffering serious harassment at their current accommodation and being rehoused will help to alleviate this.</p> <p>Harassment can take many forms including intimidating, threatening or aggressive behaviour, both verbal and physical, and can involve attacks on property as well as people. Incidents of harassment can include sexual comments or gestures, offensive or racist graffiti, abusive language and behaviour, violence towards people of all ages, damage to homes or possessions and threatening letters or phone calls. Harassment is often premeditated and reoccurring.</p> <p><i>Confirmation may be requested with the applicants' consent, either from agencies such as the Police, Social Services and Health Organisations or from other witnesses which can include staff. Where appropriate, confirmation can also be provided by the customer's advocates, i.e. local councillors, Members of Parliament, Members of the Scottish Parliament, advice workers and from voluntary organisations. However, verification of harassment from other agencies is not a condition required for an applicant to be given the appropriate priority.</i></p>
<b>Severe overcrowding – three or more bedrooms</b>	<p>Where the applicant's current accommodation is overcrowded when assessed against criteria set out at section 8.9 - House types and sizes to be allocated - by three or more bedrooms.</p>
<b>Urgent health/ disability</b>	<p>Where the applicant's existing property is so unsuitable that re- housing would significantly result in an improvement in health or wellbeing.</p> <p><i>Applicants requiring re-housing on medical grounds will be assessed by the Team Leader based on details provided by applicants on their medical condition and current housing situation.</i></p> <p><i>Applicants of a CHR will be assessed by an Independent Medical Advisor where available.</i></p>
<b>Return to community</b>	<p>Where a West of Scotland Housing Association tenant no longer needs an adapted property or support provided with the accommodation.</p>
<b>Management transfer</b>	<p>Where there are <b>exceptional circumstances</b>, and the need for a transfer applicant to be moved as soon as possible is both acute and urgent and is authorised by a Housing Manager or person of at least equivalent seniority to the Housing Manager.</p>

#### 8.10.4 Band 2: High Priority



8.10.5 The following criteria are awarded High Priority banding:

<b>Medical</b>	<p>Where the applicant has a medical condition, which will be alleviated by re-housing.</p> <p><i>Applicants requiring re- housing on medical grounds will be assessed by the Team Leader based on details provided by applicants on their medical condition and current housing situation.</i></p> <p><i>Applicants of a CHR will be assessed by an Independent Medical Advisor where available.</i></p>
<b>Giving and receiving support or to take up employment</b>	<p>Where an applicant needs to move to either give or receive support i.e. for personal or medical care.</p> <p><i>Medical priority for re- housing for applicants requiring or providing support will be assessed by the Team Leader based on details provided by applicants on their medical condition and current housing situation.</i></p> <p><i>Applicants of a CHR will be assessed by an Independent Medical Advisor where available.</i></p> <p>Applicants who are moving to an area to take up an offer of employment and have received a formal confirmation of this.</p>
<b>Overcrowding – two bedrooms</b>	<p>Where the applicant’s current accommodation is overcrowded when assessed against criteria set out at section 8.9 - House types and sizes to be allocated - by two bedrooms.</p>
<b>Repeated victim of ASB</b>	<p>Where the applicant is suffering from current and serious ASB which will be alleviated by moving house.</p> <p><i>Requires supporting evidence e.g. from the police, health professional, social worker or housing officer.</i></p>
<b>Poor quality property in terms of condition/disrepair</b>	<p>Where the existing property of the applicant is unsafe or unfit and falls into at least one of the following:</p> <ul style="list-style-type: none"> <li>• serious structural defects;</li> <li>• no running water;</li> <li>• no inside toilet;</li> <li>• no bath or shower;</li> <li>• damp; and</li> <li>• no full central heating.</li> </ul> <p><i>Requires documented evidence from Environmental Health or another relevant agency.</i></p>
<b>Non-secure accommodation</b>	<p>This will apply to those who have received a Notice to Quit from their private landlord or have been asked to leave</p>

	their tied tenancy.
<b>Leaving Armed Forces</b>	Applicants serving in the British Ministry of Defence Armed Forces up to one year ahead of their date to an honourable discharge and 6 months after. They must have completed three years' service or one full tour of duty.
<b>Sharing amenities</b>	Awarded to applicants who have to share cooking, toilet and/or bathing facilities with others who are not part of the same household.

### 8.10.6 **Band 3: Medium Priority**

8.10.7 The following criteria are awarded Medium Priority banding:

<b>Transfers</b>	Transfer applications (applications from existing tenants of West of Scotland Housing Association to move to another property) will generally be awarded Medium Priority banding. However, transfer cases that meet the higher priority bandings criteria are placed in the relevant higher priority bands.
<b>Under occupation</b>	Existing social housing tenants who are living in houses with more bedrooms over and above the minimum requirement for their present needs.
<b>Overcrowding – one bedroom</b>	Where the applicant's current accommodation is overcrowded when assessed against criteria set out at section 8.9 - House types and sizes to be allocated - by one bedroom.

8.10.8 **Band 4: Standard Priority** - all other applicants who satisfy the eligibility criteria will be awarded a Standard Priority banding.

8.10.9 **Band 5: Nominations/Statutory Homeless Band** - persons nominated or referred by local authorities will be placed in this band. Designated staff must ensure that customers who have made an application based on homelessness are guided to the appropriate local authority Homelessness Unit/Department who are responsible for assessing homeless applications.

8.10.10 Priority will be given to applicants who have a relevant medical need when allocating the following types of properties:

- ground floor properties;
- lift accessible properties which are all on the one level;
- properties which have been substantially adapted; and
- properties with wet rooms/level access showers.

8.10.11 If an applicant is allocated a property that has been adapted for their health needs and their medical condition deteriorates after moving in, to the extent

that they now need a wheelchair and are in unsuitable housing, the tenant should be offered the opportunity to transfer to more suitable housing and given an urgent medical priority.

## 8.11 Responding to applicants

8.11.1 West of Scotland will aim to respond to all applicants who have submitted a completed application direct within 15 working days of receipt of application advising them of the outcome of their application and whether or not any additional information in support of the application is required.

8.11.2 Applicants will be advised of the likely availability of housing that suits their needs and an indication of timescales will be provided if possible. Those who are asked for further supporting information will be given 15 working days to provide it. West of Scotland reserves the right not to process the application if the necessary information is not provided, or if no suitable response is received within that timescale.

8.11.3 Timescales for inputting and assessing CHR applications are set by the managing organisations.

## 8.12 Making, receiving, accepting and refusing an offer of housing

8.12.1 All applicants who apply for housing will be shortlisted based on the priority criteria given in the Banding System set out in this policy and additional guidance documents. Applicants at the top of the shortlist will then be considered for a property if they are eligible (for example, they meet the criteria in the Allocations Policy), they meet the household size for the property, and are not subject to a suspension.

8.12.2 If we have a justified reason, we may not make an offer to an applicant who might otherwise have received an offer and they will be bypassed. This could happen, for example, if we know the property does not meet the applicant's needs or the applicant has previously advised they do not wish to be considered. Any bypass needs to be reviewed and approved by the Team Leader or other manager of at least equivalent seniority.

8.12.3 Reasonable offers - a reasonable offer is defined as an offer for a property which based on the application information and preferences, will meet the applicant's housing need. When determining whether an offer is reasonable, West of Scotland will also take into account:

- stock availability and demand;
- legislative requirements;
- based on the reason for the refusal and the information provided about the property, was it reasonable that the applicant should have recognised the property was unsuitable before accepting an offer; and
- if there been any change in the applicant's circumstances.

8.12.4 Applicants will be given up to three working days from the date of an offer to respond either by refusing the offer, or by arranging to view the property. Failure to do so will result in the offer being withdrawn by West of Scotland and recorded as a refusal.

8.12.5 An applicant must normally accept an offer and sign the Tenancy Agreement on the same day although this may be extended in special circumstances by a further working day.

### 8.13 Confirmation of circumstances

8.13.1 The onus of proof of circumstances lies with the applicant in most cases.

8.13.2 Applicants unable to provide adequate evidence as to their housing needs or circumstances will have their application cancelled. Verification of domestic abuse or harassment from other agencies is not a condition required for an applicant to be given the appropriate priority.

8.13.3 Responsibility for notifying changes of address and other changes of circumstances lies with the applicant. Failure to notify changes may materially affect the banding priority the applicant is awarded.

### 8.14 Review of applications

8.14.1 A review of direct applications will be carried out of all those on the West of Scotland housing list on at least an annual basis. CHR applications will also be reviewed at least once a year unless determined otherwise by the managing authority.

8.14.2 Applicants will be required to respond to a letter within 14 calendar days of issue stating whether they still wish to be considered for housing and listing any changes in circumstances. Failure to do so will result in the applicant being removed from the list. Removal from the list will be confirmed in writing to the applicant. If an applicant contacts West of Scotland within one month of being removed from the list, giving good reasons for not responding, they will be reinstated.

8.14.3 Removed applicants contacting us after the 14 calendar day deadline with no good reasons for not responding, must reapply by completing a new application form. This will be regarded as the new date of application unless the Housing Manager considers there to be mitigating circumstances.

8.14.4 The review will only be required for applicants with whom there has been no contact in the previous year.

8.14.5 Tenancy References - with the applicant's consent, West of Scotland will seek references from an applicant's current and/or former landlord for tenancies

that have ended within three years or less from the date an applicant is considered for a property.

## 8.15 Change of circumstances

8.15.1 When there is a change in circumstances, this may have an impact on the applicant's priority for housing.

8.15.2 For a direct applicant who has a change of circumstances which means they will move up a band, the applicant's band date will be the date of the change in circumstances.

8.15.3 Where an applicant has been rehoused and wants to continue their application, West of Scotland will normally re-assess their application and their band date will be the date of this re-assessment.

8.15.4 Where there is a change in circumstances for an applicant which means that the applicant remains at their current address but will move down a band, the applicant will normally get to keep their original band date.

## 8.16 Cancellation of applications

8.16.1 There are a very limited number of circumstances where an application may be removed from the housing list. These are:

- the applicant asks us to cancel their application;
- the death of an applicant; or
- the applicant fails to respond to a review of the list or to other correspondence.

8.16.2 Any applicant whose application is cancelled or suspended will be notified in writing stating the grounds on which the decision has been made. If any applicant is aggrieved by such a decision, they have a right to appeal in writing to the Housing Manager within 15 working days of the date of notification being issued. The Housing Manager will review the case and respond within 15 working days. If the customer is not satisfied with the outcome of the appeal, the next stage is to follow West of Scotland's Complaints Handling Procedure.

## 8.17 Granting of tenancies to employees, governing body members and relatives of persons connected with West of Scotland

8.17.1 Housing applications from employees and relatives of persons connected with West of Scotland will be treated in line with all other applications. All applicants shall be asked to state whether, to their knowledge, they are related to a Committee or Staff/Agent member, and West of Scotland will comply with all relevant legislation, regulatory guidance and best practice in dealing with any of these applications.

## 8.18 High Risk Offenders

8.18.1 Some offenders will require accommodation (for example on release from prison) and may require specialist support. As a housing association, West of Scotland has a duty under Multi Agency Public Protection Arrangements to work collaboratively with local authorities and other agencies. This may involve assisting with the provision of accommodation while maintaining confidentiality and ensuring that information is shared in a sensitive and lawful way.

## 8.19 Tenancies Granted

8.19.1 In all cases, excluding those categories below, a Scottish Secure Tenancy will be offered:

- Where a Short Scottish Secure Tenancy is appropriate in line with Schedule 6 of the Housing (Scotland) Act 2001.
- Where in shared housing an occupancy agreement is required. This will be drafted to replicate the terms of the Scottish Secure Tenancy as far as is possible.

8.19.2 Applicants who are married, in a civil partnership or intending to co-habit will be offered joint tenancies unless they specifically request otherwise.

## 8.20 Mutual Exchanges

8.20.1 The Association is committed to enabling tenants to exchange houses, wherever possible, in order to satisfy their housing need, to promote mobility and to make the best use of its housing stock. This aim is in accordance with the Housing (Scotland) Act 2001 which governs mutual exchanges and states that a landlord must not unreasonably refuse permission for the mutual exchange of a house.

8.20.2 In general, mutual exchanges will be allowed subject to the following:

- the exchange must not result in overcrowding of the properties being exchanged. Our Allocations Policy will be used to assess this.
- the exchange must not result in the properties being under-occupied by more than one bedroom.
- tenants must have clear rent accounts at the time of the mutual exchange and not owe any other debts to their landlord, unless they have adhered to an agreed and affordable repayment arrangement for a minimum of three consecutive months.
- neither tenant has been issued with a current Notice of Proceedings for Possession by their landlord under grounds 1 to 7, Schedule 2 of the Housing (Scotland) Act 2001 or similar grounds if the applicant is from another part of the United Kingdom.

- neither tenant has had an Order for Recovery of Possession granted against them by their current landlord.
- neither of the properties were provided by the landlord in connection with the tenant's employment, for example, what is known as tied accommodation.
- neither of the properties have been designed or adapted for a person whose special needs require this type of accommodation and if the exchange were to proceed there would no longer be a person with such special needs occupying the property.
- tenants who wish to exchange must have a Scottish Secure Tenancy.

### 8.20.3 Appeals

8.20.1 Applicants can appeal against the following decisions:

- A decision on an applicant's priority.
- A decision to cancel an application.
- A decision to suspend an application.
- An offer of a property.
- Refusal of a mutual exchange.

8.20.2 Appeals will normally be heard by the Housing Manager who will review the case and respond within 15 working days. If the Housing Manager has been involved in the original decision, then the appeal will be heard by another manager of at least equivalent seniority.

8.20.3 If the applicant is not satisfied with the decision made after appeal, then they will be signposted to West of Scotland's Complaints Handling Procedure.

### 8.21 Confidentiality

8.21.1 Confidentiality regarding an applicant's personal circumstances will be respected at all times. Members of staff who are related to, or have a close connection with, any applicants will declare the fact and have no further involvement in the allocations process.

8.21.2 Applicants shall have the right to inspect the information on their files, subject to West of Scotland's legal obligations and rights to protect third parties. Upon request, West of Scotland will give applicants a full explanation as to how their application has been assessed.

8.21.3 West of Scotland will ensure that applicants are informed of any changes made and that its information leaflets are updated accordingly.