

ALLOCATIONS POLICY

1.0 INTRODUCTION

- 1.1 Our primary objective is to provide affordable and secure rented accommodation to those in housing need, and to assist in the creation and maintenance of sustainable communities in the areas in which we operate.
- 1.2 This policy describes how we will allocate our properties. Properties located in the City of Edinburgh will be allocated through the 'Key to Choice' process. Properties in all other areas will be allocated through a 'points plus groups' process.
- 1.3 This policy complies with all current legislative and regulatory requirements and in particular with the following Performance Standards for Social Landlords and Homelessness Functions:
- (a) **AS1.1 Access to housing** – *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) **AS1.2 Lettings** – *We let houses in a way that gives reasonable preference to those in greatest housing need, makes best use of available stock, maximises choice, and helps to sustain communities.*
- 1.4 This policy has the following sections:
- Section 2 - General principles
 - Section 3 - Allocation process within Edinburgh
 - Section 4 - Allocation process outside Edinburgh
 - Section 5 - Allocation process - general
 - Section 6 - Tenant consultation & information
 - Section 7 - Applications which come under Schedule 7 of the Housing (Scotland) Act 2001
 - Section 8 - Appeals & Complaints
 - Section 9 - Data Protection
 - Section 10 - Implementation and review
- 1.5 This policy is supported by a range of detailed procedures (see Appendix 1).

2.0 GENERAL PRINCIPLES

Access to housing

- 2.1 In all cases, applicants for housing must be at least 16 years old.
- 2.2 We will ensure that in implementing this policy and the supporting procedures we comply with our Equality and Diversity Policy.
- 2.3 We will undertake to provide a high quality of advice and support to assist all applicants and will seek to secure appropriate advice and information from external agencies where necessary.

Minimum Standards of Accommodation

- 2.4 We will not make offers of housing which will result in an applicant's household becoming overcrowded. The minimum standards we will apply are as follows:
- Couples, including same sex couples, will share a double bedroom.
 - Other adults in the household should have their own bedroom.
 - Children should have their own bedroom, unless they are the same sex and both under 14 years, or mixed sex and both under 7 years.
- 2.5 These are **minimum** standards and we may offer larger properties, for example if the applicant requires a spare bedroom for:
- residential access to children of at least 3 nights per week or equivalent, or
 - an overnight carer, or
 - medical equipment, or
 - where sharing of a room is not possible for medical reasons.

Normally only one spare bedroom will be allowed.

- 2.6 The above standards will also apply to existing ARK tenants. Tenants who find that they do not meet these space standards may be considered for re-housing in appropriately sized accommodation.

However due to the limited availability of larger properties we cannot guarantee when or if we will be able to offer an existing tenant a larger property.

Local Authority homeless referrals

- 2.7 We will comply with the requirements of Section 5 of the Housing (Scotland) Act 2001, by entering into written agreements or other arrangements with each Local Authority within whose boundaries we operate.

- 2.8 The agreements will set out the arrangements for the referral of homeless persons, assisting local authorities with their obligations to house homeless applicants.

[Note: This will not apply in Edinburgh, where properties are allocated by advertising, through the 'Key to Choice' process.]

Nominations

- 2.9 With the exception of Edinburgh, where properties are allocated through the 'Key to Choice' process, we have nomination agreements in place with the Local Authorities where we have general needs housing.
- 2.10 These agreements will normally allow Councils to make nominations for 50% of the net lets each year (defined as the total number of properties let less transfers, exchanges, decants and supported housing referrals), although local variations to these arrangements may be permitted where a specific strategic objective is required.

Nominated applicants will be prioritised in accordance with our Allocations Policy.

- 2.11 Each agreement will be reviewed with the relevant Local Authority, in accordance with the specified timetable.

Transfers

- 2.12 ARK tenants wishing to be re-housed in Edinburgh will complete an EdIndex registration form and bid for available properties through the 'Key to Choice' process. This is regardless of where the tenant currently resides. We will identify in the 'Key to Choice' advert where priority will be given to existing tenants.
- 2.13 Tenants wishing to be re-housed in an ARK property outside Edinburgh will require to complete our application form in order that they can be placed on our housing list. This is regardless of where the tenant currently resides.

Exchanges

- 2.14 We participate in the **Edinburgh House Exchange** Scheme which helps match tenants of RSL's within Edinburgh who wish to exchange.
- 2.15 ARK tenants who wish to exchange ARK properties outside Edinburgh will require to complete our mutual exchange application form.
- 2.16 For tenants who want to exchange outwith Edinburgh, but not to an ARK property, we participate in the **Homeswapper** Scheme which helps match up tenants of RSL's nationally. Tenants wishing to participate will be required to pay a small fee to register their details with this scheme.

Assignment

- 2.17 An existing tenant may seek our written permission to assign their tenancy to another member of their household. The house must have been the only or principal home of the person to whom they want to assign the tenancy for at least 6 months before the date of the request.

Supported Housing referrals

- 2.18 We reserve the right to make special arrangements with voluntary and statutory organisations to provide supported accommodation and meet the supported housing requirements of the Local Authorities within whose areas we operate. We will prioritise referrals for supported housing received through Ark Community Networks.

- 2.19 These special arrangements may include but are not limited to:

- direct referrals from Social Work Departments or the NHS, to fill vacancies within our designated supported housing stock and registered care homes;
- Management Agreements/Support Protocols, where an arrangement is entered into with the support agency to address the specific needs of an individual;
- Nomination Agreements, where the support agency or Social Work Department refers an individual for mainstream housing and provides the appropriate support (where a third party care provider is involved a support protocol will require to be entered into);
- Lease Agreements, where the agency leases a property from ARK to deliver a fully supported accommodation service.

Management Transfers

- 2.20 Where no other immediate or practical housing solution is possible, we may consider a Management Transfer to another house.

Circumstances may include, but are not limited to:

- severe harassment, including racial and sexual harassment;
- severe violence, including domestic violence;
- urgent medical reasons;
- major repair work;
- relationship breakdown due to abuse/harassment;
- significant changes in support needs.

- 2.21 The aim of a Management Transfer will be to move the household to more appropriate accommodation. This may be outwith a tenant's existing locale. If the request is accepted only one suitable offer will be made to reflect the urgency of the housing need. The offer of accommodation will normally be met from our own stock if available, or from a reciprocal arrangement with another RSL or Local Authority where it is not possible to meet the requirement from our own housing stock.
- 2.22 Management Transfers must be approved by the Housing Services Manager, failing whom the Director of Finance. Management Transfer lettings will be reported to the Housing & Property Services Sub-Committee or Board of Management, whichever meeting takes place first **after** the transfer.

Lettings Plans

- 2.23 We reserve the right in certain circumstances to develop Letting Plans which will specify the household and personal circumstances of those to be accommodated within a specified area of housing stock.
- 2.24 Examples of criteria we may use to prioritise allocations in a Lettings Plan are:
- age (with regard to amenity housing or properties that have been specifically designed and substantially adapted to meet the needs of a particular age group);
 - type of employment (e.g. key services such as teachers, nurses etc);
 - local connection (e.g. moving back to the area to provide or receive support to or from family members, or for employment reasons).
- 2.25 The use of a Lettings Plan will be restricted to those areas where it is considered necessary to avoid concentration of similar types of household (e.g. single male households with dependency issues) or where there are particular estate management problems which may be resolved by altering the community profile.
- 2.26 Wherever possible, a Lettings Plan will be developed in consultation with the relevant Local Authority and interested tenants, and will require to be approved by the Housing & Property Services Sub-Committee. All Lettings Plans will be reviewed on an annual basis to ensure that they remain relevant.

Sensitive lets

- 2.27 As a 'one off' action to address a specific estate management issue, a sensitive let may be used where there is a need to maintain sustainable communities. This differs from a Lettings Plan which is a longer term plan. Any such lets will be reported to the Housing & Property Services Sub-Committee or Board of Management, whichever meeting takes place first **after** the allocation takes place.

Low demand properties

- 2.28 We reserve the right to depart from this Allocations Policy for certain 'low demand' letting areas and, within these areas, to advertise and allocate these properties on a choice basis.
- 2.29 Low demand areas are defined as those where there are no suitable applicants on our Allocations List and where the Local Authority is unable to nominate suitable candidates.
- 2.30 The Housing & Property Services Sub-Committee will be advised of low demand areas and will approve any proposal to waive the normal Allocations Policy. Available properties will be marketed locally and the low demand status will be time limited.
- 2.31 The Local Authority within whose area the low demand area exists will be informed of the letting initiative and advised of the outcomes.

Tenants who become Homeless

- 2.32 Homelessness amongst existing tenants may result from a variety of causes such as domestic violence, harassment or relationship breakdown. Tenants in these circumstances should apply to us and other relevant housing providers in the normal way.

In certain circumstances, a tenant may qualify for a Management Transfer (see *paras. 2.20 – 2.22 above*).

3.0 ALLOCATION PROCESS WITHIN EDINBURGH

Applications

- 3.1 Applicants who wish to be considered for housing in Edinburgh must register with EdIndex. Application forms are available from local City of Edinburgh Council offices or the offices of any of the EdIndex partners, or may be downloaded from the 'EH – Key to Choice's' website, <http://keytochoice.scotsman.com>.
- 3.2 Participating RSL's may let their properties either by advertising through 'Key to Choice' or by short listing through the Harmonised Allocations Policy. We will use the 'Key to Choice' process to allocate our vacant properties in Edinburgh.

Categorisation

- 3.3 Applicants will be categorised as either a **Starter** or a **Mover**. Starters are generally applicants who do not have their own home. Movers are existing tenants or tenants from other RSL's or the City of Edinburgh Council who have their own home, but need to move.

Priority

- 3.4 Priority will be awarded to applicants who need to move for urgent circumstances e.g. homeless, harassment, medical reasons or overcrowding, as detailed in para. 3.6 below.
- 3.5 In addition, starters will be prioritised by the length of time since registration on EdIndex, and movers by the length of time they have held their tenancy, or the length of time they have lived in their current home (if they are not the tenant).
- 3.6 Priority will be awarded where applicants meet the Council's current assessment criteria as follows:
- Gold Priority (Urgent) – Gold priority (urgent) is usually only awarded in exceptional circumstances, for example to enable a hospital discharge. This priority is also awarded to prevent long term hospital and care home admissions and will usually form part of a wider support and care package.
 - Gold Priority - Gold priority is awarded when the current property does not meet the housing needs of the applicant or a member of their household and cannot be adapted.
 - Silver Priority – Silver priority is awarded for the following reasons:
 - Homeless and in priority need - this can be awarded to starter households;
 - An area is due for demolition and/or regeneration;
 - Overcrowding;
 - Exceptional housing need (e.g. living in a home below tolerable standard).

Any changes to the assessment of priority will be made by Edindex staff in consultation with the partners.

Ranking priority

- 3.7 Applications will be ranked in the following priority order, with the highest at the top:
- Gold, Urgent
 - Gold
 - Silver
 - Waiting time/length of time in last tenancy

Where a person/household would be eligible for more than one category of priority the highest level only will apply.

- 3.8 All priority cases will be ranked by date of award of priority and then by:
- date of application for starters, or
 - length of time at current address for movers.

Time limited priority

- 3.9 Priority is awarded to reflect the need for urgent re-housing. The priority granted will therefore be time limited and may be removed where it has not been used reasonably or where a property successfully bid for has been refused without good reason. Where priority has been removed the household is free to continue to bid through 'Key to Choice' but without priority status.
- 3.10 **Gold Priority** will be time limited but on a flexible basis as households are more likely to be dependant on a suitable type of property which may take time to become available. Priority will be reviewed on a regular basis and where households are not making reasonable use of priority or have refused a suitable property then priority may be removed.
- 3.11 As Gold Priority is granted following an assessment, some cases may have a recommendation attached to its use e.g. for ground floor accommodation only in line with assessed need. This is to ensure that any property offered meets, or can be adapted to meet, the family's housing need.
- 3.12 **Silver Priority for homelessness** will be awarded and then reviewed. Where the priority has not been used reasonably i.e. a household has not made a range of bids likely to result in re-housing or has refused a property they have successfully bid for and which meets their needs, then the priority may be removed.

In cases where priority has been removed and no offer of property has been made then an offer of property will be made outwith the choice scheme to meet our legal requirements to re-house homeless people.

- 3.13 **Silver Priority for demolition or regeneration** will be awarded on a time limited basis in line with the timescales for the regeneration work in question. The tests of reasonableness will again apply. In some cases the priority awarded may be limited to specific geographic areas or house types.
- 3.14 **Silver Priority for overcrowding** will not be time limited as there is an acute shortage of larger homes. However the extra value gained by the age award (time) will be limited at 12 months. Any household being considered for an offer of accommodation will be visited at home to verify that their circumstances still qualify them for this award.

Targets for priority groups

- 3.15 We will aim to allocate 10% of vacant properties to existing ARK tenants wishing to move.
- We will aim to allocate the remaining 90% of lets equally between starters and movers.
- 3.16 We will monitor the categories of housing need of successful applicants to demonstrate that we are meeting our statutory responsibilities.
- 3.17 We reserve the right to review and amend these letting categories as required, and will notify Edindex of any changes.

Advertising

- 3.18 We will advertise available vacancies as widely as possible, including in the City of Edinburgh Council website, the Evening News, 'Key to Choice' free supplement, our offices and on our website.

Short listing

- 3.19 Once we have been informed by EdIndex staff that all bids have been input, we will carry out the process of short listing the successful applicant in line with EdIndex's current ranking priority (City of Edinburgh Council *Lettings Policy*).

4.0 ALLOCATION PROCESS OUTSIDE EDINBURGH

- 4.1 Applicants will require to complete our Application Form which may be downloaded from our website, available for collection from our Head Office or posted to the applicant on request.
- 4.2 To decide what level of priority to give to an applicant we operate a 'points and groups' system.

Points System

- 4.3 An applicant will firstly be awarded a set number of points based on their housing needs and current circumstances. The current list of points is detailed in the procedure supporting this policy.

Needs Groups

- 4.4 After the application has been pointed, the applicant (direct applicant or nominee) will be placed in a 'needs' group which best describes their principal reason for requiring housing. There are seven groups which are designed to reflect a range of needs within the community, as follows:

- Homeless
- Health
- Overcrowding/Under-occupation
- Harassment & Abuse
- Property Below Tolerable Standard
- Social/Support
- Transfers

Supported Housing referrals will not be placed in a 'needs group' as these referrals will come directly from the relevant Social Work department working with Community Networks staff or other support providers, who will liaise with Housing Services staff to finalise the tenancy arrangements.

Targets for Needs Groups

- 4.5 A target percentage of all allocations each year (after decants, management transfers and agency nominations) is allocated to each group. The current targets are as follows:

- | | | |
|-------------------------------------|-----|-----|
| ▪ Homeless | | 15% |
| ▪ Health | 15% | |
| ▪ Overcrowding/Under-occupation | | 15% |
| ▪ Harassment & Abuse | | 15% |
| ▪ Property Below Tolerable Standard | | 15% |
| ▪ Social/Support | | 15% |
| ▪ Transfers | | 10% |

Reviews of the targets will be based on actual outcomes.

- 4.6 As properties become vacant they will be allocated to the most appropriate applicant with the highest points total in the relevant group, as detailed in the procedures supporting this policy.

5.0 ALLOCATION PROCESS - GENERAL

Processing of Applications

- 5.1 Applications for housing out with Edinburgh will be processed and placed onto the housing list within 5 working days of receipt. A confirmation letter, with the application reference number, will be sent to the applicant within 10 working days. This letter will provide a summary of how the application has been assessed.
- 5.2 Applications for housing within Edinburgh will be processed in accordance with Edindex Policy and Procedures.

Exceptions to Allocations

- 5.3 If a vacancy arises in any of the following empty property types, they will be exempt from allocation under this policy:
- properties under management agreements with support agencies ;
 - management transfers ;
 - agency referrals;
 - properties required for decants;
 - properties required to fulfil any other statutory obligations.

References

- 5.4 As part of the assessment and short listing procedure, we will take up references for current and/or previous tenancies and carry out an interview prior to an offer being made.

Support needs

- 5.5 Where we receive applications from individuals who are vulnerable and in our view would require assistance or support in order to sustain a tenancy, we may require that an offer of housing will only be made when a Care Assessment or Housing Support Assessment has been undertaken and we are satisfied that sufficient support mechanisms exist to enable the prospective tenant to sustain their tenancy.
- 5.6 Where following an interview and assessment we consider that the applicant would be unable to satisfactorily sustain a tenancy without support, and where that support is not in place, or where the applicant is not willing to engage in support, we will deem the property not suitable to meet the applicant's needs.

Suspension of applicants

- 5.7 In line with current regulations and guidance, we may suspend an applicant from the housing list if any of the following circumstances apply:

Arrears or tenancy debt

Applicants, including current tenants, with arrears or tenancy debt of more than 1/12th of the gross annual charge of the property will be suspended unless they make an arrangement to reduce their arrears and have kept to this agreement for 3 months.

Anti social behaviour

If any of the following apply the applicant will be suspended:

- The applicant has been evicted for anti social behaviour by any Local Authority or Registered Social Landlord in the UK.
- A decree for possession of their house had been granted on grounds of anti social behaviour but they left prior to the eviction taking place.
- The applicant or a member of their household is or has been subject to an Anti Social Behaviour Order anywhere in the UK in the past 3 years.
- Information about a serious matter related to the conduct of a tenancy has been obtained through the Joint Protocol with Lothian and Borders Police for Sharing Information for the Prevention of Crime and Disorder.
- The applicant has failed to declare any previous eviction, anti-social behaviour order or conviction for a serious offence, which could reasonably be held to be a threat to the community.
- The applicant has been convicted of assault on a member of staff.

Other

- The applicant has knowingly misrepresented information or circumstances to obtain a tenancy.
- The applicant has carried out serious damage to a current or previous tenancy.

- 5.8 Where an applicant is suspended and not considered for permanent re-housing, they may be considered for a Short Scottish Secure Tenancy.
- 5.9 A suspended applicant will be advised in writing of the decision, the duration of the suspension before review and what action they are required to take in order to have the suspension lifted. The applicant will also be advised of their right of appeal against the decision.
- 5.10 The administration of suspended applications for Edinburgh (Key to Choice) will be carried out by City of Edinburgh Council. The administration of all other suspensions will be carried out by Housing Services staff.

Factors not to be taken into account

5.11 We will **not** take account of the following factors in considering an allocation:

- how long they have lived in a particular area;
- whether they are resident in a particular area;
- any outstanding debt for a property where they were not the tenant;
- any rent or other arrears which are no longer outstanding;
- any outstanding debts which are not tenancy related;
- their income;
- the value of any property they own.

Bypassing applicants

5.12 We reserve the right to bypass applications under the following circumstances:

- where false information is knowingly supplied or relevant information deliberately withheld (if an applicant is granted a tenancy on the basis of false information, we will commence eviction proceedings once this becomes known);
- failure to respond to our communications without good reason;
- where applicants verbally or physically abuse or threaten staff;

The applicant will be advised of the reasons for the decision and will have the right to appeal.

Cancellation of applications

5.13 In accordance with the Housing (Scotland) Act 2001 and current guidance we may cancel an application for the following reasons:

- the applicant has died;
- the applicant has written to ask that they be removed from the housing list;
- the applicant has not responded to the annual review or to a subsequent reminder asking that they confirm they still wish to remain on the housing list.

5.14 For Edinburgh applications we will notify the EdIndex administration unit who will cancel the EdIndex registration. All other cancellations will be processed by Housing Services staff.

5.15 Where an application has been cancelled and the person contacts us within 12 months of the cancellation the application will be reinstated. Where agreed, reinstatement will be from original date of application.

Where no request has been made within 12 months, the application date will be from the date of a new application being made.

6.0 TENANT CONSULTATION & INFORMATION

6.1 In accordance with our Tenant Participation policy and current guidance we will consult with tenants on this policy each time it is reviewed.

The results of each consultation exercise will be reported to the Housing & Property Services Sub-Committee, together with any proposed amendments to the draft policy, before the policy is finally approved.

6.2 The policy and related information will be made available as follows:

- A copy of this Allocation Policy may be downloaded from our website: www.arkha.org.uk.
- Copies of this Allocation Policy can be obtained from our offices at The Priors, Canaan Lane, Edinburgh, EH10 4SG, Tel: 0131 447 9027
- A summary of the policy will be made available in a number of other languages, in large print or on tape, if required.
- A guide for applicants summarising the policy and explaining how to complete an application will be provided with the application form.
- An information sheet giving details of the type of properties we manage and their locations will be available on our website or from our office.
- Details of other Registered Social Landlords in the areas where we operate will be provided on request.

7.0 APPLICATIONS WHICH COME UNDER SCHEDULE 7 OF THE HOUSING (SCOTLAND) ACT 2001

7.1 To comply with the provisions of Schedule 7 of the Housing (Scotland) Act 2010, an application from:

- a) a current ARK Board Member or employee, or
- b) someone who was a Board Member or employee within the 12 months prior to the application being considered, or
- c) a relative of anyone in the above two categories (as defined by the 2001 Act),

will be processed in the same way as any other application, except that the proposed allocation will require to be approved by the Housing & Property Services Sub-Committee, or by the Sub-Committee Chair acting under delegated authority with the decision being reported to the next meeting of the Sub-Committee or Board of Management, whichever meeting takes place first **after** the decision has been made.

8.0 DATA PROTECTION

8.1 We will ensure that in implementing this policy and the supporting procedures we comply with our Openness & Confidentiality Policy.

9.0 APPEALS & COMPLAINTS

- 9.1 For applications made directly to Ark Housing Association - If an applicant is unhappy about the way their application has been assessed, they can ask a senior member of staff to review the assessment.

For applications made directly to EdIndex – there is a separate appeals process, details of which can be obtained from EdIndex.

- 9.2 If anyone wishes to complain about how we have applied our Allocations Policy they will be asked to submit their complaint in writing.
- 9.3 To comply with our Equality & Diversity policy we will provide the required assistance, or services from external sources, to anyone who experiences difficulty in making a written complaint, including translation services for those whose first language is not English.

10.0 IMPLEMENTATION AND REVIEW

- 10.1 The Housing Services Manager is responsible for ensuring that this policy is implemented.
- 10.2 The Housing Services Manager will ensure that annual reports on the application of this policy and its outcomes are submitted to the Housing & Property Services Sub-Committee.
- 10.3 The Housing Services Manager will ensure that this policy is reviewed at least every three years by the Housing & Property Services Sub-Committee.

Approved by the SMT:

October 2010

Approved by the Housing & Property Services

November 2010

Sub-Committee:

Review of policy due by:

November 2013

Complies with:

**Performance Standards
AS1.1 Access to housing
AS1.2 Lettings**

ALLOCATIONS POLICY - RELATED POLICIES & PROCEDURES

Policies

[Payments, Benefits & Corporate Accountability \(Schedule 7\)](#)

[Complaints](#)

Equality & Diversity

[Openness & Confidentiality](#)

Procedures

Allocations process within Edinburgh

Allocations process outside Edinburgh

Change of Tenancy (Sole to Joint, Joint to Sole)

Transfers

Mutual Exchanges

Assignment of Tenancy

Succession

Short SST

Relationship Breakdown

Key Performance Indicators for the Housing Sub- Committee