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1. INTRODUCTION

1.1 Bellsmyre Housing Association is a community owned and controlled Registered Social Landlord (RSL) based in the Bellsmyre area on the edge of Dumbarton. At 31 March 2007, the Association had 581 properties for rent. Over 150 properties were transferred from Scottish Homes to community ownership in 1992, with the remaining properties being transferred from Scottish Homes in 1997.

1.2 The Association owned the following properties at the end of March 2007:

Size	Number
2 apartment	56
3 apartment	339
4 apartment	183
5 apartment	3
Totals	581

1.3 In 2008, the Association's first new build development will come off site. This will provide a further 22 homes for rent in the Bellsmyre area.

1.4 The Association will continue to add to its stock numbers, for example by building new homes, but stock will also be lost owing to tenants exercising their right to buy. It is not therefore possible to predict how number will change over time.

1.3 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 underlying principle is to allocate our housing stock to those households displaying the highest levels of housing need. It outlines how the Association lets all of its stock, including the new build currently on site at Stonyflatt Road and the planned development at Valeview Terrace.

1.4 In achieving this the terms of this policy, we are committed to:

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

1.5 Formulation of Policy

1.5.1 This policy takes account of good practice documents, for example:

- Performance Standards for Social Landlords (November 2006) section 1.1 of which requires Associations to “*ensure that people have fair and open access to the housing list and assessment process and that they work with others to maximise and simplify access routes into our housing*”, and section AS1.2 which requires Associations to “*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*”
- Scottish Federation of Housing Associations’ Raising Standards document, Chapter 1 Revised, and Supplementary Guidance thereto issued in March 2007
- the Housing (Scotland) Act 2001
- the Homelessness etc (Scotland) Act 2003

1.6 Availability of the Policy

- 1.6.1 In line with the Association’s policy on Information, copies of this policy are made freely available to any interested party on request. There are also plans to place the policy on the Association’s website so that it can be downloaded quickly and easily. A summary leaflet has also been done and copies of this are included as part of the housing application form.
- 1.6.2 The Association can also provide copies of the full policy or the summary leaflet in a variety of formats on request. This includes in large print, on tape, in Braille and in translation. Provision of information in an alternative format may take up to a week, although this can sometimes be done much more quickly. Any member of staff is able to provide appropriate assistance in this regard.

2. ACCESS TO THE HOUSING LIST

- 2.1 Anyone who is 16 years or older has the right to apply for housing and to be admitted to our Housing List irrespective of their current circumstances. This means that we will accept applicants onto the list irrespective of where they currently live or whether they currently own or rent their home (or whether they live with family/friends).

What Does Admission to the Housing List Mean?

- 2.2 Applicants must, however, 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 2001 gives anyone over the age of 16 the right to be admitted to the Association’s list, even if they do not demonstrate any housing need (as outlined in the points system). However, the demand for housing, in most cases, is much higher than the number of properties we have for let and this means

that we are unable to provide offers for the majority of those interested in housing in our area. We cannot, therefore, provide any guarantees that any applicant will be successful in being made an offer of housing.

- 2.3 All applicants will be advised of the likelihood of being housed by the Association once their points total has been assessed. 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.

The Association does, however, have a small number of properties which are difficult to let, and it is likely to be the case that any applicant will be made an offer almost immediately in these areas subject to the house size required. The addresses of these properties are currently:

- 5 – 9 Aitkenbar Drive
- 9 – 13 and 10 – 14 Auchenreoch Avenue
- 14 – 18 Barrwoodhill
- 17 – 19 Broomhill Drive
- 1 – 3 Penniecroft Avenue
- 1 – 3 and 2 – 6 Stonyflatt Avenue
- 50 – 72, 97 – 99 and 98 – 100 Whiteford Avenue

Periodic Review of the List

- 2.4 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.
- 2.5 At the time of the review, the Association will ask applicants to confirm that (i) all details held are still relevant or (ii) a change in circumstances has occurred and that this needs to be taken into account. This will initially be done by post, but applicants can respond by telephone if this is an easier option. Where there is no response, the Association will try to make contact by telephone and/or by email, as well as sending a second letter. If there is no response to this within 21 days, the application will be removed from the list. All of this will be made clear in the correspondence sent out.
- 2.6 All applicants removed in this manner will, of course, retain the right to be re-admitted to the list upon request, and this will help address any problems caused by, for example, someone not being able to respond because of a temporary absence from home.

3. CONSULTATION

- 3.1 In line with Section 54 of the Housing (Scotland) Act 2001 and with the Association's tenant participation strategy, this policy was developed in

consultation with tenants, other residents and applicants on the housing list. The consultation took place in November 2007, and after discussion with the Management Committee, the final policy was approved on 26 November 2007. Consultation was done by writing to all tenants and applicants asking for views on some of the policy's key features, such as (i) the elements included in the points system, (ii) criteria for suspending applications and (iii) the requirement for internal transfer applicants to adhere to what was agreed at the pre-termination inspection prior to an offer being formalised.

- 3.2 We also asked all tenants and applicants to indicate their willingness to participate further in the consultation exercise, either by attending a meeting or the Association telephoning them. Support for any additional meetings was very limited, with only five people in total willing to attend a follow-up meeting, and this was dependent upon the time being suitable.
- 3.3 The Association attempted to address all issues raised by those consulted, although this clearly had to be done within the context of the law. For example, we are unable to award points for waiting time or local connection as this is prohibited by the law. We were, however, able to take on board other points, such as incorporating a category for people moving to the area in order to take up an offer of employment.
- 3.4 We will, of course, be writing to all respondents in order to thank them for their comments and also to provide feedback on any specific points that were raised.

4. EQUAL OPPORTUNITIES

- 4.1 Bellsmyre Housing Association aims to be an equal opportunities Association. To this end we have a separate equal opportunities policy, supplemented by an Equal Opportunities Plan.
- 4.2 An integral part of this means that we will seek to ensure that all applicants have an equal right to access both the Housing List and that:
- The Association will not directly or indirectly discriminate against any applicant, on the grounds of ethnic origin, sex, religion, marital status, gender, disability, sexuality or political belief as detailed within the Association's Equal Opportunities Policy
 - In the provision of housing services, employment of staff and access to Membership of the Association, we will seek to ensure equality of opportunity and equal treatment of everyone
 - The records of the ethnicity, gender and disability of each applicant will be monitored to fulfil the Association's commitment to equal opportunities

- 4.3 Other legislation governing equal opportunities for all applicants is within the Disability Discrimination Act 1995 and the Sex Discrimination Act 1975.
- 4.4 In order to promote equal access to housing for all and help meet its obligations under Section 106 of the Housing (Scotland) Act 2001, the Association commits itself to advertising its open waiting list across a range of communities of varying cultural and ethnic backgrounds. According to the 2001 Census, just over 0.5% of the population of West Dunbartonshire were of an ethnic minority background, with those of Chinese (0.1%) and Pakistani (0.13%) origin being the most prevalent.
- 4.5 In Scotland, the acknowledged experts in the field of ensuring that minority ethnic communities can access advice on housing options and providers is the Glasgow-based Positive Action in Housing. A copy of this policy will therefore be made available to this organisation.
- 4.6 In order to help reach all communities, posters will also be distributed to local community focal points, such as the Bellsmyre Advice Centre, local libraries, some council offices and local Department of Works and Pensions (DWP) offices.

5. THE TENANCY AGREEMENT

- 5.1 The Housing (Scotland) Act 2001 introduced the Scottish Secure Tenancy (SST), and almost all lets are made on this basis.
- 5.2 In certain very limited circumstances, however, the Association may decide to let on the basis of a Short Scottish Secure Tenancy. The circumstances are:
- where the tenant/joint tenant has been evicted for anti-social behaviour in the past three years
 - if the tenant or member of the household is subject to an anti-social behaviour order
 - accommodation let on a temporary basis to someone in receipt of housing support services
 - where a tenant has been decanted to another property in the event of fire, flood or similar
- 5.3 The short SST will be let for a period of at least six months and is subject to tacit relocation in the same way as a Short Assured Tenancy was. We will, however, aim to convert any short SST to a full SST within 12 months.
- 5.4 The Association would only expect to use a Short SST in very rare circumstances and does not have any in operation at the time of writing (December 2007).

- 5.5 The Association will not unreasonably reject a request for a joint tenancy with another household member.

6. BASIS FOR SELECTION - POINTS SYSTEM

6.1 Priority 1 Lets

- 6.1.1 Priority will be given to those Association tenants who need to be rehoused in order to progress any of the Association's redevelopment programmes. This would apply if the Association was planning to demolish any of its stock in order to facilitate a new build development programme. In certain circumstances, tenants in housing that was being demolished for other reasons would also fall into this category.
- 6.1.2 The Association does not envisage using this category in the foreseeable future, but it is critical that we are able to prioritise an offer to anyone facing the possibility of losing their current home as a result of the Association's overall re-development activity.
- 6.1.3 Where the Association is required to make offers in this category, households will be matched to vacant properties in relation to their housing need. For example, we will ensure that the property has an adequate number of rooms/bedspaces and that any medical needs are met. We will also take account of present accommodation and, where possible, meet tenants' wishes (for example, if a tenant presently under-occupies by one room and wishes to continue to do so, then this will be arranged where possible). In certain circumstances, however, it may not be possible to meet tenants' wishes, although we will always meet their housing need.

6.2 General Lets

- 6.2.1 Apart from the circumstances outlined above where the Association requires to "clear" housing for demolition, all lets will normally be made as general lets on the basis of housing need, ie in line with the points system.
- 6.2 The points system allows the Association to assess applications for housing in the most objective and accountable manner, helping eliminate the possibility of 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.
- 6.3 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.

7. REASONABLE PREFERENCE

Statutory Requirements

7.1 In line with the requirements of the Housing (Scotland) Act 2001, the Association seeks to give priority (the legal term being “reasonable preference”) to applicants in one or more of the following categories:

- (i) applicants who are occupying houses which do not meet the tolerable standard;
- (ii) applicants who are occupying overcrowded houses; or
- (iii) applicants who have large families
- (iv) applicants who are living under unsatisfactory housing conditions
- (v) applicants who are homeless and or who are threatened with homelessness (within the meaning of Part II of the Housing (Scotland) Act 1987 (as amended by the 2001 Act)).

7.2 The term “reasonable preference” is not easy to define and, like many legal terms, has a meaning which can ultimately be decided upon only by the courts. Raising Standards in Housing have provided some general guidelines, and these have been used in formulating this policy. Section AS1.2 of Performance Standards also promotes reasonable preference.

Defining Unsatisfactory Housing Conditions

7.3 There is no statutory definition of unsatisfactory housing conditions so the Association decided to use to consultation with residents and applicants for housing to help identify the following as unsatisfactory:

- where a house move would help alleviate or improve a medical condition experienced by the applicant or a member of their household
- where a house move would allow the applicants, or a member of their household, to more easily give or receive support (for example, someone needing to move to Bellsmyre in order to provide necessary care to a relative)
- where an applicant, or a member of their household, is experiencing harassment in their present accommodation

Applying Reasonable Preference

7.4 As noted above, the Association uses a points system to assess housing need. Applying reasonable preference is therefore achieved by ensuring that the categories included outlined in section 7.1, above, attract a sufficiently high number of points.

7.5 This has been addressed in the points system, although it should be noted that not all of these attract equal priority (as is permissible as per section 4.2 of Raising Standards). No category, however, gets more

priority than those who are statutorily homeless as recommended by the Homelessness Code of Guidance.

Large Families

- 7.6 There is no statutory definition of large families, but this is taken to mean households which need 5 apartments or larger.
- 7.7 At present, the Association only has a small number of 5-apartment houses and none larger than this. The scope to house large families is therefore limited by these factors. Should this change in the future, then appropriate amendments will be made to this policy.

Homelessness and Potential Homelessness

- 7.8 The Association will use the points system to help ensure that reasonable preference is given to applicants in categories (i) to (iv) as outlined in section 7.1; in relation to category (v), the Association has divided this into the following two sub-categories:
- Those who have become homeless and who have presented themselves as homeless to the local authority. In such cases, we will work in partnership with the local authority to help provide re-housing in accordance with Section 5 of the 2001 Act and with the Homeless Protocol.
 - Those who are not homeless, but who do not have security of tenure. Examples of this include tenants with Short Assured Tenancies, lodgers, or those living with family and/or friends. People in this category will receive points to reflect the fact that they do not have security of tenure and/or are threatened with homelessness.
- 7.9 Where it is apparent that an applicant for housing is homeless, the Association will refer the applicant to West Dunbartonshire Council's homeless team.

8. INTERNAL TRANSFERS

- 8.1 Internal transfers occur where a current tenant wishes to move to another one of the Association's properties. As with Housing List 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.
- 8.2 All current tenants have the right to apply and be admitted to the Housing List where housing need can be shown. 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.

- 8.3 Transfer applicants should also note that those with rent arrears may be suspended from the list, depending on the level of the arrears owed, unless a repayment arrangement has been in place, **and adhered to**, for at least three months prior to an offer being made – please refer to section 19.
- 8.4 Tenants being considered for internal transfers must leave their current property in a satisfactory condition for re-let. Accordingly, no firm offer will be made until (i) any agreed repairs that are the tenant's responsibility have been carried out and (ii) any agreed rent arrears or rechargeable repairs arrangements have been met. The specific circumstances will be agreed between the Association and the tenant during the two pre-termination inspections; once these have been met by the tenant, a firm offer of accommodation will be made.

9. EQUAL RATING OF APPLICANTS

- 9.1 In line with recommended practice, the allocation system takes account of housing need and no points are awarded for time on the list. However, should two applicants have the same points total at the top of the list, the offer will be made to the applicant who has demonstrated their current level of housing need for the longer period.

10. NOMINATIONS AGREEMENT – WEST DUNBARTONSHIRE COUNCIL

- 10.1 The Association has a 50% nominations agreement with West Dunbartonshire Council. Performance in relation to the 50% has been disappointing in the past, not just in the case of Bellsmyre, but also for the other RSLs which operate in the area.
- 10.2 The Association's void management policy requires rental loss to be minimised, and this means that new tenants have to be identified as soon as possible. The Association is therefore planning to enter into discussions with the Council whereby it can contact Council officers at the beginning of each month to discuss (i) the properties that the Association is likely to have vacant in the month and (ii) the likelihood of the Council being able to provide nominees for these. This will help avoid the situation whereby void days increase as a result of the Association waiting on the results from nomination requests where, in the vast majority of cases, no nominations will be forthcoming.
- 10.3 Where the Council provides a suitable nomination, the Association will make an offer to the applicant. In the case of assessing nominees, "suitable" is taken to mean:
- That there will be no over-crowding or under-occupation resulting from the let
 - That there are no medical or other reasons that would make the let

unsuitable, for example, someone who could not climb stairs being offered a house where they would have to climb stairs

- That none of the criteria outlined at section 20 applies
- That the information contained in the application form can be verified by the Association at a pre-let visit

Section 5 Referrals

- 10.4 It is the Association's duty, under Section 5 of the Housing (Scotland) Act 2001, to assist the local Council in housing homeless people. This is done via referral from West Dunbartonshire Council and is governed by a protocol agreed with the Council and all of the RSLs operating in the area.
- 10.5 It is the Association's policy that all applicants referred under Section 5 will be made an offer of accommodation, providing that a suitable property is available, ie there is a property of the required size and meets the household's medical and other requirements.

11. MUTUAL EXCHANGES

11.1 Tenants of the Association may arrange Mutual Exchanges:

- (i) With other Association tenants in Bellsmyre
- (ii) With other public sector/registered social landlords in the European Union
- (iii) Through the HOMESWAP scheme for exchanges across the country

11.2 The Association will maintain a register for persons seeking a Mutual Exchange, and this will be available to all tenants at the Association's office. Conditions of the Association's Mutual Exchange Policy are as follows:

- (i) A tenant wishing to exchange homes with another tenant must first obtain the Association's written consent to the exchange, although this will not be unreasonably withheld. The person with whom they wish to exchange must also obtain permission from his/her landlord who may have certain conditions regarding Mutual Exchanges.
- (ii) The Association will not normally approve a Mutual Exchange if the property would become overcrowded or under-occupied.
- (iii) All necessary repairs and/or replacements, which are the responsibility of the outgoing tenant, must be completed to the

Association's satisfaction before an exchange can proceed. The Association will not carry out any redecoration.

- (iv) Both tenants wishing to exchange will be visited by someone from the housing management team. The Association's tenant's house will be inspected. Any repairs required to bring the property up to a reasonable standard will be notified to the tenant and must be carried out before permission to exchange will be granted.
- (v) If the exchange is approved the incoming tenant must occupy the property within a reasonable period. Failure to take up residence within one month will result in the Association taking steps to end the tenancy of that property.
- (vi) The incoming tenant must intend to occupy the property for at least six months
- (vii) In the event of any of the parties giving false or misleading information or deliberately withholding relevant information, the Association will take action for recovery of possession or to reverse the exchange through the courts.
- (viii) The new Tenancy with the Association will be a Scottish Secure Tenancy in terms of the Housing (Scotland) Act 2001.

12. SUCCESSION and ASSIGNATION

Succession

- 12.1 Succession to a Scottish Secure Tenancy normally occurs when a tenant dies and there is at least one other person left in the household. The law is very clear on who is eligible to succeed a tenancy (the **qualified person**) and also specifies the order in which each category is given priority.
- 12.2 Where there is a joint tenancy, the tenancy automatically remains with the other joint tenant(s).
- 12.3 In all other circumstances, the order of priority is:
 - a) the tenant's spouse or partner, providing that the house was their only or principal home at the time of the tenant's death
 - b) if (a) does not apply, then the tenancy may be offered to a member of the tenant's family, providing that it was their only or principal home at the time of the tenant's death
 - c) if neither (a) nor (b) applies, then the tenancy may be offered to a resident carer, providing that the carer gave up their only or principal home in order to move in with the tenant before his/her death

- 12.4 The type of tenancy given after succession is a full Scottish Secure Tenancy.
- 12.5 Where a house has been designed or substantially adapted for the use of someone with special needs, only spouses, partners, joint tenants or persons with similar special needs can succeed the tenancy. Others who would otherwise be eligible to succeed the tenancy as the qualified person will be offered alternative accommodation by the Association.

Assignment

- 12.6 Assignment occurs when a tenant/joint tenant gives up their tenancy in favour of someone else who occupies the house as their only or principal home.
- 12.7 Under normal circumstances, the Association will agree to the assignment provided that the person intending to take over the tenancy has had permission to reside with the applicant and has lived in the property for the six months preceding the date of the assignment. The assigned tenancy will be on the basis of a full SST.

13. LODGERS AND SUB-LETTING

Lodgers

- 13.1 Tenants may have lodgers, providing that the Association's prior written permission has been granted and no overcrowding will result – this will not be unreasonably withheld. Tenants should note, however, that we will not permit lodgers to move in if overcrowding results, if the proposed lodger has an outstanding ASBO, or if he/she has been evicted for anti-social behaviour in the past three years.
- 13.2 Lodgers have no rights of succession, nor can the tenant assign the tenancy to a lodger.

Sub-Letting

- 13.3 Tenants may normally sub-let their house to another person for a period of up to one year if they are going to be absent on a temporary basis (for example, extended holiday, working/training/studying away for up to one year). At all times, however, the tenancy remains in the name of the tenant and cannot be succeeded to by sub-lessee.
- 13.4 The tenant remains responsible for the rent, even although he/she may have come to an arrangement with the sub-lessee for reimbursement. The tenant must also ensure that the sub-lessee does not behave in a manner that would constitute a breach of the Tenancy Agreement (for example, anti-social behaviour) or the Association may take steps to remove the sub-lessee.

14. NATIONAL MOVE UK MOBILITY SCHEME

14.1 The Association participates in the HA Move UK (formerly HOMES) scheme and, in line with recommended practice, has set a target of 4% of total lets to go to these applicants. However, assuming that the Association publicises the scheme and deals appropriately with applications, there is relatively little that can be done to ensure that applications are made given the eligibility criteria (please see below).

14.2 Criteria for Accepting MOVE UK Nominations

1. *Employment*
On the basis of a specific local job offer which cannot be accessed from current residential status.
2. *Relative In Need*
Giving or receiving support to/from a relative in need on the basis of medical supportive evidence and historical analysis of the need factor where support cannot be accessed from their current residential status.
3. *Training/Education*
On the basis of a specific local training/education offer within the local area

15. THE QUOTA SYSTEM

15.1 In order to maintain a balance between the various categories of lets, the Association operates a quota system. Target percentages within the different categories are as undernoted:

Category	Target %age
Housing List	40%
Internal Transfers	10%
Nominations/Section 5 Lets	50%
MOVE UK	See below
Referrals from Other Agencies	See below

It is difficult to set a meaningful target for either Move UK lets or referrals given the relatively low turnover experienced by the Association. Instead, we will make such lets on an ad hoc basis. We would expect to let only a very small number in this way over the year and, where this does occur, a report, prepared by the Housing Officer and endorsed by the Housing Manager, will be retained for audit inspection within the house file. Details on numbers only will be passed to the Management Committee as part of the annual report on the allocations policy.

- 15.2 The percentages outlined in the quotas are not absolute figures which must be attained. Rather, they are indicative percentages to help ensure that there is some balance within the lets made. If there is an imbalance towards the end of a year, for example, this does not mean that all subsequent lets will be made in order to “catch up”.
- 15.3 Housing Officers will make selections throughout the year on a rotational basis (as outlined in the allocations procedures) to help ensure that the target percentages are broadly achieved on an ongoing basis.
- 15.4 The Nominations category of 50% **includes** lets made under Section 5 – ie to provide accommodation for homeless people at the Council’s request. We have decided to combine these two categories for the purposes of the quotas for the current year. This is principally because the outturn percentage under the Nomination Agreement (50% on its own) has historically been low. This category will be kept under review and can be amended as required following discussion with the Council.

16. NUMBER OF OFFERS

- 16.1 There is no limit to the number of offers that can be made to an applicant. However, should an offer be refused the areas of choice will be reviewed in conjunction with the applicant.

17. TIMING OF OFFERS

- 17.1 Selection will be made on the property before the end of tenancy date unless this is not possible, for example the property has been abandoned, the tenant has died or the property is not in a satisfactory condition. This will allow viewings to begin as soon as the outgoing tenants leaves and will help reduce lost rents through empty houses – where the outgoing tenant is in agreement, viewings will take place during the termination period and permission on this will be sought at the pre-termination inspection.

18. CHANGES IN CIRCUMSTANCES

- 18.1 Applicants whose circumstances change from their first application must advise the Association of these changes.
- 18.2 All applications will be checked at the time of allocation and should any changes affect the points level by reducing it, the offer will not proceed unless the new total results in the case remaining at the top of the list.
- 18.3 All applicants will be reviewed on an annual or three year basis (depending on the points level outlined in the accompanying

procedures) and re-assessed as appropriate. Notwithstanding this, any changes advised by the applicant will be processed as they are advised and a new points total calculated.

19. APPEALS

19.1 The Association has a clear procedure for dealing with appeals arising from decisions made in the allocations process.

19.2 If any applicant is unhappy regarding their application or the treatment they have received and this cannot be satisfactorily addressed by raising the matter with the Housing Officer then appeals should be made by:

1. **Raising it with the Housing Manager.**
2. **If not resolved then the applicant can raise it with the Director**
3. **If still not resolved, the applicant can raise it with (or request personal attendance at) a specially convened sub-Committee.**
4. **Finally, it may be raised with the full Management Committee.**

20.0 SUSPENSIONS, EXCLUSIONS and REMOVAL FROM THE LISTS

Suspensions from the Housing List

20.1 The Association will ensure a continuous opportunity for people to apply for housing, be assessed using the needs-based points system and be able to access the housing list. This means that, in the vast majority of cases, we will not deny access to, or suspend anyone from, the Housing List. (It is important to note that the Association will no longer exclude or refuse an application, the difference being that a suspension will be for a specified period of time and we will retain the applicant's details during this time).

20.2 However, in the following circumstances, the Association **will suspend** an application:

- Where an applicant has rent arrears equivalent to one month's charge **and** where an arrangement to repay this amount has not been adhered to for a period of three months. The period of suspension will be six months, at which point the applicant will be eligible to receive an offer, providing that the rent arrears criterion no longer applies.

- Where there is a current Anti-Social Behaviour Order (ASBO) against the tenant or a member of the household to be re-housed, the suspension will last until six months after the ASBO has been removed.
- Where there has been an eviction in the last three years, the suspension will last for a period of six months after the three year period has ended.
- Where there has been violence to staff in the past three years, the suspension will last for a period of six months. (This final criterion would have to be evidenced and legal advice sought on an individual case basis).

20.3 In line with 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 the suspension. The Association will also seek advice from its legal advisor on Article 8 of the Human Rights Act ('respect for private and family life') to check that there is no conflict with this Right.

Suspensions from the Transfer List

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

Exclusion from the List

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

Removal from the Lists

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

- the applicant has been offered a tenancy by us and this has been accepted
- the applicant has requested to be removed from the list
- the applicant has died
- the applicant has not responded to the review process

21. LETS to STAFF/COMMITTEE or MEMBERS OF THEIR FAMILIES

21.1 The staff and Committee of the Association (and their families) are prevented by law from obtaining any benefit as a result of their connection with the Association. The appropriate legislation is Schedule 7 Part 1 of the Housing (Scotland) Act 2001. This means

that any lets made to staff, Committee or their families **must only be done** on the basis of housing need as defined in Appendix 1 of this policy. The Management Committee will approve all Schedule 7 lets in advance of the let being finalised.

- 21.2 In other words, the let would have been made to that person in any case as he/she exhibited the greatest housing need at the time the selection was made.
- 21.3 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 Communities Scotland 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 parties. Penalties for breaching this legislation are significant.

22. MEASURING THE OUTCOMES OF THE POLICY

- 22.1 This policy will be reviewed in December 2010 and then every three years thereafter. 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 accords with the agreed objectives.
- 22.2 The current reporting framework used by the Management Committee provides quarterly reports and an annual report on numbers on the housing lists and details on lets made. This will continue to be the case, however, the annual report will contain the following **additional** information:
- the number of cases where points have been awarded in the “exceptional circumstances” category
 - details on any Short Scottish Secure Tenancies let in the year
 - details on any instances where the Association has not complied with a request from the Council to provide accommodation to a homeless household
 - the number of suspensions applied in the year and the reasons for these
 - details of alternative formats requested
 - equal opportunities monitoring information (this will be supplementary to the outturn report on the Equality Action Plan)
 - number of lets to internal transfer applicants, housing list applicants, council nominees, mutual exchanges, successions/assignments and MOVE UK
- 22.3 There will also be a commentary on how the main objectives of the policy have been achieved, together with suggestions on any improvements that need to be made at the next review (or immediately if this is required).

- 22.4 A summary of this report will be disseminated to the tenants and members as part of one of our regular newsletters and will also be used as part of the consultative process. Other interested parties can receive a copy on request.

23. POLICY REVIEW

- 23.1 The Association will review this policy in December 2010 and every three years thereafter. In the case of changes to legislation or significant changes to best practice, the review period may be reduced.