



Allocation Policy February 2015



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Name of Policy	Allocation Policy
Responsible Officer	Director of RSLs
Date approved by Loretto Housing Board	2015
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Section 1 Principle, Aims and Objectives

1.1 Aim of policy

Our allocation policy aims to improve outcomes for customers and balance housing need with the needs of the local community while making the best use of our houses.

1.2 We are committed to fulfilling our legal obligations under s20 of the Housing (Scotland) Act 1987 as amended to give reasonable preference to those in need including people who:

- Occupy overcrowded houses;
- Occupy houses which do not meet the tolerable standard;
- Have large families;
- Live in unsatisfactory housing conditions; or
- Are homeless or threatened with homelessness.

1.3 One of the key objectives of housing allocations is to ensure a successful and sustainable tenancy. We will use our allocation process to identify vulnerable applicants and ensure that suitable support is provided to applicants from the time they apply through to the longer term sustainment of their tenancy.

1.4 Regulatory framework

We will meet the Scottish Social Housing Regulator's current and future Regulatory requirements. Current Performance Standards relevant to this activity, include:

- **AS1.1 Access to Housing:** We ensure that people have fair and open access to our Housing list and assessment process. We work with others to maximize and simplify access routes to our housing.
- **AS1.2 Lettings:** We let houses in a way that gives reasonable preference to those in greatest need; makes best use of available stock; maximises choice and helps sustain communities.
- **AS4.4 Prevention:** We help to prevent homelessness arising in the first place and its recurrence when it has occurred.

1.5 Outcomes

We seek to achieve the following outcomes:

- Open and fair letting of our homes
- Access to housing is easy to understand and explain
- Local needs and preferences are met where possible
- Homelessness prevented where possible
- Improved tenancy sustainment through working pro-actively and in partnership.
- Improved options and advice for applicants
- Best use of our housing stock, and
- Maximise rental income through the efficient letting of property.

We will evaluate whether we are achieving these outcomes using the performance monitoring measures described at Section 18.

The Social Housing Charter replaces the Performance Standards by setting down outcomes that social landlords should achieve. Our policy is focused on sustainable outcomes for customers.

Section 2 Equal Opportunities Statement

- 2.1 We are committed to providing fair and equal treatment for all our stakeholders, including tenants, and will not discriminate against any on the grounds of race, colour, ethnic or national origin, language, religion, belief, age, gender, sexual orientation, marital status, family circumstances, employment status, physical ability and mental health. Indeed we will positively endeavor to achieve fair outcomes for all.
- 2.2 We recognise our role in valuing and promoting diversity, fairness, social justice and equality of opportunity by adopting and promoting fair policies and procedures. We have carried out an Equality Impact Assessment on the Allocations Policy.
- 2.3 We will make sure that everyone can apply to join our housing list by providing key information in a number of different languages and formats on request. This includes large-print, Braille, audio and Easy-read.
- 2.4 We aim to develop excellent partnership arrangements with external organisations and agencies. This will ensure that vulnerable applicants have access to independent support to help them apply for housing.
- 2.5 We will keep our allocations policy and procedures under review for any equal opportunities implications and take action to address inequalities that may arise from their operation.

Section 3 Overview

This section gives an overview of how the policy works. Our allocations policy is based on a number of key elements.

3.1 Pre Application – Housing Options

When accepting a housing application we will discuss:

- Current housing situation and future housing aspiration with our customer
- Support needs
- Likelihood of being allocated one of our houses
- Impact of welfare reforms and under-occupation penalties on affordability
- Alternative tenure options
- Debt and other financial pressures

The aim is to achieve a suitable outcome to individual customer's housing situation. The outcome may be that a more appropriate solution lies in the private rented sector. If so, we will endeavor to direct the customer to appropriate services.

Alternatively, if after discussion the customer wishes to continue to apply to us for a house we will follow the process set down below.

3.2 Application

Anyone aged 16 or over can apply for housing. Section 4 explains how this works. In some circumstances we may suspend an application. Applications may be cancelled or used up, for example where an applicant accepts an offer and takes up a tenancy. Section 9 explains why we may suspend an application and when an application may be cancelled.

3.3 Size of Property – applicant suitability

We have drawn up rules which set out the household appropriate for each size of property, based on the number of bedrooms. The rules are set out in Section 5.

3.4 Applicant Groups

We give reasonable preference to applicants who are in housing need. We do this by placing applicants in specific groups as follows:

- **Group 1:** Applicants with no housing need priority will be placed in this Group
- **Group 2:** This includes applicants referred by the relevant local authority who need to be re-housed urgently including those living in accommodation below the tolerable standard.
- **Group 3:** This includes applicants in housing need such as medical need or overcrowding.
- **Group 4:** This includes applicants with a connection to the area through community or social support
- **Group 5 Mobility group :** For applicants who have a medical priority for mobility reasons

- **Group 6 Under-occupation group:** For Loretto Housing Association tenants who are under-occupying their current property and wish to move to a smaller home.
- **Group 7 Sheltered housing:** For persons aged 60 or over who need some housing support services

Priorities and groups are explained in more detail in Section 6

Section 4 Applications

4.1 Applying for a Loretto Housing Association house

We have an open housing list and anyone who is 16 years of age or over can apply for housing. Applicants may apply on their own, jointly with a partner or with other people aged 16 or over who will be living with them.

However, we will not allow three or more applicants who are unrelated to rent a property from us as this creates a House in Multiple Occupation (HMO). HMOs are governed by separate regulations.

The recent changes to housing benefit, including the 'bedroom tax' are targeted at people of working age. We will ensure that the implications are discussed with all applicants and potential applicants before accepting an application *and* before making an offer of housing.

Applicants must tell us about any change in their household circumstances, as soon as possible, as this may affect the Group they are in. For example:

- Change of address
- People leaving the household
- People joining the household
- Changes to medical needs or disability
- Someone dying, or
- Newborn children.

4.2 Joining Loretto Housing Association's Housing List

Applicants can apply by completing a Housing Application Form. We will register applicants on our list from the date the application form is received. We will write to confirm that we have received the application. We will tell our customers the date that the application is registered, their application number and in which Group they have been placed.

We will also tell Loretto Housing Association tenants who are seeking a transfer that they will be registered automatically, at no cost, with HomeSwapper, a national mutual exchange scheme. More detail on this can be found in section 15.

4.3 How we select

All applicants will be ranked within their Group according to the date they were placed in an applicant Group. The exception is Group 1 where applicants will be ranked according to their date of registration.

4.4 Local Authority Nominations and Referrals

We have agreements with Local Authorities which means that we advise them of vacancies and invite them to nominate or refer suitable applicants from their own housing list. The agreements differ across our development and will be set out in the operational process.

4.5 **Supported Tenancies**

Loretto Housing Association has numerous supported tenancies across all of its stock, which are supported by Loretto Care or another external support provider. These tenancies will not be part of the normal letting process (unless they return to mainstream letting) as suitable applicants will be identified by the local authorities and referred to Loretto Housing Association.

4.6 **Decants**

Loretto Housing tenants who have to leave their home while it undergoes emergency repairs or requires major improvement works will be prioritised for suitable alternative housing, so we will sometimes reserve new or empty houses for them, as agreed in advance by Loretto Board.

4.7 **Special Lets**

We always reserve the right to work with other experts to identify appropriate properties for people who need careful management or supervision, for example, some ex-offenders or sex offenders. In these cases we will not route their applications through the normal letting process. Applicants under this category will be approved by the Head of Housing.

Sensitive lets may also apply as part of a local lettings initiative in certain geographically defined areas where we need to depart from our Community Housing Plan.

4.8 **Confidentiality and Data Protection**

All information given by customers in relation to this policy will be treated as strictly confidential and will not be discussed with third parties without their permission. We ensure that legislative compliance and duty of care responsibilities are met to protect the information we hold including the Data Protection Act 1998.

4.9 **Persons connected to us**

Since 1 April 2012 we have been required to comply with the new Scottish Housing Regulator's standards on governance and financial management. Of particular relevance to this policy is:

Standard 5: The RSL conducts its affairs with honesty and integrity.

We aim to treat everyone as an individual regardless of whether they have a connection with us. In order to comply with this standard and maintain the confidence of our stakeholders, we will ask applicants who currently, or in the previous 12 months, fall within the following categories to complete a declaration of interest. The categories are:

- Employees of Loretto Housing Association
- Board and Committee Members of Loretto Housing Association, and
- Applicants who are a close relative of anyone in the categories above.

Section 5 Size of the Property

5.1 Bedroom Requirements

When we are making an offer, we will take into account the size of property (number of bedrooms) each applicant household needs. We will only take into account children who are living permanently with the applicant when assessing bedroom requirements. Where an applicant is fostering we consider children to be permanently living with them.

Bedroom Requirements
1 bedroom for: Applicant / applicant and partner Single adult (aged 16 and over) Any two children under 10 years of age Any two children of the same sex under 16 years of age Any other couple / partners Two adults of the same sex can share a bedroom where they prefer this.

5.2 The table below gives a general indication of the number of bedrooms that different households need and the size of property they can apply for:

Household description	Size of property (number of bedrooms)
Single person/ couple	Bedsit, 1
Couple/ single parent with one child or two children under 10	2
Couple or Parents(s) and 1 child or 2 single adults i.e. brother or sister	2
Family with up to 4 children under 10	3
Family with 4 children	3,4
Family with 4 adult children	4 or more

When someone in the household is pregnant, their need will be assessed to include accommodation for the child.

Applicants with access responsibilities for a child or children will normally be considered for one bedroom more than required for their usual household, regardless of the number of children.

Similarly, applicants who require a spare bedroom for an overnight carer, medical equipment or where sharing a bedroom is not possible for medical reasons can be considered for one bedroom more than required. Supporting evidence would be required in all of these circumstances.

5.3 We retain discretion to relax these criteria up or down by one bedroom in discussion with the applicant where the resulting allocation will alleviate the applicant's present housing circumstances.

5.4 **Under-occupation**

As a result of recent welfare reforms working age households (up to age 65) who receive housing benefit will be penalised for each bedroom that is under-occupied ('bedroom tax'). We will counsel potential applicants and applicants about the implications of accepting a bigger house than they require. Due to a mismatch between our stock and our applicants we may only be able to offer a house larger than needed. However, this should only happen after robust counselling and discussion about alternative housing options.

Section 6 Housing Needs Priorities

6.1 We give priority to the following categories of housing need – see below for more detail:

(a) Homeless Applicants referred by Local Authorities

These are homeless households referred by local authorities for permanent housing under Section 5 of the Housing (Scotland) Act 2001.

(b) Community Care Applicants

We accept referrals from each local authority we operate in and associated agencies for community care cases. These are households who have received, or are receiving, treatment for serious health issues. Health issues may include physical disability, post-traumatic stress disorder and other related conditions, including substance abuse. It includes cases where the applicant is in hospital, hostel or supported accommodation and is unable to return to their current/previous accommodation. This includes young people who have been in care and referred to us by a local authority under the Children (Scotland) Act 1995 and veterans. The referral will include all relevant information about level of support, key contacts, housing requirements, communications needs, potential management issues etc. the process will involve setting up a case conference to ensure that appropriate support and contact arrangements are in place and key roles and responsibilities are agreed.

(c) Exceptional Housing Need

We will offer suitable accommodation to an applicant in recognition of exceptional housing circumstances where an applicant needs to move for reasons other than those set out in the section on management transfers.

For example: the applicant has suffered a traumatic life event which makes it impossible for them to continue to live in their current property; or the extent of housing need within the applicant's household circumstances far exceeds the needs recognised in the Allocations Policy, or they need to move as part of the Witness Protection Programme. In such circumstances the Director of RSL's may identify a vacant property prior to it going to advert as suitable to facilitate an emergency move in the appropriate circumstances. This will only be used in exceptional circumstances and it is expected that less than 1% of lets will be made in this way. A 100% audit on all such awards must be carried out by Quality Assurance staff within Wheatley Group.

The decision to award this priority lies with the Head of Housing supported by the Director of RSLs.

(d) Medical Priority

We will award a medical priority where the applicant (or someone in their household) has a serious medical condition or disability **AND** their present housing is unsuitable. Unsuitable means that the quality of the applicant's life is seriously limited by their

current housing situation and would be greatly improved by moving to more suitable accommodation.

Applicants who wish to apply for medical priority must complete a self-assessment form. We will use this to assess whether the priority should be awarded. We may also visit the property to discuss the application with the applicant and decide if their current property is unsuitable. We will withdraw the priority if the grounds for awarding the medical priority no longer apply. We will review medical priorities every six months and counsel applicants who have not used their medical priority. If a medical priority has not been used within a year it may be withdrawn. When a customer applies for medical priority on mobility grounds, we will advise them that we will seek a suitable level access property.

We will use Occupational Therapist services that are available to Wheatley Group members to support Housing Officers to ensure that we are correctly awarding medical priority on grounds of mobility. This service will help us to get it right first time for customers.

A medical priority will only be considered for members of the household who live with the applicant on a permanent basis.

(e) Overcrowding

We will give a priority to families living in overcrowded tenancies to try and meet their needs. We will look at the number of rooms that the applicant and their household has in their current accommodation. This will be measured against the number of bedrooms needed, using the following guidelines:

- Where two children of different sex share a bedroom and one child is ten years old or older; or
- Where three or more individuals share a bedroom; or
- Where a couple or single parent household share a bedroom with their child/children of any age; or
- Where a single adult (16 years or older) shares a bedroom with a person of the opposite sex (and the two people are not a couple).

We will only take into account children who are living permanently with the applicant when assessing overcrowding. Where an applicant is fostering we consider children to be permanently living with them.

Refugee households may be entitled to family reunion with relatives from their country of origin. This process has to be carefully managed to avoid overcrowding. We will discuss the potential for family reunion with refugee applicant households when they apply to us for permanent housing. The discussion will cover the timescales and processes for notifying us of potential changes to the household size.

(f) Below Tolerable Standard

We will award a priority where an applicant's current accommodation falls below tolerable standard as defined by legislation. We will only award a priority for this if the local authority confirms, in writing, that the property is below tolerable standard.

(g) Under-occupation

We will award a priority where the household is looking for a smaller property, for example an elderly tenant whose family have left home, a younger tenant who has succeeded to a tenancy that is too big for them, or a tenant affected by the 'bedroom tax' (see 5.4).

This is an opportunity to release larger sized property for families and we will actively promote mutual exchange among our tenants through Rightsize, a specific programme in HomeSwapper. However, moves will still be voluntary. Section 15 sets down our approach in greater detail.

(h) Preventing Homelessness

We aim to help prevent people from becoming homeless. There are four applicant categories where we will award a priority for housing:

Tied housing: An applicant in tied housing (housing which the person occupies as part of their conditions of employment) can apply for housing and will be considered in the same way as other applicants. If the applicant is given notice to quit through no fault of their own (for example due to demolition or disposal of the tied property, redundancy or retirement) we will award a priority.

Armed Forces: The Scottish Government guidance on Preventing Homelessness notes that Armed Forces personnel can be vulnerable to homelessness at the point of discharge from the Services. The Ministry of Defense (MOD) issues a Certificate of Cessation of Entitlement to Occupy Service Living Accommodation where service personnel are approaching their date of discharge. Where this certificate is provided we will award a priority. We will award this priority to ex-services personnel who apply at any time within 12 months of the date of discharge.

Where an applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which they, or a member of their household, has sustained as a result of service in the Armed Forces, we will consider awarding a medical priority.

Relationship Breakdown: Where there is a threat of homelessness resulting from the relationship breakdown of a Loretto Housing Association tenant and his or her partner or joint tenants, we will seek to provide suitable alternative accommodation for the separating partner. We will make enquiries to ensure that the application is genuine and any existing tenancy rights must first be given up before we award a priority. We will review the priority after 6 months.

Management Transfers (from Loretto Housing Association tenancies)

Management transfer - Harassment

A management transfer is an emergency measure that allows a Loretto Housing Association tenant and his/her household to move to another Loretto Housing Association house or, if appropriate, to a house of another Wheatley Group Registered Social Landlord. The grounds under which a management transfer may be considered include:

- Threat of physical violence to the applicant or a member of the household
- Racial or other physical or mental harassment of the applicant or a member of the household
- Other circumstances where there is a pressing need to re-house and avoid homelessness.

A management transfer is a preventative measure of the last resort to avoid homelessness. Prior to resorting to a management transfer, where appropriate, we will use mediation and other services to try to resolve conflict. We will not consider it where we can take effective action against the perpetrator under our Antisocial Behaviour and Neighbour Dispute Policy to protect the tenant and we work in partnership with the police in this respect.

We will investigate each case considered for a management transfer and obtain a police report where this available and/or supporting evidence from other agencies as appropriate. The decision to offer a transfer rests with the Head of Housing in discussion with the Director, RSLs.

Management transfer – Adaptations

In some cases we will carry out significant adaptations to a property in response to the needs of our tenant or their household. If at a later point circumstances change so that the household no longer requires the adaptations we may use a management transfer to rehouse our tenant to an un-adapted property. This will release an adapted property for a household with appropriate needs. This possibility will be discussed and agreed with the tenant as a condition of the initial adaptation.

(i) Community and Social Support

Because we are committed to sustaining local communities we will award a priority for housing within an area where an applicant has a connection to the area through community or social support. Applicants will be awarded Community or Social Support if they need to live in a local housing community to:

- Obtain or remain in employment (16 or more hours per week)
- Give or receive care or support
- Access education provided locally for anyone in the household
- Contribute to the local community through volunteering activities (16 or more hours per week)

6.2 Selecting applicants

We need to be fair in the way we select applicants and allocate our housing. We divide the properties we let into 7 groups and each year we will decide what

percentage we will let to each Group so we can best meet our statutory responsibilities and housing need. When we receive a housing application we will assess what priority need the applicant has and place them into one of these 7 groups.

We will regularly review the time applicants have been waiting for an offer or where applicants have refused properties. We will offer applicants advice and reassess priority awards in some circumstances.

Group 1 – No priority

All applications will go into this Group in the first instance. Following this the application will be assessed and assigned to one of the Groups below as appropriate. If no priority award is identified then the application will remain eligible for properties within this Group. Selection within this Group will be decided on the date of registration for both waiting list applicants and tenancy transfer applications.

Group 2

This Group includes properties for the following priority needs groups.

- Homeless Households
- Management Transfers
- Preventing homelessness
- Below Tolerable Standard
- Community Care Applicants
- Exceptional Housing Need

Selection within the Group will be decided by the length of time the applicant has been in this priority Group.

Group 3

This Group includes properties for the following priority needs groups:

- Overcrowding
- Medical priority which is not related to mobility

Selection within Group 3 will be decided by the length of time the applicant has been in this priority Group.

Group 4 - Community and Social Support

We are keen to build and sustain communities and therefore we will commit a percentage of advertised lets to applicants with a connection to an area through community or social support. Loretto Housing's Community Housing Plan will agree the quota in this category year on year.

Selection within Group 4 will be decided by the length of time the applicant has been in this priority Group.

Group 5 - Mobility Group

This group is for level access properties where medical priority applicants have mobility difficulties. Selection within Group 5 will be decided by the length of time the applicant has been in this priority Group.

Group 6 – Under-occupation Group

This group is for properties with two bedrooms or less. Loretto Housing Association tenants who under-occupy with respect to this policy will have priority for these properties. Selection within the group will be decided by the length of time the applicant has been in this group.

Group 7 – Sheltered Housing

Sheltered housing is purpose built housing or converted for mainly, but not exclusively, older people. Tenants in sheltered housing will usually be persons aged 60 or over who need some housing support services. Loretto Housing Association has two sheltered developments and customers on the Loretto Housing Association housing list have the opportunity to apply for sheltered housing owned by other Wheatley Group Registered Social Landlords in Central Scotland.

Applicants who want to register for sheltered housing should be 60 or over. In the case of a couple one partner should be 60 or over. Each applicant who wants to register will receive an Application for Registration for Sheltered Housing along with their Housing Application Form.

This Group will also be used to allocate the Association's amenity housing in Dumbarton which requires applicants to be aged 60 and over.

Section 7 Community Housing Plan

- 7.1 We will set down minimum proportions of lets for our different Groups every year. This will take account of:
- The target proportion of lets agreed with local authorities under nomination agreements including lets agreed with them for applicants referred by them under Section 5 of the Housing (Scotland) Act 2001
 - Our legal obligation to give reasonable preference to those in housing need
- 7.2 We may make an exception for letting communities or parts of letting communities with particularly low demand where a special letting initiative is identified.
- 7.3 We will produce a Community Housing Plan each year based on demand and supply in the context of our overall targets. This will ensure that sufficient properties are made available for nominations and referrals from local authorities and housing needs groups.
- 7.4 Following an analysis of lets the Community Housing Plan will establish local priorities and our letting over the following year. We will set up a forum to include tenants, applicants and other stakeholders to agree the Loretto Housing Association Housing Plan. The forum will also consider the local connection priorities which are important in their communities – for example employment, access to education or access to care and support. The Loretto Community Housing Plan will ensure a proportion of lets are set against locally established priorities.
- 7.5 We will monitor letting performance regularly to ensure lets are meeting the objectives set out in the plan. We will publish this information every 6 months on our website and in our tenants' newsletter.

Section 8 Information and Supporting Vulnerable Groups

8.1 Information

We will provide free information and advice, including:

- Help in registering or completing an application form
- Help in noting an interest in advertised properties.

8.2 We will provide information about our allocations policy in different ways to suit each applicant's circumstances, including:

- Audio
- Large print
- Braille
- Foreign languages
- Interpreting services, and
- Sign language.

8.3 Supporting Vulnerable Groups

Some applicants registered with us are likely to be vulnerable and may need support to manage their application. For example, they may have housing support and/or social care requirements relating to their status as:

- Older people
- People with learning difficulties
- People with mental health problems
- People with mobility difficulties
- Young people leaving care
- People with long-term medical conditions and their carers, and
- People suffering domestic abuse.

Applicants may find difficulty because they have:

- Literacy problems
- Language problems, or
- No support to exercise choice or adopt a structured approach to securing a home.

8.4 The application form is available in other formats such as Braille and large print. We will provide a translating and interpreting service to assist applicants whose first language is not English to complete the form. The application date for such applicants will be the date they requested assistance in applying.

8.5 Through the information we collect in the application form we will identify applicants who may require advice and assistance to participate in our allocations system and offer such help. We will also develop working/partnership arrangements with external organisations and agencies. This will ensure that vulnerable applicants, provided they have given their consent to us sharing information with others, have access to the appropriate support to help them to apply for housing.

Section 9 Restrictions

9.1 Suspensions

We may suspend an application for one or more of the following reasons:

- **Rent arrears and housing debt:** An applicant who owes the equivalent of more than one month's rent or any other housing related debt, including rechargeable repairs or former tenant arrears to Loretto Housing Association or any other landlord and has not made an arrangement to pay it off or failed to keep to an arrangement for at least 3 months. The arrangement must be a formal agreement to pay which have been assessed taking into account the applicant's ability to pay and the level of debt.
- We will review applications which are suspended due to debt every three months. We will not penalise tenants for delays in Housing Benefit payments which are not their fault. If we are taking action to recover possession of the tenant's property we will explain the decree will end their tenancy and we will not re-house them.
- **Anti-social behaviour:** An applicant and/or a member of the household has been evicted, or we have obtained a decree for ejection on the grounds of anti-social behaviour or harassment or obtained an Anti-Social Behaviour Order (ASBO) against the applicant and/or a member of his/her household. We will review applications which are suspended for anti-social behaviour every six months.
- **Breach of tenancy agreement:** A transfer applicant is otherwise in breach of their tenancy agreement. We may suspend a transfer application where the tenant's current home is not in a clean and tidy condition, where fixtures and fittings have been installed without our permission, where the tenant and/or a member of their household has damaged the property or where the property is not in a good decorative condition. We will carry out a visit after three months to see if the condition of the house has improved.

Note: These reasons may also apply to applicants who are currently tenants of other housing associations.

- **Asylum seekers:** We will accept housing applications from asylum seekers and other people subject to immigration control. However, we will suspend these applications until the household has received a positive decision on their leave to remain.

9.2 Applicants whose applications are suspended will still be registered on the housing list but will not be considered for an offer of a property. Before applying a suspension we will take account of each applicant's circumstances.

9.3 We will write to applicants to tell them why their application for housing has been suspended, what steps they can take to have the suspension lifted and how they may appeal against the decision.

9.4 **Offers and condition of house**

We may withdraw an offer of a property to a Loretto Housing Association tenant seeking a transfer where the tenant's current home is not in a clean and tidy condition or they have installed fixtures and fittings without permission. Loretto Housing Association's Scottish Secure Tenancy Agreement requires the tenant who is moving out to:

Leave the house in a clean and tidy condition; remove any fixtures and fittings installed without permission and put right any damage caused; and leave the house in good decorative order.

9.5 Where an offer is withdrawn, we may suspend the application in line with section 9.1 above. We will tell applicants what they need to do to bring their property up to a standard to have the suspension lifted. We will carry out a visit after three months to see whether the condition of the house has improved.

9.6 Where a tenant has long-term or enduring illness, mental health condition or disability which prevents them from keeping their home clean and tidy, we will seek assistance from our partner agencies so that our tenant can be supported to maintain his or her tenancy obligations.

9.7 **Houses in Multiple Occupation (HMOs)**

We do not make offers which would result in three or more unrelated people living in the property, as this would create a house in multiple occupation (HMO).

9.8 **Used applications**

An application is used when an applicant:

- Accepts a tenancy as a sole or joint tenant
- Becomes a joint tenant with an existing tenant
- Is assigned a tenancy (including Mutual Exchange moves)
- Is granted a Scottish Secure Tenancy on the death of a successor, or
- Accepts a property from another RSL following our nomination.

9.9 **Cancelled applications**

We will cancel an application if:

- It is used (see 9.8 above)
- An applicant asks us to do so
- The applicant has died
- The applicant fails to reply to a review letter or other correspondence
- The applicant moves and fails to inform us
- The applicant supplies false or incomplete information about their application.

9.10 **Refused Priorities**

We will generally refuse to award a priority where the household conditions are the result of a deliberate act or move, which

worsens an applicant's housing circumstances. However, we will review any decision not to award a priority when requested by the applicant, i.e. due to a change in circumstances.

9.11 **False statement**

We will take action to recover any tenancy which has been obtained by the applicant as a result of a false statement made knowingly or recklessly.

Section 10 - Review of Applications

We will ensure that our Housing List is current and up to date. We will write to applicants annually to ask if they wish to remain on our Housing List. We will cancel applications where applicants do not respond after two letters.

We will re-instate a cancelled application, from the date of the original application, where the applicant failed to respond to a review letter if there is a reasonable explanation for this (such as a language or communication barrier, or the applicant was in hospital).

The applicant must ask for the application to be reinstated within 6 months of the cancellation date. After 6 months we will treat such requests as a new application.

Section 11 New build property

Our new build property will be allocated to applicants in accordance with this policy. Allocations of new build property will also take account of arrangements with the local authority where provision of land has enabled the build to take place. This may mean that in some cases the local authority will provide us with up to 100% of the nominations for a development.

Section 12 Succession to Tenancy

12.1 We want to enhance tenants' rights where possible and have improved upon the current legislative provisions for successions. Our Scottish Secure Tenancy Agreement sets out how succession to tenancy works.

12.2 How succession to tenancy operates

If the tenant dies, the tenancy may be inherited by one of the following people in the following way:

Level One

- The tenant's husband or wife (including civil partners), if the house was his or her only or principal home at the date of death

OR

- A joint tenant(s), if the house was his/her/their only or principal home at the date of death

OR

- The tenant's partner, if the house was his or her only or principal home at the date of death.

12.3 In the case of a partner, the legislation states that he or she must also have occupied the house as his or her only or principal home for 6 months immediately before the tenant's death. We have waived this 6 months requirement; treating a tenant's partner in the same way as the tenant's husband or wife would be treated.

12.4 However, if any member of the tenant's family is entitled to succeed under Level 2 below and his or her partner has not met this 6 month requirement, then that partner, at law, will be treated as a member of the tenant's family and therefore may only be entitled to succeed under Level Two.

12.5 Where more than one person qualifies for the tenancy under Level One, they must decide among themselves who succeeds to the tenancy. If they cannot agree, we will decide.

Level Two

12.6 If no one qualifies at Level One, or a qualifying person does not want the tenancy, it may be inherited by a member of the tenant's family as long as:

- He or she is aged at least 16 at the date of death; and
- The house was his or her only or principal home at the date of death.

12.7 Where more than one person qualifies for the tenancy under Level Two, they must decide among themselves who succeeds to the tenancy. If they cannot agree, we will decide.

Level Three

12.8 If no one qualifies at Level One or Level Two, or a qualifying person does not want the tenancy, it may be inherited by a carer as long as:

- He or she is aged at least 16 at the date of death
- The house was his or her only or principal home at the date of death, and
- He or she permanently gave up occupation of his or her only or principal home to provide care to the tenant, or someone living in the tenant's house.

12.9 **Extended succession**

Current legislation allows a carer to succeed where he or she has been caring for the tenant or a member of the tenant's family. We extend tenancy succession to include a person who is caring for someone else living in the house.

12.10 Where more than one person qualifies for the tenancy under Level Three, they must decide among themselves who should succeed to the tenancy. If they cannot agree, we will decide.

12.11 If only one person resides in the house and qualifies for the tenancy but does not want it, he or she should tell us in writing within four weeks of the death and leave the house within three months. An occupancy charge will be payable only for the actual period of occupation after the tenant's death.

12.12 **Succession to Adapted Property**

If the house has been adapted for special needs, then only the tenant's husband or wife, partner, joint tenant(s) or a person with special needs living with the tenant can succeed. We will provide suitable alternative accommodation for any other person, who would otherwise have qualified, had it not been for the fact that the house had been adapted.

12.13 **Further Succession**

The legislation allows for two rounds of succession to tenancy. However, we will consider, and may grant applications for the tenancy from persons who would otherwise have qualified if it were not for the restriction in the legislation. If more than one person from a household applies, the principles outlined above shall apply.

Section 13 Joint Tenancies

13.1 Current legislation applies in the case of joint tenancies. Details of how joint tenancies operate are contained in our Scottish Secure Tenancy Agreement.

A joint tenancy may be allocated on the written request of a tenant who must apply to change his or her tenancy to a joint tenancy. The tenant should write to us, giving the name of the new joint tenant and produce evidence that the house is the new joint tenant's only or principal home. If a tenant wants to change his or her joint tenancy, any existing joint tenant must agree in writing.

If a tenant wants to change his or her joint tenancy to a single tenancy (for example if the other tenant has gone away for good), he or she should write to us. We must send a formal legal notice to the joint tenant if their interest in the tenancy is ending.

If the joint tenant is the tenant's husband or wife or partner and normally lives with the tenant, the tenant wanting to change his or her joint tenancy to a single tenancy, must detail this in his or her request. In these circumstances, the joint tenant's consent will be necessary.

A joint tenant may terminate his or her interest in the tenancy by giving us and the other joint tenant(s) four weeks' written notice.

Section 14 Subletting, Assignment and Lodgers

14.1 Where a tenant wants to assign, sub-let or otherwise give up to another person part or all of his or her house, or take in a lodger, he/she must have our written consent. Details are included in our Scottish Secure Tenancy Agreement.

14.2 In the case of an assignment, the house must have been the assignee's only or principal home for a continuous six-month period when the applicant asks for our consent.

14.3 A tenant wishing to sub-let part or all of his property, or take in a lodger, should ask for our written consent by writing to his or her Housing Officer giving details of:

- The person to whom he or she proposes that the tenancy is sub-let
- When the sub-letting is to take place
- The proposed charge (if any) (including a deposit) to be made to the sub-tenant.

14.4 A tenant wanting to assign his or her tenancy to someone else should write to us detailing:

- The person to whom it is proposed that the tenancy is assigned
- The proposed charge (if any) (including a deposit) to be made to the assignee.

14.5 We will only refuse consent for an assignment, sub-letting, joint tenancy or taking in a lodger if there are reasonable grounds for doing so.

14.6 Reasonable grounds for refusing permission include the following:

- We have served a notice on the tenant warning eviction may be sought on certain grounds because of the tenant's conduct
- We have obtained an order for the tenant's eviction
- The rent or deposit that the tenant proposes to charge is unreasonable
- The proposed change would lead to overcrowding (as defined by our allocation policy)
- The allocation would fall within legislation governing houses in multiple occupation (HMO) i.e. three or more unrelated adults sharing the same property.

These examples do not restrict our general right to refuse permission on what we consider as reasonable grounds. If we grant permission, we will not allow the tenant to increase the rent or other payments made by the other person unless we consent.

Section 15 Mutual Exchanges and HomeSwapper

15.1 We will actively encourage our tenants to use mutual exchanges as a positive option to fulfill their housing needs and aspirations.

15.2 To further expand mobility and choice, we have joined HomeSwapper, a service which allows tenants in the social housing sector to list and exchange homes with other social rented tenants anywhere in the UK. We pay a small annual fee which allows our tenants to use the service free of charge. We will sign tenants up to HomeSwapper at the point of application. We will also actively promote exchanges based on suitably sized accommodation using the HomeSwapper Rightsize register.

15.3 The legislation governing mutual exchanges states that a landlord must not unreasonably refuse permission for the mutual exchange of a house. Details of how mutual exchanges will operate are contained in our Scottish Secure Tenancy Agreement.

15.4 Mutual exchange is not confined to our properties. Our tenants may also exchange with a local authority tenant, housing association tenant or water authority tenant anywhere in the UK.

15.5 Reasonable grounds for refusing permission outlined in the Housing (Scotland) Act 2001 include:

- A notice has been served on the tenant warning that eviction may be sought on certain grounds because of his or her conduct
- The landlord has obtained an order for the tenant's eviction
- The house was let to the tenant because of his or her employment with his or her landlord
- The tenant's house was designed or adapted for persons with special needs and, if the exchange was allowed, there would be no person living in the house who required those designs or adaptations

- The other house is substantially larger than required by the tenant and his or her family
- The other house is not suitable for the needs of the tenant and his or her family
- The proposed exchange would lead to the criminal offence of overcrowding.

15.6 These examples do not in any way alter a landlord's general right to refuse permission on reasonable grounds.

15.7 We will also refuse permission where one party has offered a financial inducement to encourage the other party to exchange.

15.8 The other landlord must also agree to the exchange taking place.

15.9 A tenant wanting to carry out a mutual exchange should write to us naming the person with whom s/he wants to exchange and the date s/he wants the exchange to take place.

15.10 We must reply within one month, either granting or refusing permission. If we refuse we will give the reason(s) for doing so. If we fail to respond within a month we will be deemed to have granted permission for the exchange.

Section 16

Common Housing Registers

16.1 Loretto Housing has property within a number of local authorities where Common Housing Registers operate. We are committed to offering our applicants a wide choice in their housing options and information on both Loretto Housing's allocation policy and the Common Housing Registers in our areas of operation will be made available to our customers and tenants seeking re-housing.

Section 17 – Appeals and Complaints

17.1 Housing appeals procedure

Customers have the right to appeal an allocation decision, including suspension of an application, decision not to award a priority Group or permission to sub-let, take in a lodger, assign the tenancy or carry out a mutual exchange. The Head of Housing will review the decision and inform the tenant of the outcome in writing and the tenant's right to appeal to the Housing Appeals Panel if the refusal is upheld.

17.2 Complaints

Our aim is to get it right first time. Where tenants are dissatisfied with the process, we have a Complaints policy and procedure. The procedure can be used where there is dissatisfaction with this policy or its operation. The Complaints Policy is available as a separate document, and, as with all our policies, can be made available in an audio version, in Braille, in large print or in translation.

Section 18 - Performance Monitoring

18.1 Our allocation policy aims to deliver positive sustainable outcomes for customers. We have set out the outcomes we hope to achieve at Section 1.5. We will develop measures in order to assess how effectively our approach to allocations is in delivering these positive outcomes.

18.2 Measures are likely to include:

Pre application - the number of discussions resulting in:

- Private sector tenancy
- Referrals to debt and other financial advice services
- Referrals to support services
- Referrals or signposting to low cost home ownership options
- Take up of Mortgage to rent schemes

18.3 We also monitor the following:

- The percentage of tenancies sustained
- Number of overcrowded households
- Number of households supported to downsize
- Number of unsuccessful bids for Loretto Housing Association homes
- Void rates and turnover
- The number of housing benefit recipients
- Levels of customer satisfaction with the service