

# WAVERLEY HOUSING

## ALLOCATION POLICY (Choice-Based Lettings)

Date Approved by Board: May 2008  
Reviewed By: AICC  
Next Review Date: March 2011  
Responsible Person: Housing Services Manager

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## 1. INTRODUCTION

Waverley Housing is a Registered Social Landlord providing general needs housing in the central Scottish Borders. It relets around 150 houses per annum.

A **choice-based allocations system** will be operated to allocate all properties to applicants applying for housing. All properties available for let will be advertised through the local press, on the website and within area offices, with the exception of Management moves - see sections 6 and 9. Applicants, once registered, may apply for advertised properties of their choice, either in person, by telephone, by post or via the website. Applicants can also give written permission for someone to act on their behalf, e.g. relative or support worker.

Some of the benefits of operating a Choice-based lettings system are:-

- Greater choice – the ability for applicants or tenants to bid and register for a home of their choice
- Reduced void management costs and rental loss.
- Improved tenancy sustainability as longer term tenants are more likely to stay in properties they have themselves chosen.
- Easily understood, open and fair system for selection of successful applicants to advertised properties, with regular feedback to all applicants on re-lets made.

## 2. AIMS OF THE ALLOCATION POLICY

- To make best use of the housing stock available for re-let;
- To give priority to those applicants in greatest need (as contained within Section 20 of the Housing (Scotland) Act 1987 as amended by the Housing (Scotland) Act 2001);
- To consider sustainability of tenancies and creation of balanced communities;
- To facilitate transfers of existing tenants to meet changing needs and
- To facilitate management moves where doing so will alleviate difficult living conditions (e.g. health, resolution of serious neighbour dispute etc.).
- To minimise the time properties remain income and to maximise income

### **3. COMMON HOUSING REGISTER**

In response to Section 8 of the Housing (Scotland) Act 2001, the Board of Waverley Housing has agreed to participate in a **Common Housing Register** (referred to as CHR) and operating under the banner of Borders Choice Homes, in partnership with other local housing associations.

The benefits of a CHR include:-

- Ease of access into social housing where applicants complete a single housing application (registration) form which allows them to apply for housing with all housing providers participating in the CHR.
- Working towards commonality in allocation policies (ease of understanding for applicants)
- Shared housing advice and information service
- Accuracy of information on housing demand.

### **4. EQUAL OPPORTUNITIES**

#### **4.1 ETHNIC MONITORING**

Waverley Housing aims to promote equality of opportunity and access to its housing by ensuring that all applicants will be treated equally irrespective of age, disability, ethnic or national origin, family circumstances, marital status, political affiliation, sexual orientation, race, religion or gender. Applicants will be requested to complete, albeit on a voluntary basis, information on Equal Opportunities.

#### **4.2 ELIGIBILITY FOR INCLUSION ON THE HOUSING LIST**

Subject to applicants having attained the age of sixteen, all applicants in housing need are welcome to register on the housing list, regardless of age, disability, ethnic or national origin, family circumstances, marital status, political affiliation, sexual orientation, race, religion or gender.

The right to be admitted to the housing list is not the same as the right to be allocated a property.

#### **4.3 ACCESSIBILITY**

Waverley Housing will make this document and any other documents relative to the Allocation process available in other languages, large print, and audio format upon request and will make translation and interpretation services available where required.

## **5. HOW THE SYSTEM WILL OPERATE**

The allocation of Waverley Housing properties for relet will be open and accountable and will meet the Aims of the Policy above.

As a result, housing need criteria requires to be measured, and priority will be awarded by granting of a Gold, Silver or Bronze Priority Pass. Applicants without a Priority Pass are known as Registered Applicants.

Properties available for relet will normally be advertised in the local press, area offices and on the website. This is with the exception of an authorised Management move, where the property need not be advertised with the written consent of the Housing Manager. If a property is advertised and is subsequently deemed suitable for a management move, it can be withdrawn from offer.

Applicants can apply for advertised properties and are eligible to apply for any number. Where multiple applications are made for properties advertised with the same closing date, applicants must indicate their choice in order of priority, e.g. first, second, third choice properties.

All applications will be registered, and all priority passes will be processed in accordance with any Performance Indicators set jointly by participating landlords.

Whilst applicants can register and apply for properties on the same day, new applicants cannot apply for a Priority Pass to gain priority in respect of properties that are being advertised at the time of registration. Similarly, applicants cannot change any priority pass limitations already in place in order to increase their priority for a property currently being advertised.

Selection criteria for offering of properties, is as follows:-

### **Best use – taking account of the house size and type**

Property that is adapted in any way for a disabled person will firstly be offered to an applicant requiring all or most of the adapted facilities, or where only



Where there are multiple applicants for a property who demonstrate best use, selection of the successful applicant will then be determined by the one with the highest priority pass level. In the case of applicants referred under Section 5 of the Housing (Scotland) Act 2001, priority will be given to the oldest referral or as guided by the local authority referring.

A priority pass will not be awarded to any applicant who is found to have intentionally or carelessly taken action resulting in worsening their housing situation.

### **Date of Registration**

Where more than one applicant makes best use of a property for relet, and also have the same priority pass level (or all are Registered applicants with no priority pass), the successful applicant will be determined by the earliest registration. If applicants register on the same date, registrations are in numeric order and the successful applicant will be the one with the earliest date of registration.

Allocations Notes agreed between the participating landlords are provided for housing staff responsible for offering properties for relet to give guidance on selection criteria. Allocation of Waverley properties will take account of the following:-

One-bed properties – couples and single persons will be treated equally;  
Two-bed properties – applicants making use of all bedrooms treated equally whether permanent or non-permanent (see access and pregnancy below)  
Three and four + bedroom properties – family groups will take priority over unrelated groups e.g. friends and non-permanent residents with access;  
Access to children – where access is for two or more nights per week, children are treated as permanent for 2 bedroom properties but non-permanent for 3 or more bed roomed properties, where families making permanent best use of bedrooms will take priority.  
Pregnancy – First unborn child to be treated as requiring one bedroom subject to confirmation (e.g.: Certificate of Confinement). Subsequent unborn children will not normally qualify for an additional bedroom, only bed space, until born and sex known, except where overcrowding of existing bedrooms will occur, irrespective of sex.

## **6. REGISTRATIONS PLACED ON HOLD**

In certain circumstances, applicants that register will have their registration placed on 'Hold'. An applicant is unable to apply for housing whilst their registration is on hold but will be advised in writing giving the reason for this

and what action is necessary to review this decision. Signposting to independent advice will also be provided.

Registrations can be placed on hold in the following circumstances:

### **Unsigned Registration**

Where the applicant has not completed the registration form in full, e.g. not signed the Registration Form or not signed relevant declarations or has deleted any of the eligibility criteria, the registration will be placed on hold until either the relevant signatures have been obtained or Waverley Housing is satisfied that the criteria has been met.

Where registrations are received via internet or telephone, the registration will be treated as an unsigned registration, albeit the date of registration will be the date on which the initial information is received, rather than the date on which the signed form is returned.

Any changes in circumstances may also result in the registration being placed on hold, pending verification or receipt of additional information required.

### **Outstanding Tenancy Debt**

Where the applicant has an outstanding arrears balance for rent and/or service charges and/or any other tenancy related debt more than one twelfth of the annual amount owed for rent and/or services charges and/or any other tenancy related debt. If, however, the applicant has been adhering to a previously agreed repayment arrangement for a period of three months or more, the registration will not be placed on hold.

As a preventative measure against repeat homelessness, any applicant referred under Section 5 of the Housing (Scotland) Act 2001 with outstanding tenancy debt as above with any of the participating landlords or Scottish Borders Housing Association, will be placed on hold until confirmation is received that a Repayment Arrangement with the relevant landlord has been entered into. This will only apply if the reason for homelessness is a direct result of the debt.

Waverley Housing disregards any tenancy related debts which are more than 5 years old with regard to an application for housing.

### **Housing Benefit**

Applicants will be placed on hold in the event that housing benefit may have been payable but the non-processing of it was as a result of their failure to provide necessary information to allow processing, and arrears remain outstanding with no agreement in place for the minimum period of 3 months. Applicants shall not be placed on hold on the housing register, however, for rent and/or service charge debt where housing benefit should have been available to cover rent and/or service charges where there has been a delay in processing such benefit and it can be reasonably assumed that the applicant is entitled to such benefit and has submitted a claim along with all relevant information to the local authority.

### **Abandonment of Property**

The registration will be placed on hold where the applicant has previously abandoned a property, until such time as any costs relating to that abandonment, such as unpaid rent, recovery costs or rechargeable repairs have been paid or a repayment agreement as outlined above is in place.

### **History of Anti-social Behaviour or Criminal Activity**

Waverley Housing is a member of the Scottish Borders Antisocial Behaviour Working Group and works actively to challenge anti-social behaviour and crime within its tenancies.

Accordingly, where we or another Registered Social Landlord has taken steps such as eviction or an Antisocial Behaviour Order (ASBO) against an applicant in a previous tenancy, or an RSL can demonstrate that the applicant was/is in serious breach of their tenancy agreement (i.e. where the incidents of antisocial behaviour are serious in nature (not necessarily as a result of criminal behaviour), for which evidence can be sourced officially from the landlord or police over a period of time), the registration will be placed on hold until such time as Waverley Housing is satisfied that such anti-social behaviour or criminal activity is unlikely to be repeated. Evidence would be sought from the Anti-Social Behaviour Unit (ASBU) on a regular monthly basis to establish when this is the case.

When Waverley Housing is satisfied that there is evidence of an ASBO in place a Short Scottish Secure Tenancy Agreement will be offered in such instance, with tenancy support offered to help sustain the tenancy. Waverley Housing reserves the right to withdraw any offer of accommodation where it is considered support is necessary but is not accepted by the applicant.

### **False or misleading information**

Applications may be placed on hold where an applicant, deliberately, gives false or misleading information, or withholds relevant information. Placing on hold will be for a period of **two years** during which time there would be an opportunity to reassess the application, always taking account of the applicants housing need.

Applications may also be held on the housing register where the applicant displays undue violent or aggressive behaviour towards the Company's employees and the seriousness of that behaviour could lead to the person being charged by the police. In such instances, the held period will be for a period of **five years** and will only be lifted on the basis of clear evidence which demonstrates a change in behaviour.

### **Refusals of Offers of Accommodation**

Registered applicants who refuse two reasonable offers of accommodation applied for will be placed on hold for one year. Applicants using a priority pass to secure two reasonable offers of accommodation, will lose their priority pass, however, will be eligible to two further reasonable offers of accommodation before also being placed on hold for one year, as with registered applicants

### **TRANSFER APPLICANTS**

Tenants of Waverley Housing who have breached their tenancy conditions, e.g. are in rent arrears or have other tenancy related debts owing to Waverley and have no repayment arrangement in place for 3 months, or are currently engaging in antisocial behaviour will not receive a transfer within our housing stock. Waverley Housing cannot, however, obstruct the tenant from registering interest in accommodation belonging to other participating landlords.

### **7. MANAGEMENT MOVES**

Management moves are used only in exceptional circumstances, where the living conditions of the tenant will clearly improve in transferring their tenancy within Waverley Housing's stock. Management moves will be subject to a report by relevant housing staff and must be authorised by the Housing Manager.

### **8. ILLEGAL DRUG USE OR SUPPLY or LEAVING PRISON/INSTITUTION**

Where it is known that an applicant has a conviction for the use of, or supply of, or there is reason to suspect that the applicant is using or supplying, or has previously used or supplied, Class A controlled drugs, Waverley Housing will only house that applicant in conjunction with a recognised support provider and suitable support package in place.

Where the applicant has a conviction for the use of, or supply of, or it is reasonably suspected that the applicant is using or supplying or has previously used or supplied, Class B or C drugs, the individual circumstances of the case will be taken into account to decide the necessity or otherwise of a support package requiring to be in place for any offer of accommodation with Waverley Housing. Support packages may be with recognised agencies such as Social Work, local Mental Health Teams, Borders Community Addiction Team (BCAT) or other external support agencies, such as Penumbra Supported Living.

Where an applicant is leaving Prison or other Institution, a support package should be in place with a relevant agency unless in the opinion of a relevant professional this is not required. Waverley Housing reserves the right to withdraw any offer where a support package is not in place but which is considered essential to sustaining of the tenancy.

## **9. HOMELESSNESS**

As Waverley Housing is not likely to be able to help with immediate accommodation, all homeless applicants or applicants threatened with homelessness will be encouraged, in the first instance, to make application for assessment to Scottish Borders Council's Homelessness Services. SBC is the local authority primarily responsible for meeting the needs of homeless people.

The Priority Pass Information Sheet on Homelessness gives guidance to applicants on how to apply as a homeless person.

Waverley Housing gives assistance to Scottish Borders Council to meet its statutory obligations under the Homelessness etc (Scotland) Act 2003 in respect of homelessness, by providing where reasonably possible properties for use as interim temporary accommodation.

A protocol will be agreed between Scottish Borders Council and Borders RSLs, including Waverley Housing, covering temporary accommodation, Section 5 referrals and non-statutory homeless applicants.

Waverley Housing is committed to sustaining tenancies and preventing homelessness wherever possible. Where support is required in respect of

homeless persons referred to Waverley Housing by SBC, the registration will be held pending support being put in place. Where no support is identified as required, the registration will not be placed on hold.

Waverley Housing sets an annual target for housing Section 5 referrals as a percentage of its total relets. It reserves the right where this target is significantly exceeded to renegotiate any part of any agreed protocol between the CHR partners and Scottish Borders Council.

## **10. SEX OFFENDERS**

Where an applicant applies for housing and has declared on the registration form of their being on the Sex Offenders Register, any offer of a Waverley Housing property will require the property to be risk assessed prior to allocation, and a suitable support package, if required, put in place. A joint protocol will be agreed with Criminal Justice and local RSLs, including Waverley Housing, in relation to allocation of properties to Sex Offenders.

Any registration from a Sex Offender will be dealt with responsibly, ensuring privacy and confidentiality is maintained, except where the interests of relevant staff protection may take priority over confidentiality. Information-sharing with staff, other RSLs, Criminal Justice and other statutory agencies, will be on a strictly need-to-know basis.

## **11. OWNER OCCUPIERS**

Owner-occupiers may apply to register on the housing list and will be treated the same as any other applicant on the basis that there is a recognized genuine need for housing. Such applicants on being given an offer of housing by Waverley Housing will be advised of their legal requirement that they must occupy the Waverley Housing house allocated as their only or principal home.

## **12. MUTUAL EXCHANGES**

Mutual exchanges are encouraged where they will improve the housing circumstances of both parties. Local Authority tenants and tenants of other Registered Social Landlords can normally exchange their homes with tenants of Waverley Housing. Waverley tenants wishing to exchange must seek the Company's approval. Similarly tenants of other landlords must seek approval of their landlord. A mutual exchange will not be permitted without the express agreement of all the landlords concerned.

The Company reserves the right to refuse an exchange where it considers that the exchange will result in serious overcrowding or under occupancy or that the house is in an unsuitable condition regardless of any mutual agreements between tenants.

The Company will refuse such consent only if it has reasonable grounds to do so, which grounds are in accordance with Section 33(3) of the Housing (Scotland) Act 2001.

Where an exchange of property impacts on a current tenant's entitlement under the Right to Buy regulations, this will be advised to the tenant, in writing, to enable an informed decision by them on whether to proceed with the exchange or otherwise.

### **13. BALANCED COMMUNITIES and SENSITIVE LETS**

Waverley Housing reserves the right in considering an offer of accommodation to take account of factors relevant to sustainability of tenancies. Where a property becomes available for relet and the previous tenant caused antisocial behaviour to immediate neighbours, Waverley Housing will make a sensitive let in not allocating to any applicant with, or whose household member has, a history of antisocial behaviour.

In exercising the above, approval to overlook any applicant must be authorised by the written consent of the Housing Manager.

### **14. PETS**

Allocation of properties will be made only where any pets moving in with the applicant are in accordance with our Policy on Keeping Pets. A copy of the Policy is available on request.

### **15. UNIFIED HEALTH ASSESSMENT SCHEME**

Waverley Housing participates in a Unified Health Assessment Scheme operating in the Borders area. The Scheme is used to assist applicants in acquiring reasonable priority in terms of medical problems. A single Health Assessment form is completed and a single Grading is awarded. Information is shared with other housing providers on a need to know basis.

Health Assessment is carried out by Housing staff and applicants are graded in accordance with the Priority Pass criteria. Additional professional information may require to be sought prior to grading. GP reports are paid for by the NHS.

## **16. SCOTTISH SECURE TENANCY AGREEMENTS**

Accommodation is normally allocated on the basis of a Scottish Secure Tenancy Agreement (SST).

A Short Scottish Secure Tenancy Agreement (SSST) will be used in the following circumstances:

- The prospective tenant (or any prospective joint tenant) or anyone whom it is proposed will reside with the prospective tenant is subject to an Anti-Social Behaviour Order granted on or after 30<sup>th</sup> September 2003;

Where an SSST has been created, it will normally convert to a full SST after a period of 12 months. Tenants have a right of appeal to the Court where they believe an SSST should not have been provided.

## **17. COMMERCIAL LEASES AND HMO PROPERTIES**

Accommodation may be let on a commercial basis, with the consent of The Scottish Housing Regulator. A lease arrangement will be put in place and an occupancy agreement will be used in accordance with legislation.

Waverley Housing complies with legislation relevant to Houses with Multiple Occupation where 3 or more unrelated adults are granted a tenancy. Waverley Housing reserves the right not to offer a property to 3 unrelated adults where the cost of works to bring a property to HMO standards is not commercially cost-effective.

## **18. REVIEW OF HOUSING LIST REGISTRATIONS**

If an applicant does not apply for any properties over a consecutive 12 month period, the applicant will be automatically contacted by letter to confirm that they wish to continue to be registered.

Where the applicant fails to respond within the prescribed date, a reminder letter will be issued. If the applicant subsequently fails to respond within the prescribed date within the reminder letter, the registration will be cancelled.

Applicants may re-register at any time. Where the applicant was unable to respond to review letters for exceptional reasons, e.g. they were on holiday or in hospital, the applicant may appeal against cancellation of registration in

accordance with the Appeals Process agreed by the participating landlords within the CHR.

## **19. CANCELLATION OF REGISTRATIONS**

Registrations will be cancelled in the following circumstances:

- At the request of the applicant
- On the applicant successfully being re-housed either by Waverley Housing or another local housing provider and their housing needs are satisfied
- Following failure to respond to reminder letter following review of housing list registrations

## **20. SCHEDULE 7 ALLOCATIONS**

The granting of a tenancy is considered a benefit in terms of Part 1 of Schedule 7 of the Housing (Scotland) Act 2001, to existing or former employees or governing body members and close relatives of such people. However, The Scottish Housing Regulator recognises, in terms of their guidance on this matter, that this restriction could deter people from becoming members of committees and act against objectives such as community empowerment and tenant involvement. Tenancies will only be granted to the above people if the allocation complies with the requirements of this Policy.

Such allocations will only be made with the prior approval of the Board or delegated Committee and the allocation, if granted, will be recorded in the Schedule 7 Register.

Schedule 7 allocations include the granting of new tenancies, transfers and mutual exchanges to relevant persons.

## **21. REPORTING ALLOCATIONS**

All accepted offers will be published regularly to demonstrate transparency in allocation and to allow other applicants to make informed housing choices. Details to be published will include the address and allocation date of the property; type and size; number of applicants making application for the property; whether or not best use applied, whether or not a priority pass was used and the registration date of the successful applicant.

Performance Reports on allocations will be submitted to the Management Team and Board on a monthly basis. Performance will be measured by indicators as outlined within the Company's Internal Management Plan.

## **22. CONFIDENTIALITY AND DATA PROTECTION**

All information provided in connection with an application will be treated as confidential and stored in lockable filing cabinets, accessible only by relevant members of staff. The only exception to confidentiality will be where the interests of relevant staff protection may take priority. Information sharing in this instance will be on a strictly need-to-know basis.

Applicants sign a Disclaimer on registration which allows for publication of allocations. The only details, however, which will be published relate to whether or not best use was applicable, whether a priority pass was used and the date of registration. Details, including any priority pass awarded, of a registration will not be disclosed or discussed with anyone other than the applicant, except where the applicant has delegated authority to another to act on their behalf.

Waverley Housing is the Data Controller for the Common Housing Register and information given by applicants or obtained from a third party in accordance with the jointly agreed protocol between all parties to the CHR, will be shared with other partners and used solely for the purposes of operating the CHR and for providing the participating partners with statistical information relevant to their business development, service improvement or reporting of its activity as a business. Information provided by applicants will not be disclosed to any other party without their written consent, unless required by statutory regulation.

## **23. APPEALS**

Where an applicant is dissatisfied with the handling of their application or with a decision relative to a let they shall have the right of appeal in accordance with the Appeals Process agreed by the participating landlords of Borders Choice Homes.

Applicants may also, and usually upon exhaustion of the above Appeals Process refer their complaint to the Public Services Ombudsman.

## **24. OTHER HOUSING OPTIONS**

Waverley Housing will seek to promote access to their housing list by providing information packs to local external agencies, such as Scottish Borders Council Homeless Services, Social Work Departments, Libraries and Citizens Advice Bureaus. In addition, all its offices will promote availability of housing and staff will provide advice and information on how to register.

Waverley Housing staff will also provide advice and information to applicants on alternative housing options.