

ALLOCATION POLICY

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1 Aims and Objectives of Policy

- 1.1 Manor Estates' Corporate Aim (as agreed by the Management Committee) is:

“To provide good quality, affordable and sustainable housing and offer services, in partnership with others where appropriate, to meet a wide range of housing needs”

- 1.2 This Allocation Policy is a crucial aspect of how we will achieve this aim. More specifically, through implementation of this Policy, we aim to allocate houses in a way that is transparent and demonstrates accountability to all our service users.

Our Key Objectives

- 1.3 We aim to create balanced and sustainable communities, through appropriate allocation of housing to those in housing need.
- 1.4 We publish details of the criteria we will take into account when assessing the circumstances of those who have applied for housing and how we allocate houses.
- 1.5 We promote accessibility to our housing for all potential applicants through membership of EdIndex, the Common Housing Register for EdIndex.
- 1.6 We will allocate empty houses as quickly as possible to maximise income.
- 1.7 We will work with the local authority and other agencies to meet housing need.
- 1.8 We will not discriminate against any applicant on the grounds of *“sex or marital status, or racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions”*.¹

¹ The Scotland Act 1998

2 General

- 2.1 We will ensure that this Policy complies with relevant legislation and good practice guidance.

Main Legislation

Housing (Scotland) Act 1987
Housing (Scotland) Act 2001
Homelessness, etc (Scotland) Act 2003

Good Practice Guidance

SEDD Circular 1/2002: Housing (Scotland) Act 2001, Housing Lists and Allocations
Performance Standards (2007)

- 2.2 We will treat all applications for housing in the strictest confidence and access to information will comply with the legal requirements of the Housing (Scotland) Act 1987, as amended, and the Data Protection Act 1998.
- 2.3 We will monitor and report on the outcomes of this Policy.
- 2.4 We will review this Policy every 3 years. Where necessary, and with the prior approval of the Association's Management Committee, amendments to the Policy can be introduced where monitoring identifies specific problem areas. We will consult tenants about proposed changes to the Policy.

3 Access

- 3.1 Any person aged 16 or over is entitled to apply for housing and be registered on a housing list.
- 3.2 We participate in EdIndex, the Common Housing Register for Edinburgh. Applicants can obtain an application form from our office or from any of the partner landlords participating in EdIndex. Application forms can be submitted to our office or any of the partner landlords.
- 3.3 We will offer appropriate assistance to complete the application form.
- 3.4 We operate the Choice Based Lettings system that has been developed and agreed through EdIndex, referred to throughout this Policy as Choice. Only applicants who have registered with EdIndex will be able to bid for our properties.

The detail of how Choice operates is outlined in Sections 6 - 11 of this Policy.

- 3.5 In allocating houses, we will take no account of the following:

Equalities Issues

- Any issue relevant to paragraph 1.8 of this Policy;

Area

- The length of time the applicant has resided in our area of operation;
- Whether or not the applicant currently resides within our area of operation;

Debt

- Any housing debt not due by the applicant, e.g. rent arrears owed by a former partner who is or was a tenant;
- Any housing debt formerly owed by the applicant that has already been paid;
- Any non-housing debt owed by the applicant (or a member of their household, e.g. council tax);
- Any housing debt, such as rent arrears, that is less than 1/12th of the annual rent due;
- Any housing debt of more than 1/12th of the annual rent due,

provided there is a repayment agreement in place, the applicant has maintained the repayment agreement for at least 3 months and the applicant is continuing to make payments;

Age

- The age of the applicant, unless the available house is designed or specifically adapted for people of a defined age, e.g. sheltered or amenity housing; or the property is subject to time-limited restrictions imposed through a Lettings Plan.²

Income

- Income of the applicant (or member of their household) or any property owned by them.

² See Section 7

4 Committee Members and Staff

- 4.1 Committee and staff members are entitled to be considered for housing by the Association.
- 4.2 Schedule 7 of the Housing (Scotland) Act 2001 governs the allocation of houses to staff or committee members.
- 4.3 Any cases where a Committee or staff member is shortlisted for a vacancy must be referred to the Housing Manager immediately.
- 4.4 Committee and staff members must also declare an interest if they are aware that a close relative has applied for housing.
- 4.5 This section also applies to former staff and committee members who have left the Association within the last year.

5 Information

- 5.1 We are required to publish this Policy and send copies to the Scottish Housing Regulator and City of Edinburgh Council. When we review or amend the Policy, we undertake to send revised copies to the Scottish Housing Regulator and City of Edinburgh Council within 6 months of the approved change.
- 5.2 Copies of this Policy are available to anyone who requests it. A summary of the Policy is also available.
- 5.3 Any of the Association's Policies can be made available in alternative languages or formats on request.
- 5.4 We will also provide advice and information to applicants on the following:
- Details of other housing providers in the areas where we have housing;
 - General advice regarding other landlords throughout Edinburgh and the type of allocation system they operate (i.e. choice-based or points-based);
 - Advice to homeless applicants regarding the need to approach the local authority for assessment and temporary accommodation;
 - Advice on other options that may be available, for example, access to exchanges through Homeswapper or Edinburgh House Exchange for those who already have a tenancy but need to move.³

³ See Appendix 1 - Mutual Exchanges

6 Choice

- 6.1 We participate in EdIndex, the common housing register in Edinburgh and allocate our houses through Choice.
- 6.2 Most properties that we have available for let will be advertised. Properties will not be advertised where they are used for management transfers, referrals through our management agreements with support agencies, or other urgent situations. All of these circumstances require the prior approval of the Housing Manager.
- 6.3 Properties will be advertised in the Edinburgh Evening News and on the Key to Choice Website. Free copies of the Evening News insert will also be available in our office.
- 6.4 Association staff will be available to advise and assist applicants on how to bid. We will not, however, accept paper bids on behalf of applicants.
- 6.5 Bids received after the published closing date will not be accepted under any circumstances.

7 Starters and Movers

- 7.1 Under the Choice system, applicants are categorised as 'Starters' or 'Movers'.

Starters are applicants who do not have secure accommodation and will include homeless applicants, tenants in privately rented accommodation, applicants who are currently staying with family or friends.

Movers are applicants who have a tenancy with a social landlord or who own their own home.

- 7.2 Available properties will be advertised as being suitable for either Starters, Movers or Starters / Movers. We will also identify a proportion of properties each year where preference will be given to existing Manor Estates' tenants.

Lettings Plan

- 7.3 We will publish an annual Lettings Plan for each area that determines how we decide whether a vacancy will be advertised as Starter, Mover or Starter/Mover. The Plans will also take account of specific issues within individual areas that could be addressed through management of allocations. The Plans will require to be approved by the Association's Management Committee at its meeting in February each year, for implementation from 1 April.
- 7.4 Individual Lettings Plans will also be developed for any future new-build properties, where the Association would be allocating a number of vacancies in a defined area at one time.

Estate Management Considerations / Sensitive Lets

- 7.5 'Sensitive' lets may be considered where there have been particular issues in an area, immediately prior to a vacancy arising. (Include examples).
- 7.6 All sensitive lets require the prior authorisation of the Housing Manager and will be approved only in exceptional circumstances.

8 Priority Awards

8.1 Priority awards are made to reflect applicants' circumstances and will be used to determine how bids for an empty property are prioritised.

8.2 **Gold priority** is awarded when the accommodation currently occupied by the applicant does not meet (and cannot be adapted to meet) the housing needs of the applicant or a member of their household. Gold priority is assessed by the City of Edinburgh Council's Advice and Assessment Service.

Gold priority (urgent) is 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 forms part of a wider support and care package. Again, City of Edinburgh Council staff award this priority.

Gold priority assessments may restrict the type of accommodation that the household can be considered for (for example, ground floor only) and priority will only apply to bids for properties that meet any restrictions that have been imposed.

8.3 **Silver priority** can be awarded for several different reasons:-

- **Homeless applicants**

Where the applicant has been assessed as being homeless and in priority need. 'Homeless' silver priority can be awarded to starter households and is awarded by City of Edinburgh Council staff following a homeless assessment.

- **Overcrowded households**

Households will be awarded silver priority for overcrowding where they require more than one additional bedroom to adequately house their family in accordance with the occupancy standards; or where they require at least one extra bedroom if they are currently housed in accommodation with only one bedroom and have one or more children under the age of 16.

Overcrowding priority is awarded automatically when an application is input onto the EdIndex database. The priority will be verified when an applicant is shortlisted for offer.

- **Under Occupation**

Households occupying houses with 3 or more bedrooms, who no longer require that size of accommodation and who wish to move to smaller accommodation should contact their local neighbourhood office or housing association to discuss this in detail. Priority for under occupation can only be awarded to applicants who are currently tenants of a social landlord.

- **Demolition**

Priority in this category can be awarded to either starter or mover households, where rehousing is required due to demolition or regeneration works in a particular area. This priority is awarded by City of Edinburgh Council staff.

- **Exceptional Housing Need**

Priority in this category can be awarded to either starter or mover households, but only following assessment by an Officer Panel.⁴ This category may include applicants who are living in Below Tolerable Standard housing and applicants whose current circumstances are unacceptable.

9 Priority Ranking

9.1 The order of priority is as follows, with the highest priority at the top:

- Priority – gold urgent
- Priority – gold
- Priority – silver
- Non-priority – waiting time/length of time at current address

9.2 All priority cases will be ranked by the date priority awarded. Non-priority cases will be ranked by the date of application for starters and the length of time at current address for movers.

9.3 Where an applicant would be eligible for more than one category of priority, the highest level will apply.

10 Time Limited Priority

10.1 Priority is awarded to reflect the need for urgent rehousing. As such, the priority granted will be time limited and may be removed where it has not been used reasonable or where a property successfully bid for has subsequently been refused.

10.2 Gold priority will be time limited but on a flexible basis as households' needs are likely to be dependant on a particular type of property becoming available. Priority will be reviewed on a regular basis and may be removed where households are not making reasonable use of priority or have refused a suitable property.

10.3 Silver priority for homelessness is awarded for 6 advert cycles and will then be reviewed. Where the priority has not been used reasonably, i.e. a household has not made a range of bids likely to result in rehousing, or has refused a property successfully bid for and that meets their needs, the priority may be removed.

⁴ See Appendix 2 for the role and remit of the Officer Panel

- 10.4 Silver priority for demolition/regeneration will be time limited according to the timescales for the regeneration work in question. Where the priority has not been used reasonably, i.e. a household has not made a range of bids likely to result in rehousing, or has refused a property successfully bid for and that meets their needs, the priority may be removed. In some cases, the priority awarded for demolition/regeneration may be limited to specific geographic areas or house types.
- 10.5 Silver priority for overcrowding will not be time limited as there is an acute shortage of larger homes within the city. However, the extra value gained by the time in need will be limited to 12 months. Any household being considered for an offer of accommodation on the basis of silver priority for overcrowding will be visited at home to verify their circumstances.

11 City of Edinburgh Council - Nominations and Section 5 Referrals

- 11.1 Nominations and Section 5 referrals have been suspended for housing associations that have adopted choice-based lettings. Housing associations operating choice will fulfill their obligation to house homeless applicants under the Housing (Scotland) Act 2001 through the silver priority awarded under Choice.
- 11.2 The Board of EdIndex will monitor the proportion of homeless households housed by each association and may recommend changes, if any issues emerge.

12 Eligibility – Size and Type of Housing

12.1 Occupancy Standards

- Adults should not share a bedroom with a child.
- Adults living together as partners will be expected to share a bedroom unless there are circumstances that necessitate a separate bedroom, e.g. specific medical needs. Verification of such circumstances will be required.
- Single adults aged 16 and over should have their own bedrooms.
- No more than 2 children should normally share a bedroom.
- Children of the opposite sex where one is more than 6 years old should have separate bedrooms.
- Children of the same sex will be expected to share a bedroom up to age 14 years, unless the age gap between the two is greater than 6 years.

12.2 Access to Children

Where applicants have indicated that they have access to children, we will offer accommodation of an appropriate size, provided the following conditions are met:

- Access must be regular (at least fortnightly); and
- The child or children must stay overnight on a regular basis.

The Association will apply the same criteria with regard to the ages at which children will be required to share a bedroom as are applied for all other allocations. However, in view of the fact that the children will not be living at the address on a permanent basis, we will allow some flexibility. For example, if the applicant has a boy and girl, aged 10 and 11, they would normally be offered three-bedroomed accommodation, but could be considered for two-bedroomed accommodation where they are not living permanently at the property (and the applicant agrees to this).

We will accept the following as proof of access to children:

- Official confirmation, e.g. Court order or Solicitor's letter; or
- Letter from the child's primary carer outlining what the access arrangements are.

We expect the confirmation to include:

- The name(s) and age(s) of the child or children;
- The details of what the access arrangements are;
- The relationship between the applicant and the child or children; and
- Where appropriate, the relationship or former relationship between the applicant and the carer who is confirming the access arrangements.

12.3 **Exceptional Circumstances**

This section is applicable to all mover applicants:

- Where a household is living in overcrowded circumstances and it is unlikely that either our Association or another landlord will be able to offer property of an appropriate size within an identifiable timescale, that household can be considered for accommodation that is larger than that they currently occupy, even if it is still not the optimum size for their requirements.
- If a household accepts a property that improves their situation, but they are still considered to be overcrowded, they can immediately submit an application for a further move.
- The household can choose to wait until the appropriate size of property for their needs is available.

12.4 **Amenity Housing**

Applications will normally only be considered from applicants who are aged 50 or over.

12.5 **Sheltered Housing**

Applications will normally only be considered from applicants who are aged 60 or over.

Prior to any allocation of sheltered housing, the Housing Officer will discuss with the warden the support needs of existing tenants (as formally identified in their support plans) to ensure a balance of needs and abilities within individual schemes. Where this results in applicants being by-passed from consideration for a particular vacancy, this must be clearly recorded and authorised by the Housing Manager prior to any offer of housing being made.

Where an existing tenant in an upper flat requires to move to ground floor accommodation due to substantiated mobility problems, that

tenant will receive priority to move to an appropriate vacancy within that scheme.

12.6 **Adapted Housing**

Where a vacancy arises in a property that has been adapted for particular needs (e.g. where a wet-floor shower has been installed), we will make every effort to identify an applicant who would benefit from that adaptation.

13 Management Agreements / Special Referrals

- 13.1 The Association has management agreements in place with The Action Group and CEC's Health and Social Care Department.
- 13.2 The Housing Manager is responsible for monitoring the operation of these agreements and for holding annual review meetings with appropriate staff from these organisations.
- 13.3 The Association will consider emergency referrals from other agencies (e.g. Womens Aid), these require the prior authorisation of the Housing Manager.

14 Management Transfers

- 14.1 There are two categories of Management Transfer:
- (1) current tenants of Manor Estates who require to move urgently;
- and
- (2) tenants of other landlords who require to move urgently.
- 14.2 In both categories, Management Transfer refers to those cases where it is considered appropriate to offer alternative accommodation to a tenant who would not be entitled to such a move, were the allocation being made strictly in accordance with this Allocation Policy.
- 14.3 Management Transfers will only be used in exceptional cases where it can be demonstrated that it is in the best interests of the tenant that the transfer be allowed and that it would endanger or caused extreme distress to the tenant if he or she had to remain in their current property.
- 14.4 By the very nature of the cases likely to be referred as Management Transfers, it is not possible to give an exhaustive list of the types of cases that could be considered. However, some examples are noted below:
- Fleeing violence;
 - Severe harassment, including racial or sexual harassment; or
 - Serious antisocial behaviour where it is clear that the problem is due to a clash between neighbours and it is considered that it will be resolved if on party moves to another area.
- 14.5 Management Transfers will only be granted where there is relevant substantiated evidence to support the case for a move.

- 14.6 Management Transfers must be authorised by the Housing Manager.
- 14.7 Where we have authorised a Management Transfer, but do not have suitable properties available, we will seek assistance from other landlords. This will be a reciprocal arrangement and we will accept referrals from other landlords on a similar basis; again, these require the prior authorisation of the Housing Manager.
- 14.8 Approval of a Management Transfer will be time-limited and only one suitable offer will be made.

15 Tenants Who Become Homeless

- 15.1 Existing tenants may become homeless for a variety of reasons, including domestic violence, harassment or relationship breakdown. Tenants in these circumstances should apply to Manor Estates and other relevant landlords in the usual way.
- 15.2 In certain circumstances, a tenant may have qualified for a Management Transfer, prior to becoming homeless, in which case the offer of such a transfer may remain valid, even after the tenant has terminated his or her tenancy with the Association.

16 Verification of Information

- 16.1 Manor Estates staff will interview all applicants for housing, prior to making an offer of accommodation, during which all relevant information will be verified.
- 16.2 Allocation interviews may be carried out in the Association's office, in which case the applicant will be advised of the documentary evidence they will be required to provide at the interview.
- 16.3 Interviews may also be carried out in the applicant's home. Again, the applicant should be advised in advance of any documentary evidence the Housing Officer will require to have sight of. The Association's Personal Safety Procedures must be followed at all times and under no circumstances will the Housing Officer be expected to carry out home visits if there are any concerns about personal safety.

17 Suspensions

- 17.1 Individual landlords can no longer suspend applicants from their list only, therefore requests to suspend an applicant must be made via EdIndex.
- 17.2 Appendix 3 is an extract from the EdIndex guidance on suspending applicants from the register.

18 Appeals and Complaints

Appeals

- 18.1 If an applicant is dissatisfied with any decision regarding the allocation process, he or she has the right to appeal.
- 18.2 The appeal should be made in writing to the Housing Manager, who will review the decision, and seek endorsement from the Director.
- 18.3 There is then a final right of appeal to the Association's Management Committee.

Complaints

- 18.4 Applicants can complain if they believe that we have acted outwith the terms of this Policy or that we have not complied with our customer service standards.
- 18.5 Full details about how to make a complaint are set out in our Complaints Policy and leaflet, both of which are available to anyone on request. The Policy and leaflet can be provided in alternative languages or formats on request.

18.6 **Scottish Public Services Ombudsman**

Any applicant who remains dissatisfied with the outcome of a complaint has the right to raise the issue with the Scottish Public Services Ombudsman.

19 **Reporting**

- 19.1 The Housing Manager is responsible for monitoring the outcome of this Policy and reporting to the Management Committee.

Mutual Exchanges

(See also the Association's Policy on Successions, etc)

- A. Existing tenants of Manor Estates can apply to exchange with another housing association or local authority tenant. We will not unreasonably refuse permission for such a request.
- B. We will, however, refuse permission to exchange in the following circumstances:
- Where we have served Notice of Proceedings and the grounds on which this has been done are not resolved;
 - Where allowing the move would result in either property being overcrowded;
 - Where allowing the move would result in underoccupation of either property by more than one additional bedroom;
 - Where there are circumstances that would allow us to suspend an applicant from the housing list, were the allocation being considered through that means.
- C. Tenants must seek and obtain approval from both landlords for the exchange to go ahead, prior to proceeding with the exchange.
- D. The Association participates in both Homeswapper and Edinburgh House Exchange, and will assist tenants to identify potential moves through these services.

Extract from EdIndex Guidance – Officer Panel – Role and Remit

An officer panel can be convened to make decisions, when necessary for the following reasons:

(a) Suspensions from rehousing

The officer panel can make the decision whether to suspend an applicant from rehousing with EdIndex if required (see Guidance 11 – Suspending applicants from the housing register).

(b) Dealing with exceptional cases of housing need

The officer panel can also deal with exceptional cases in respect of allocations of housing. The panel will regularise how we deal with exceptional cases, will be transparent and be an independent support to the landlords. The panel may therefore be convened in any of the following circumstances where the landlord requests it.

This following list is not exhaustive but the majority of cases will fall into one of the categories outlined:

- Vulnerability issues that do not fit neatly into Letting/Allocation Policies categories e.g. extreme mental health issues, learning disability etc.
- Complex cases in discussion between Landlords/Social Work/Health at a local level in respect of a households housing needs eg. where there are fostering requirements.
- Cases that Landlords cannot deal with through Choice/Harmonisation due to potential difficulties in respect of applicant or a particular client group e.g. SACRO; SOLO cases; ASB cases, or following Case Management decisions.

(c) Appeals

The Housing (Scotland) Act 2001 set up the Single Regulatory Framework for Social Landlords (Councils and RSL's). Performance Standards for Social Landlords and Homelessness Function' (November 2001).

In this document Guiding Standards 3 : Service Delivery and Communications the relevant standard is GS3.3 Complaints and Appeals. It states the following as the prevalent standard expected in all aspects of the business.

'We deal fairly and effectively with anyone wanting to appeal against, or complain about, any of our decisions or activities. We make it clear that they can complain about us to the Scottish Public Services Ombudsman'.

APPENDIX 2 (Cont'd)

(Please note appeals for Homelessness functions of CEC are managed separately).

The officer panel can also be convened if issues cannot be resolved through the landlord's individual internal complaints process, to carry out a true independent review.

The officer panel role and remit

The officer panel's role would be to:

- Assess or re-visit the facts of the case
- Reach a decision on the evidence, written or verbal, pertaining to the substance of the case only
- Ensure that the Chairman of the panel logs a decision and any training or policy outcomes with the Co-ordinator

It will be made up of between 3-5 representatives from the landlords and the case would be heard within 10 working days of the request. A list of potential members for the officer panel from each landlord will be maintained by the co-ordinator. When a request or appeal is received on the pro forma the co-ordinator will be responsible for organising an officer panel. A chair will be appointed and the level of management experience will be dependent on the circumstances of the case.

The policy framework to support the decision making process will be in accordance with the relevant statutory obligations and account will also be taken of individual landlord's allocation policies.

The Co-ordinator will be responsible for liaising with any Policy Co-ordinator or Area Manager regarding the decision, any training requirements and logging the outcome in the officer panel register. This will assist in the transparency of the Appeals System and the production of a quarterly monitoring report.

Extract from EdIndex Guidance – Suspending Applicants from the Housing Register

1. Introduction

The Northgate Allocations module now operates from 3 lists – EdIndex, Choice and Nominations, rather than individual lists being held for each landlord.

Prior to this landlords had the ability to suspend an applicant from their waiting list in accordance with their own allocation policies, which had to take into account the requirement of the Housing (Scotland) Act 2001. They have also used the suspension facility for various other reasons including applicants who have indicated that they do not wish to be considered for housing at the present time.

Due to the changes landlords can no longer suspend applicants from their waiting lists as any suspension will result in the applicant being suspended for consideration for housing with all the partner landlords.

2. Reasons for suspending an applicant from re-housing

Anyone can apply to be registered on EdIndex if they are 16 years or older, whether or not they currently live or work in Edinburgh. However if they come to Britain from abroad it is possible that the Council will not be able to consider them for housing.

If any of the circumstances outlined below apply to an applicant they could be suspended and not considered for permanent housing. These will apply to new applicants and existing tenants who wish to transfer or move through a mutual exchange.

It is important to note that applicants who an RSL may have suspended could be considered for housing with CEC, therefore they will not be suspended from all lists.

Former tenant arrears

- People who have arrears of more than 1/12th of the gross annual charge of the property. They will be suspended unless they have maintained a repayment plan for at least 3 months.

Current tenant arrears

- People who have arrears of more than 1/12th of the gross annual charge of the property. They will be suspended unless they have maintained a repayment plan for at least 3 months.

Anti social behaviour

- People who have been evicted for anti social behaviour from any Local Authority or Registered Social Landlord in the UK

- Decree for possession of their house had been granted on grounds of anti social behaviour but they left prior to eviction taking place
- If the person 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 relating to 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
- If the person has failed to declare any previous eviction, anti social behaviour or conviction for a serious offence, which could reasonably be held to be a threat to the community
- If the person has been convicted of assault on a Council or RSL member of staff.

Other

- If the person has knowingly misrepresented information or circumstances to obtain a tenancy
- If the person has carried out serious damage to a current or previous tenancy
- If the person has submitted a right to buy application

It must also be noted that in no instance will the suspension policy override the statutory obligations for re-housing.

Note: In some of the circumstances, particularly in relation to Anti Social Behaviour, tenants could be considered for a Short Scottish Secure Tenancy in accordance with Sections 34-37 and Schedule 6 of the Housing (Scotland) Act 2001. In these circumstances the application would not be suspended. The detail would in these circumstances be recorded in the Northgate application notes.